

**GRANBURY ISD  
AVIATION FLIGHT PROGRAM  
REVIEW**

**December 12, 2022**

by

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**SCOPE OF ASSIGNMENT**

The scope of this assignment was to review the establishment and operation of Granbury ISD’s (“GISD” and/or the “District”) Aviation Program (the “Program”) for compliance with applicable legal, policy, ethical, and administrative procedural requirements and/or expectations, and to provide a publicly available written report with fact findings, conclusions, and recommendations, if any. A key focus area was the use and operation of the district-owned airplane by employees, students, and others, as part of the Aviation Program.

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**REVIEW PROCESS**

I reviewed publicly available background information on the school district’s website and other public internet sources. I conducted in-person interviews of school district employees at district administrative offices on December 6, 2022. (Exh. 1 – List of Interviewed Persons) Follow-up communications were made to some employees and others over the days following the interviews. I obtained relevant documentation about the Program from the District. Key documents are referenced throughout this report with copies provided in a separate indexed and numbered exhibit notebook. (Exhs 1-16).

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**EXECUTIVE SUMMARY**

I was impressed with the GISD Aviation Program. The purchase of the District airplane through an RFP process followed all applicable state bid laws, and in fact exceeded them in that ultimately the value of the plane was below the \$50,000 threshold requiring a formal bid process. The plane’s insurance policy amounts and covered persons are adequate to cover any statutorily capped liability in the event of an accident by any of the pilots who have flown the plane as shown in the flight logs, as well as a full loss of the plane for the reasonable value up to \$85,000.

In the 19-month period from May 6, 2021, through November 21, 2022 (about 550 calendar days), there were 136 total flights logged (with 244 seats taken by either the pilot or passenger(s). 26 flights were solo flights by Kirk, Dawson, Maintenance Technicians, and 4 solo flights by student pilots under the supervision of a CFI (Certified Flight Instructor). 17 flights were Discovery/Demo flights piloted by either Dawson or Kirk during which students, prospective aviation students, community supporters, parents, or former students, road along as passengers in brief flights of about .5 hours within Hood County. 93 flights were joint flights with a CFI - 64 for student instructional flights, and 29 for pilot training flights with Kirk or Dawson.

While Assistant Superintendent Jimmy Dawson had 6 flights where a family member accompanied him as a passenger, it is my opinion that these flights did not violate any law, policy, ethical canon, or District procedure. The flights may have provided a “combined benefit” to both Dawson’s family and the District, but any personal benefit was merely incidental to Dawson otherwise carrying out his duties to regularly fly the plane. In the 19-month period of ownership of the District’s plane, Dawson piloted the plane 19 times for a total of 18.6 flight hours. None of his flights were excessive or extravagant, and all flights appeared to be logged.

Aviation Teacher Mark Kirk had one “discovery” flight where he took up his two kids (ages 12 and 15) for a .6 hour flight around Granbury airport. In my opinion, this flight clearly fell within the authority of providing “discovery” flights to prospective students, as both passengers were prospective students, albeit not GISD students.

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### **FINDINGS & CONCLUSIONS**

#### ***Early Days of the Aviation Program***

1. Aviation has been a part of GISD curriculum in some capacity since the 2011-2012 school year when GHS offered Aviation Science as an upper-level advanced science course. In school year 2016-2017, Aerospace Engineering was added as an upper-level course in the existing engineering program. These were the only two aviation-related courses offered at GHS through the 2020-2021 school year. (M.Kirk; T.Gibson; Exh. 4)

#### ***Students Build Three Planes***

2. As a practicum to the Aerospace Engineering course, GHS students took part in constructing three airplanes during school years 2016-2017 through 2019-2020. The planes were each a modern FAA certified Light Sport Aircraft (Van’s Aircraft RV-12) with full glass instrumentation, 2-axis auto-pilot, and all the latest safety features. The project was made possible by teaming up with a non-profit organization called Eagle’s Nest Projects which donated an airplane kit with all the necessary parts.<sup>1</sup> In addition, several local volunteer community mentors (e.g., retired pilots, engineers) provided hands-on guidance to students in the building process.<sup>2</sup> Upon completion, the planes were given back to Eagle’s Nest Project, and participating students were allowed to receive up to 20-hours of free flight instruction in the aircraft they built.

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<sup>1</sup> Eagle’s Nest Projects is a well-known non-profit organization that does the same for many high school programs across the country.

<sup>2</sup> Presently, the Program has four (4) mentors who devote 2.5 hours every Tuesday and Wednesday to assist students in the build process. (T.Gibson)

The plane-building practicum was suspended by the COVID-19 pandemic in March 2020. (M.Kirk; J.Dawson; Exh. 3)

### ***\$135,000 Donation to Build More Planes***

3. Currently, GHS students taking Aerospace Engineering are nearing completion of their fourth plane. However, the fourth plane was not obtained from Eagle's Nest Projects. It is funded by a \$135,000 private donation made last school year by a private individual, Dale Hogan, who donated the funds so the Program could purchase an airplane kit. The airplane is already contracted to a private individual to be sold for \$160,000 and those funds will be used to purchase another airplane kit, and the Program can repeat the process. (J.Dawson; M.Kirk; T.Gibson)

### ***Jimmy Dawson's Role in the Aviation Program***

4. In May 2020, Jimmy Dawson was hired as CTE Director at GHS.<sup>3</sup> Dawson previously served GISD for 16 years as Principal at two middle school campuses. His current TEA certifications include Physical Education - All Levels, Principal, and Superintendent. Dawson has held his private pilot's license (PPL) since 1998. In July 2021, Dawson was selected by current Superintendent, Dr. Jeremy Glenn, to serve as one of two Assistant Superintendents for GISD.<sup>4</sup> Because of Dawson's previous oversight of the GHS CTE Program and his significant contribution in expanding the Aviation Program, Dawson remained involved in the Program as Assistant Superintendent to promote it with students, parents, and the community, including providing Discovery/Demo flights in the District's airplane, and keeping his PPL current in order to do so legally and proficiently. (J.Dawson; J.Glenn; Exhs. 3, 11)

### ***TEA Approves Regional Program of Study in Aviation for Region 11***

5. In February 2021, the Texas Education Agency ("TEA") gave approval to all school districts in Region 11 ESC to offer a four-year sequence of courses in a "regional program of study in Aviation" to occur from school years 2021-2022 through 2024-2025 (the "Aviation Program" and/or the "Program"). To continue past the 2024-2025 school year, GISD will need to seek renewal of the program, which is expected to occur in the spring of 2025. (J.Glenn; J.Dawson; M.Kirk; Exhs. 5, 7)
6. The TEA application and proposed curriculum for the Aviation Program was developed by GISD and five other school districts, Region 11 ESC, Tarrant County Community College, six industry businesses, and notably "in Granbury ISD, the school board provided input." A significant factor in obtaining TEA approval for a

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<sup>3</sup> Judy Gentry served as GHS CTE Director for about 8 years from 2012-2020. (J.Dawson)

<sup>4</sup> GISD's other Assistant Superintendent is Tammy Clark. (J.Glenn)

“regional program of study” (one offered only in certain regions of the state) was having a large presence and large demand for high skill aviation and aerospace occupations in the North Central Texas Region (16 contiguous counties in the D/FW area that includes Hood County). (J.Dawson; M.Kirk; Exh. 5)

7. Other significant factors that supported TEA’s approval included (1) the emergence of drones (aka “unmanned aerial vehicles”), (2) job data showing that “[n]early 7 of 10 aerospace jobs and nearly 6 in 10 air transportation jobs in Texas are located in North Texas,” and (3) strong local industry support because existing school aviation programs are highly dependent upon strong industry partnerships. In a letter of support of the TEA application, Bob Waltz, Southwest Airlines VP for Flight Operations, stated “[t]here is an acute need for Pilots and Aircraft Maintenance Technicians which will continue for decades to come.” (J.Dawson; M.Kirk; Exh. 5)

### ***Expansion of the Aviation Program***

8. TEA’s approval accelerated expansion of the Program. The Superintendent (Glenn), CTE Director (Dawson), and Aviation Teacher (Kirk) collectively envisioned a unique aviation program that could potentially be accessible by all students, regardless of their economic status. Part of the vision included reducing costs for prospective student pilots to make it more accessible. Two avenues chosen by the administration in reducing costs and providing more flexibility in offering student flight were that GISD would (1) consider owning its own plane, and (2) investing in having a certified flight instructor (CFI) on staff. (J.Glenn; J.Dawson; M.Kirk)

### ***GISD Gets Its Own Plane***

9. In March-April 2021, the District published a Request for Proposals (“RFP”) seeking the purchase of a used airplane for the Program. In addition to advertising in the local newspaper, proposal information was provided to local aviation organizations and clubs. GISD sent direct correspondence seeking proposals from 35 potential vendors. GISD received one proposal from a local airplane owner, Larry Hale, for GISD to purchase a used 1962 Cessna 172 for \$42,000. On April 12, 2021, the Board approved the purchase of the Cessna 172 airplane for \$42,000 for the Program at a duly posted regular public board meeting by a unanimous 7-0 vote. (J.Glenn; J.Dawson; Exh. 6)
10. The plane is one-owner used 1962, Cessna 172. When purchased in April 2021 for \$42,000, the plane had only 2,182.7 flight hours on its tachometer. A typical plane of this age (49 years old at the time) would likely have at least 5,000 flight hours. According to industry experts, it is not unusual for a plane of this vintage to still be going strong. For example, there are many 1960’s, 70’s and 80’s Cessna type planes

still in service. The plane is a 4-seater (although 3 comfortably) originally equipped with typical round “steam” gauges. By all accounts, all persons interviewed agreed that the District paid a reasonable price for a well-maintained aircraft. (K.Ross; J.Glenn, J.Dawson; M.Kirk; E.Whitefield; B.Townsend)

### ***The Purchase of the Plane Complied with State Bid Laws***

11. The purchase of the airplane complied with applicable purchasing laws, GISD Board Policy CH(Legal) and (Local) – Purchasing and Acquisition, and GISD Administrative Procedures for Purchasing Procurement. (Exhs. 6, 13)
12. Texas Education Code 44.031 governs the purchase of goods or certain services by school districts and provides several methods of procurement. Here, the Superintendent, who was delegated the authority by the Board in Board Policy CH (Local) to determine the best value method, chose “competitive sealed proposals” (sometimes also referred to as a request for proposals or RFP). (Tex. Educ. Code §44.031)
13. TEC 44.031 only applies to purchases “valued” at or above \$50,000 in the aggregate for each 12-month period. Of course, at the time the airplane RFP was advertised, the district did not know whether the ultimate proposal might exceed \$50,000, so it was wise to use the formal RFP process. However, ultimately the statute did not apply because the value was only \$42,000 - below the \$50,000 threshold.

### ***Fuel Use/Reimbursement***

14. The airplane generally requires a higher octane (100 LL) low lead fuel rather than the typical fuel we put into our automobiles (87 octane). The plane has a 39-gallon fuel tank. It gets about 10 flight miles per gallon. As an example, the fuel costs for a round trip from Granbury municipal to and from Abilene (about 210 air miles round trip) would require about 20 gallons of fuel, which at current prices (about \$5.00/gal.) would cost about \$100. (M.Kirk)
15. Dawson publicly stated that from time to time, he paid for fuel costs personally out-of-pocket when he flew the plane. This statement was somewhat accurate, although he did not pay for the fuel costs for the Abilene flight with [REDACTED]/GISD administrator at the time of the trip in June 2022.
16. Dawson provided credit card statements showing he had in fact paid for some fuel and oil costs on three occasions. Two times were for fuel - \$38.76 on November 22, 2021, at the Denton airport, and \$18.45 on November 27, 2021, at the Granbury airport - and one time was for oil at a cost of \$9.22 on March 20, 2022. Thus, the

total amount of fuel and oil costs for which Dawson paid personally out-of-pocket was \$66.43. GISD accounting records show Dawson made a \$200.00 donation to the Aviation Program on August 31, 2022. (J.Dawson; E.Whitefield; Exhs. 15, 16)

### ***The Plane Gets State of the Art Avionics***

17. In August 2021, the District upgraded the avionics in the plane at a cost of about \$46,500. Other upgrades cost about \$7,700 - paint and body (\$1,800) and navigation instruments (\$5,900). Many of the round gauge systems and equipment were outdated and no longer mechanically supported. The system is now a hybrid system of both glass and steam/round instrumentation which allows a pilot to fly using both VFR (visual flight rules) and IFR (instrument flight rules)<sup>5</sup>. It is considered state-of-the-art and benefits the Program by providing students the opportunity to train on both a “glass instruments” system as well as parts of a “round gauge” or steam system using both VFR and IFR. The IFR system also provides a safety benefit in the event one had to fly through heavy clouds or other severe weather conditions. (T.Gibson; J.Dawson; M.Kirk; K.Ross; B.Townsend)

### ***The Plane is Housed Across the Street from the High School***

18. The plane is housed in a Granbury municipal hangar at a monthly rental cost of \$240.00/month. The hangar has a combination padlock and the keys to the plane are kept inside the plane. Maintenance and other FAA required logs are kept in a fire-proof safe. The only authorized persons to know the hangar padlock combination are Dawson, Kirk, Gibson, flight instructors, and maintenance technicians. The municipal airport is a “no-tower” airport, meaning it has no radio control tower guiding landings/takeoffs of single engine planes. Pilots use a common radio frequency to share information with pilots in the area. (J.Dawson, M.Kirk, Exh. 15)

### ***What Aviation Students Learn***

19. In the Aviation Program, students can learn a variety of aviation related skills and earn credentials for use in the industry. For example, a student can earn a remote drone pilot’s license through the Program.<sup>6</sup> Students who participate in flight training and take the Aviation Ground School course can receive flight instruction at a reduced cost and after passing the written exam and meeting other FAA requirements, can obtain their PPL.<sup>7</sup> (T.Gibson; M.Kirk; Exh. 8)

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<sup>5</sup> Flying IFR can only be done by an IFR certified pilot. (B.Townsend)

<sup>6</sup> Nine students earned their FAA Part 107 Remote Drone Pilot’s License in 2021-2022. (T.Gibson)

<sup>7</sup> Two (2) students have earned their PPL (Private Pilot’s License) and Six (6) students are actively pursuing their PPL and logging instructional flight time through the Program. (M.Kirk; T.Gibson)





***115 Students in the Aviation Program***

22. The course enrollment numbers in the past two school years for all six Program courses are shown below.

Aviation POS Enrollment Data			
2021-2022		2022-2023	
Course Name	Students Enrolled	Course Name	Students Enrolled
Aviation Science	40	<u>Aviation Science</u>	<u>Not offered</u>
Intro to Aerospace and Aviation	23	<u>Intro to Aerospace and Aviation</u>	<u>48</u>
Intro to UAV	40	Intro to UAV	16
Aviation Ground School	17	<u>Aviation Ground School</u>	<u>24</u>
Practicum in Aviation	2	Practicum in Aviation	4
Aerospace Engineering	23	Aerospace Engineering	23
<b>Total</b>	<b>145</b>	<b>Total</b>	<b>115</b>

(T.Gibson; M.Kirk) (Emphasis added.)

23. It is noteworthy in the above diagram that while the total numbers are down from last school year (145 to 115), a large reason for the decline in numbers was the fact that the Aviation Science course was eliminated (going from 40 to 0 students). The primary curriculum from Aviation Science was not eliminated from the Program, but rather was added or already a part of the curriculum for Intro to Aviation Science. The growth in the Program is shown in both the increase in enrollment in Intro to Aerospace and Aviation (increasing from 23 to 48) and the increase in enrollment in Aviation Ground School (from 17 to 24). (T.Gibson)

***Which Students Fly the District Airplane***

24. The Aviation Ground School course is considered the pathway to receiving in-flight instruction that goes toward obtaining a PPL. To enroll in the practicum in which students receive in-flight instruction, a student must first complete the Aviation Ground School course. Currently, there are 6 students participating in in-flight instruction in the practicum. (T.Gibson; M.Kirk; Exh. 8)

### ***Which Students Build the Planes***

25. Students enrolled in the Aerospace Engineering course are eligible to participate in building the plane each year as a practicum to the AE course. For the past two years enrollment has stayed at 23 students each year. (T.Gibson; M.Kirk)

<b>Aerospace Engineering</b>	
<b>School Year</b>	<b>Students Enrolled</b>
2022-2023	23
2021-2022	23
2020-2021	16
2019-2020	38
2018-2019	23
2017-2018	19
2016-2017	25

(T.Gibson)

26. The Granbury ISD community appears very supportive of the Aviation Program as shown by the written support in the TEA application, as well as the numerous volunteer mentors (e.g., pilots, plane owners, mechanics, engineers, and others) who have been involved at GHS to help students build airplanes and to support expansion of the Program over the past several years. Currently, 4 mentors provide 2.5 hours of assistance on Tuesday and Wednesday each week. GISD has also received student “scholarship” donations totaling \$4,000 to help cover flight time expenses for students, as well as the noted \$135,000 donation to fund the airplane build practicum. (J.Glenn; J.Dawson; T.Gibson; K.Ross; B.Townsend; Exhs. 5, 15)

### ***The Aviation Teacher***

27. The sole GHS “Aviation Teacher” is Mark Kirk. He has been in this position since 2016. His current TEA teaching certifications include Secondary Math (Grades 6-12), Math/Physical Science/Engineering (Grades 6-12), and Trade and Industrial Education (Grades 8-12). Initially Kirk taught 9<sup>th</sup> Grade Math from 2003-2016. Kirk has had his private pilot’s license (PPL) since June 2017.<sup>8</sup> Kirk received his Instrument Rating in the summer of 2022. He has over 300 hours of piloted flight time. As such, he has exceeded the minimum of 250 hours for his Commercial Rating (he has over 300). However, Kirk still must take his written exam and complete a proficiency check (where he flies with an FAA examiner) to obtain the Commercial Rating. Kirk has the same two requirements to fulfill to obtain his Certified Flight

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<sup>8</sup> FAA requires that one log a minimum of 35 total flight hours to be eligible to take the written exam for the PPL.

Instructor (CFI) Rating. The written exams are considered quite difficult and one must put in numerous hours of “home-study” to become knowledgeable enough to pass the exam. (M.Kirk; T.Gibson; K.Ross; Exh. 11)

### ***Who Can Pilot the Plane***

28. The only District employees authorized to pilot the plane are Dawson and Kirk. Both Dawson and Kirk have their PPL Rating. Both Kirk and Dawson stated they had not had any aviation incident or accidents, and had not received any negative inquiry, notice, or citation from the FAA. In other words, they each have unblemished air safety records. As part of their “other duties as assigned,” they are each allowed to use the airplane to keep their PPLs “current” by engaging in a minimum of 3 takeoffs and 3 landings over a 90-day period. A PPL-holder must be “current” to fly passengers and failing to be “current” could also jeopardize insurance coverage. (J.Dawson; M.Kirk; K.Ross; Exhs. 9, 11)
29. In their roles as pilots in the Program, Dawson and Kirk are expected to stay current, fly regularly, and to fly in varied conditions, such as “cross-country flights” (different distances and conditions apply for different Ratings), which often requires using and becoming more familiar with the glass instrument avionics system. Neither Dawson nor Kirk receives any type of stipend for their involvement in the Program. However, once Kirk becomes a CFI and performs those duties, he will be eligible for a \$10,000 annual stipend. Of course, they each have the benefit of the District’s airplane to maintain their PPL. In addition, Kirk used the plane once to fly to professional development as an Aviation Teacher. These trips are within the scope of their duties as assigned. (J.Glenn; J.Dawson; M.Kirk; Exh. 12)

### ***Certified Flight Instructors***

30. GISD contracts with a private flight school for its CFIs (“Certified Flight Instructors”). Initially, from December 2021 - July 2022, GISD used Aviate on the Lake, LLC. From August 1, 2022, to present, GISD uses In the Pattern. In addition, one CFI parent/volunteer/community member was allowed to serve as CPI (at no charge to the Program) for his son, a student in the Program (from December 2021 – April 2022). The parent CFI was a licensed CFI and therefore was included within the District’s insurance policy. CFIs are used to provide flight instruction to student pilots, as well as Dawson or Kirk, to the extent they continue seeking additional Ratings. (J.Glenn; J.Dawson; M.Kirk; T.Gibson; Exhs. 9, 12)
31. Student pilots in training are authorized to pilot the plane as long as they are under the direct supervision of a CFI. A student pilot may fly solo as part of their training as long as he/she has passed the written FAA PPL exam. Passengers are authorized to

ride in the District airplane if the plane is piloted by Dawson or Kirk, and that pilot is “current” on his takeoffs and landings. For a private pilot to be “current,” he/she must have in the past 90 days, successfully completed a minimum of 3 takeoffs and 3 landings. (J.Dawson; M.Kirk; K.Ross; Exhs. 5, 9)

### *The Flight Log*

32. Since the first flight on May 6, 2021, the District has maintained a manual written flight log that stays with the plane. A flight log is not required by any law applicable to this type of plane. However, it is considered best practice for many reasons, including proper insurance coverage as well as maintaining transparency of a government-owned vehicle. GISD now also maintains information from the manual log in electronic format in an Excel spreadsheet. In addition, scheduled flights have been recorded in electronic format, first through Aviate on the Lake (via ATL’s online website) and now through In the Pattern (via an app called Flight Circle). (T.Gibson; J.Dawson; M.Kirk; K.Ross; Exh. 12)
33. Through a review of the manual flight log for the District’s plane, I determined that the types of flights in the District’s plane since its first flight on May 6, 2021, could be categorized<sup>9</sup> as follows:
- a. Solo flight – one properly licensed pilot with no passengers (could be a student solo flight for testing purposes, a Maintenance Tech testing out a repair or system, or Dawson or Kirk flying a Pilot Training Flight (as described below).
  - b. Student Instructional Flight – piloted by a CFI with 1 student passenger.
  - c. Discovery/Demo Flight – piloted by Kirk or Dawson with 1-2 passengers primarily for promotional purposes (might include prospective students or parents, existing students or parents, former students, community supporters, GISD staff, the primary purpose of which is to demonstrate the plane to interested persons with some reasonable tie or purpose related to the Program. Typically, such flights are about 30 minutes and do not go outside Hood County.
  - d. Pilot Training Flight – piloted by Dawson or Kirk with 0-2 passengers (which could be a CFI, one another, or another passenger depending on circumstances), the purpose of which may be to keep the pilot’s license current (3/3 in 90), to take a “cross country” flight to log hours and gain

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<sup>9</sup> These categories are not special aviation “terms of art,” but rather this author’s best categorization after reviewing the logs and interviewing the District’s two licensed private pilots (Dawson and Kirk).

experience in different flight conditions and airports (which may count as hours toward obtaining a particular rating, or to maintain sharp piloting skills as encouraged by the Superintendent).

(J.Glenn; J.Dawson; M.Kirk; Exh. 12)

34. Upon completion of a “Discovery” flight, a student or prospective student obtains a Young Eagle’s Certificate, which makes them eligible for free online access to ground school training and tests to help the student prepare for a PPL FAA written exam (a \$250 value). (M.Kirk, T. Gibson, J.Dawson)
35. As shown in the manual flight log, over the almost 19-month period of District ownership from the first flight on May 6, 2021, through the most recent flight of November 19, 2022,<sup>10</sup> there have been 136 logged flights showing the flight hours for each flight time in tenths of hours (e.g., 1.2 or .4 hrs). (Exh. 12)
36. Those 136 flights were piloted by the persons shown below. As indicated, no flights recorded in the log were piloted by persons not appropriately licensed and authorized to pilot the plane.

<u>Pilot</u>	<u>Flights</u>
Mark Kirk, Aviation Teacher (PPL)	29
Jimmy Dawson, Assistant Superintendent (PPL)	17
Aviate on the Lake Instructors (CFI)	48
In the Pattern Instructors (CFI)	20
Parent Instructor (CFI)	14
Maintenance Technician (PPL)	4
<u>Students (Supervised by CFI)</u>	<u>4</u>
<b>Total Flights in District Plane From 5/6/21 – 11/19/22 (18 mos.):</b>	<b>136</b>

(Exh. 12; M.Kirk; J.Dawson)

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<sup>10</sup> The plane was grounded on November 21, 2022, pending review of the Program.

37. The number of flights *by person* (whether as pilot or passenger) are shown below. In other words, anyone indicated in the logs to have been in the plane (a “seat”) is shown below. Keep in mind that most flights included more than one person so adding up totals will result in a greater number than the “piloted flights” total above.

<i>Person</i>	<i>Solo Flights (Pilot Training, Maintenance, or Student Instruction)</i>	<i>Joint Flights (Pilot Training, Maintenance, or Student Instruction)</i>	<i>Joint Flights (Discovery/Demo)</i>	<i>Total Seats (as Pilot or Passenger)</i>
Kirk	<p><b>13</b> flights of Pilot Training</p> <p><u>All as Pilot</u></p> <p><u>None as Passenger</u></p>	<p><b>17</b> flights of Pilot Training</p> <p><u>2 as Pilot</u> both w/Dawson</p> <p><u>15 as Passenger</u> 14 w/Instructors 1 w/Dawson</p>	<p><b>14</b> flights of Discovery/Demo</p> <p><u>14 as Pilot</u> w/19 Passengers *7 Students 8 Staff 5 Comty. <b>(*2 were Kirk's [redacted] and [redacted] on 1 flight)</b></p> <p><u>0 as Passenger</u></p>	<p><b>44</b></p> <p><u>29 as Pilot</u> w/19 Passengers</p> <p><u>15 as Passenger</u></p>
Dawson	<p><b>6</b> flights of Pilot Training</p> <p><u>All as Pilot</u></p> <p><u>None as Passenger</u></p>	<p><b>10</b> flights of Pilot Training</p> <p><u>8 as Pilot</u> 1 w/Kirk <u>1 w/[redacted]</u> <u>5 w/[redacted]</u> <b>(PPL since 8/21)</b> <u>1 w/[redacted]</u></p> <p><u>2 as Passenger</u> w/Kirk</p>	<p><b>3</b> flights of Discovery/ Demo</p> <p><u>3 as Pilot</u> w/4 Passengers 2 Stu/Par (1 ft) *2 Cmty <b>*[redacted] was</b> <u>1 Cmty</u></p> <p><u>0 as Passenger</u></p>	<p><b>19</b></p> <p><u>17 as Pilot</u></p> <p><u>2 as Passenger</u></p>

<i>Person</i>	<i>Solo Flights (Pilot Training, Maintenance, or Student Instruction)</i>	<i>Joint Flights (Pilot Training, Maintenance, or Student Instruction)</i>	<i>Joint Flights (Discovery/Demo)</i>	<i>Total Flights (as Pilot or Passenger)</i>
Maint. Techs (4)	3 flights of Maintenance <u>All as Pilot</u>	1 flight of Maintenance <u>1 Pilot</u> w/1 Passenger	0	4 (as Pilot)
CFI Instructors (8 ATL) (3 ITP) (1 P)	0	<u>Aviate the Lake</u> <b>48</b> flights as Pilot <u>w/ 48 Passengers</u> 33 Students 15 Kirk  <u>In the Pattern</u> <b>20</b> flights as Pilot <u>w/20 Passengers</u> 18 Students 2 Kirk  <u>Parent/Instructor</u> <b>14</b> flights as Pilot <u>w/14 Passengers</u> 13 w/Student/Son 1/w/Kirk	0	<b>82</b> (All as Pilot) <u>None as Passenger</u>  <u>w/82 Passengers</u> 64 Students 18 Kirk

<i>Person</i>	<i>Solo Flights (Pilot Training, Maintenance, or Student Instruction)</i>	<i>Joint Flights (Pilot Training, Maintenance, or Student Instruction)</i>	<i>Joint Flights (Discovery/Demo)</i>	<i>Total Flights (as Pilot or Passenger)</i>
Av Students (17) Parents (2) Prosp Students (5)	4 Student Solos 3 by AA 1 by BB	<u>64 flights of Student Instruction</u> All Passengers on Student Instructional Flights	<u>0 as Pilot</u> <u>*13 as Passengers</u> <u>*2 were Kirk's [REDACTED] on 1 flight</u>	<u>81</u> 4 as Pilots 77 as Passengers
Staff (8)	0	<u>*1 Passenger (Passenger was Dawson's [REDACTED] also an administrator, on 1 flight)</u>	<u>7 Passengers</u> on 4 flights w/Kirk	<u>8 Passengers</u> on 5 flights (0 as Pilot)
Comty (6)	0	0	<u>6 Passengers</u> <u>On 6 flights</u> 5 w/Kirk 1 w/Dawson	<u>6 Passengers</u> on 6 flights (0 as Pilot)
<i>Totals</i>	26 Solo Flights	93 Joint Flights	17 Discovery/Demo Flights	<u>136</u> <u>Total Piloted</u> <u>Flights</u>



## *Insurance*

38. GISD has held a specific separate insurance policy on the plane continuously since April 20, 2021. It provides for liability limits of \$100,000 per person/\$1 million per occurrence. It includes property insurance for the insured value of the plane of \$85,000. It includes medical limits for pilots and passengers of \$5,000 per seat/\$20,000 per occurrence. It includes a baggage/personal effects endorsement of \$1,000 per passenger/\$4,000 per occurrence. It includes an emergency landing endorsement meant to cover the reasonable expenses of disassembly and removal of the plane from a place of emergency or unexpected landing to the nearest airport up to 5% of the insured value. The coverage summary notes it is meant to cover flights in the U.S., Mexico, Canada, the Bahamas, and the Caribbean Islands. The annual premium was \$2,543.00 for 2021-2022, and \$2,863.00 for 2022-2023. (E.Whitefield; J.Glenn; Exh. 9)
39. I found the amounts and types of coverages to be adequate considering the District's statutory tort damages caps related to motor vehicles of \$300,000 per occurrence and \$100,000 per person, and \$100,000 in property damage. Tex. Civ. Prac. Rems. Code §101.023(b). Additionally, when the District upgraded the avionics and other items, it increased the insured value of the plane from \$42,000 to \$85,000. (Exh. 9)
40. Persons provided liability coverage for their negligence are shown in the pilot warranty endorsement as any pilot maintaining a private or more advanced pilot certificate and any student pilot while under the direct supervision of an appropriately certified flight instructor ("CFI"), including student solo flights as long as they are supervised by a CFI. As such, as long as an authorized licensed pilot is piloting the aircraft within the scope of their employment or agency with the District, then the District will have coverage for those persons' negligent acts or omissions. Considering the flight logs, that would include Dawson, Kirk, contracted CFIs, Student pilots in-training under the direct supervision of a CFI, Maintenance Technicians, and other persons such as Community Supporters (assuming they are also licensed pilots). The policy lists 6 specific pilots by name, including Dawson, Kirk, and four of the CFIs. Newer CFIs shown in the flight logs should also be added by name out of an abundance of caution. (Exh. 9)
41. Dawson indicated that while [REDACTED] also holds his PPL, he did not pilot the plane during their logged flights. He stated immediately that he was aware that doing so could have jeopardized the District's policy and created significant liability exposure. The same would be true for any other pilot of the aircraft who accompanied Dawson or Kirk, such as a community member PPL. As it relates to such a person, the policy endorsement states the aircraft will be *operated only by*:

Any pilot maintaining a private or more advanced pilot certificate who has demonstrated to the named insured's appropriately *certificated flight instructor*, the piloting skill required for the aircraft flown.

(Exh. 9)

42. As written, it appears to require the pilot to have demonstrated his/her piloting skills required to fly the aircraft to the CFI. It does not allow such a demonstration to a PPL (such as Kirk or Dawson), but rather to GISD's CFI (which would have to be one of the contracted CFIs, and best if one listed specifically on the policy). This arguably might require some type of "sign-off" by one of the designated CFIs of the District. Both Dawson and Kirk indicated that in their presence, no such persons were allowed to pilot the airplane. Thus, based on my investigation, no persons who piloted the District's airplane created significant liability exposure for the District for lack of coverage. I must disclaim that I am not "coverage counsel" for either the District or the carrier, and my opinion should not be relied upon as an opinion of coverage. (J.Dawson; M.Kirk; Exh. 9)

### ***Financial Ethics and Misappropriation***

43. GISD Board Policy CAA (Local) deals with financial ethics. It provides a general statement that "All Trustees, *employees*, vendors, contractors, agents, consultants, volunteers, and any other parties who are involved in the District's financial transactions shall act with integrity and diligence in duties involving the District's fiscal resources." The policy specifically prohibits "fraud and financial impropriety" which is defined to include, "but not be limited to:

1. Forgery or unauthorized alteration of any document or account belonging to the District.
2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document.
3. Misappropriation of funds, securities, supplies, or other District assets, including employee time.

(Exh. 13) (Emphasis added.)

44. In the law, "misappropriation" generally requires that the actor must have intentionally and knowingly used the property/funds in question for an illicit use. It cannot simply be a mistaken belief that resulted in some incidental personal benefit. Here, Dawson was transparent about the fact that his **family members** accompanied him on what was otherwise an authorized pilot training trip as part of his duties for the District. Additionally, I have not found any clear applicable policy violation. At most, an authorized act (flight training)

reached into a gray area that arguably provided a “combined benefit” to both the District and Dawson’s family. Even so, in my opinion, any benefit was incidental to the otherwise authorized act of regularly carrying out flights in the airplane as part of his duties. In my opinion, there was no violation of this policy.

### *Abuse of Official Capacity*

45. GISD Board Policy BBFB (Legal) speaks to prohibited practices of public servants under Texas Penal Code section 39.02. A government employee is considered a “public servant.” Penal Code 1.07(a)(41)(A), (E). The crime of “abuse of official capacity” is stated as:

*Abuse of Official Capacity - A public servant commits an offense if, with intent to obtain a benefit or with intent to harm or defraud another, intentionally or knowingly violates a law relating to the office or employment, or misuses government property, services, personnel, or any other thing of value, belonging to the government that has come into the public servant’s custody by virtue of the person’s office or employment. Penal Code 39.02(a)*

*“Misuse” means to deal with property contrary to:*

- 1. An agreement under which the public servant holds the property;*
- 2. A contract of employment or oath of office of a public servant;*
- 3. A law, including provisions of the General Appropriations Act specifically relating to government property, that prescribes the manner of custody or disposition of the property; or*
- 4. A limited purpose for which the property is delivered or received.*

(Penal Code 39.01(2); Exh. 13)

46. In my opinion, the element of “intentionally or knowingly” is absent from the evidence reviewed. Additionally, for the same reasons cited above in Paragraph 38 above (discussing misappropriation), any benefit to Dawson’s [REDACTED] was combined with benefit to the District and was not “contrary” to the purpose for which Dawson was allowed to use the airplane. He was authorized and encouraged, albeit loosely, to pilot the plane on both short discovery flights as well as cross country flights. His duties included logging flight time often and regular for training as well as promoting the Program to community members and prospective students. It is not entirely unreasonable to include [REDACTED] as persons who could assist in the promotion of the Program just as any other community member. Certainly, Dawson was not told directly by anyone that such flights were prohibited. In my opinion, there

was no violation of this policy, and certainly not of the criminal statute, which would require a higher degree of culpability to charge one with a crime.

### *Texas Educator Code of Ethics*

47. GISD Board Policy DH (Exhibit) restates the Educator Code of Ethics found in state regulations. All Texas educators, including all district employees who are certified by TEA/SBEC (“State Board for Educator Certification”) are subject to the Educator’s Code of Ethics, found in state regulations at 19 Tex. Admin. Code § 247.1. SBEC, which is part of TEA, governs educator compliance with the Code of Ethics. The Code includes standards of conduct toward students, colleagues, the public, and general professional standards of conduct. (Exh. 13; 19 Tex. Admin. Code § 247.1)
48. There are three standards that arguably could be considered to apply to Dawson’s use of the District’s airplane.

Standard 1.2. The educator shall not intentionally, knowingly, or recklessly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.

Standard 1.4. The educator shall not use institutional or professional privileges for personal or partisan advantage.

Standard 1.7. The educator shall comply with state regulations, written local school board policies, and other state and federal laws.

(Exh. 13)(Emphasis added.)

49. Again, overriding the conduct in question is the fact that Dawson was given fairly broad authority to fly the plane, promote the Program, carry community members and prospective students on passenger flights, and to make training flights often and of considerable distance to earn flight time toward potential new Ratings and in any event to maintain his PPL as “current” and to keep his skills sharp to proficiently and safely fly the airplane for the Program. There is no policy that specifically prohibited [REDACTED] from being included from time to time. In my opinion, any “personal benefit” or “personal advantage” to allowing [REDACTED] to occasionally accompany him on otherwise clearly authorized flights was merely incidental and would not constitute a violation of any of these ethical standards.

## ***Management of District Vehicles***

50. GISD Board Policy CNB (Local) provides, “The District shall not permit use of District vehicles for non-school purposes” and goes on to state:

The Superintendent or designee shall develop administrative regulations for requesting, scheduling, and using District vehicles for extracurricular activities, field trips, and other school-related purposes.

(Exh. 13) (Emphasis added.)

51. Now that the Superintendent has become aware of this “gray area” of a combined benefit for otherwise authorized conduct, it would be wise for the Superintendent, or designee, to in fact review and revise procedures regarding the use of District vehicles to specifically include the use of the District airplane.

52. The GISD Fiscal Manual provides general information, guidelines, and procedures for GISD business functions. It contains general guidelines that apply across many departments and subject matters, including in some instances, the CTE department and the airplane (e.g., fixed asset procedures require that any asset valued at over \$5,000 be tracked and recorded on the district’s general ledger). The Fiscal manual also incorporates by reference other similar more specific manuals such as the District Travel Procedures for Local, Federal and Student Travel Funding. These manuals are considered “living documents” meaning the Administration has the authority to amend them as the need arises.

53. In my investigation, it was discovered that a group of aviation industry professionals have been working with the CTE Director and others to amend the District Travel Procedures noted above. Prior to this amendment, the “travel manual” did not specifically mention the district airplane. However, it now states:

### Transportation – District Airplane and Flight School Airplane

- a) A Travel Authorization must be in place for any authorized individual who will be taking the district airplane or flight school airplane out of the hangar regardless of the flight destination.
- b) All authorized individual flights and student flights must be logged in the Flight Circle system to document the exact dates and times of flights.

(J.Glenn; E.Whitefield; Exh. 14)

54. I have not viewed the Travel Authorization form, but my recommendation is to include the sign-off by one of the District's CFIs specifically listed on the insurance policy verifying that any persons expected to pilot the airplane has "demonstrated to the CFI the piloting skill required for the aircraft."

## 5

### COMMENDATIONS

1. The Aviation Program is a unique CTE program for which the GISD community should be proud. The combination of introductory courses, aerospace engineering, and practicum to demonstrate learned knowledge and skills is an ideal model for educating students. Any time a student activity, course, or program can be integrated across all or most subjects (e.g., Math, Science, Reading), meaning it involves many facets and subject matters of the curriculum as expressed in the TEKS, it represents a higher level of learning which is always a laudable goal in education.
2. Everyone interviewed spoke of the tremendous community support for the Program routinely shown in the form of donations, volunteer mentors, parent/student interest. From my objective viewpoint, it seems likely that the Aviation Program would not be as advanced as it presently is, and certainly would not have advanced as quickly as it has, without the support of local retired pilots, engineers, mechanics, and others involved in the local aviation industry.
3. Having two certified seasoned educators who are also licensed private pilots with unblemished safety records is a bonus to the District. One of those pilots (Kirk) is very close to obtaining either or both his Commercial Rating and his CFI Rating, which should only add to the Program and reduce Program costs for student flight instruction. From my objective viewpoint, it appears the Board and the Superintendent are supportive of the continued advancement of the Program, which again is much of the reason the Program has advanced so quickly.
4. Participating students are commended for their curiosity and willingness to "expand their horizons" into a unique and high-level thinking industry like aviation. For those who have flown in the Program, they are commended for their bravery, although that said, it's widely accepted that flying a plane is significantly safer than driving a car on the highway.
5. Overall, the District is commended for appropriate maintenance of government records related to the Program. Particularly, while the flight logs could have more detailed information if so desired, the fact that they were kept from Day One and included information in a transparent fashion (e.g., listing all passengers according to interviewees) was helpful and important for this review.

## RECOMMENDATIONS

1. Establish written guidelines and protocols on the operation and use of the District airplane to clarify authorized and appropriate use of the plane. The guidelines/protocols should address the who, what, where, when, and why of plane usage, and be published in an appropriate district procedures manual. They should also be readily available in Program materials, the district website, and possibly the plane itself. Appropriate training on proper usage should be developed and provided at the appropriate level/role to any persons involved in using the plane, including passengers.
2. Review the cost/benefit (pros/cons) of in-sourcing or outsourcing various aspects of the Program such as plane ownership versus plane rental through local flight schools, as well as the pros/cons of demonstration and instructional flights by school employee pilots versus contracted or volunteer CFIs. The fact that Mark Kirk is very close to obtaining his CFI certainly may weigh in favor of in-house, but it should be reviewed thoroughly by key stakeholders determined by the Board or the Superintendent.
3. The Superintendent should consider, with appropriate Board input, but ultimately within his discretion as supervisor of the Assistant Superintendent, an appropriate level of employee disciplinary action/response. In my opinion, based on representing school districts for over 30 years, including advising supervisors on several hundred employment situations (e.g., in “file review” meetings), and based on litigating hundreds of nonrenewal, termination, and suspension cases on behalf of school districts for all types of conduct and misconduct, the *maximum* disciplinary action/response should be written reprimand, and directed training on the new protocols, and possibly ethical trainings on use of school property. The minimum response would be written warning and directed training.
4. The difference in “warning” versus “reprimand” is that a “warning” doesn’t make a statement that there is evidence of wrongdoing, but it’s a gray area so just be careful, and it may include some directives to support it. A “reprimand” makes a statement that there was at least some evidence of wrongdoing (whether “confirmed” or not) and you are reprimanded to not do that again or else you will face greater disciplinary action, up to and including termination of employment.
5. The primary basis for the above recommendation is the fact that the Assistant Superintendent was given broad latitude in use of the plane and was encouraged to fly often and to fly in varied flight situations to maintain sharp skills. He was also authorized to provide demonstration flights not just to prospective students/parents, but also in a manner meant to “advertise” the program to community supporters,

board members, former students, and others with legitimate interest in the program. Looking just at the frequency and destinations of the flights, one cannot reasonably classify his use of the plane over the past 19 months as “excessive” or “abusive.” He had no overnight trips, no trips to extravagant places, and no trips that included substantial personal benefit (e.g., “I always wanted to fish Rockwall Lake, so maybe I’ll fly there and stay a while.”).

6. At most, his otherwise encouraged and sometimes required self-training flights, on a few occasions included the incidental personal benefit of having [REDACTED] tag along for the ride at no additional out-of-pocket cost to the District. However, to say there was “no cost” to the District would not be accurate. It is not unreasonable for the public to see the posted picture and message about a surprise birthday lunch on a sunny day accompanied by bright smiles and dark sunglasses, and think to themselves, “Wait, isn’t that the school’s airplane?” One could classify this misstep as the “perceived appearance of impropriety” or even flouting a “perk” of working at a school district that happens to own its own Cessna. However, as reflected in this report, that is clearly NOT the whole story.
7. The bottom line is that in my opinion, technically, the conduct did not violate a law, policy, procedure, directive, or ethical canon. On the other hand, if one asks, “Should the school district have had tighter controls that if followed, would have prevented the perceived appearance of impropriety?” it is reasonable to answer “Yes.” School districts have guidelines, rules, and policies on the most mundane and arguably insignificant of subjects. Certainly, one more on something as important as flying a government-owned plane with [REDACTED] aboard ought to warrant serious consideration.

Submitted by:

KARCZEWSKI | BRADSHAW | SPALDING



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