



# Brownsville Independent School District

## Board Of Trustees

### Regular Board Meeting

### April 3, 2012

### 5:30 P.M.

Administration Building  
1900 Price Road  
Brownsville, Texas 78521-2417

## A G E N D A

**NOTE: The Board of Trustees may go into Closed/Executive Session to deliberate any item on this agenda as authorized by the Texas Open Meetings Act, Texas Government Code Chapter 551.**

- I. Meeting Called to Order.
- II. Moment of Silence.
- III. Pledge of Allegiance.
- IV. Roll Call:
- V. Recommend approving the **agenda** of the **Regular Board Meeting of April 3, 2012**, with any corrections/deletions.
- VI. Recommend approving the **Consent Agenda**. The Board has agreed to discuss the following items. All of the items below that are not called out will be approved by consent.
- VII. **Superintendent's Report**
  - A. **Conference Presentations:**
    1. Recognition of two BISD Employees; Raul G. Cervantes – Book Author and John Aguilar – Book Illustrator.
    2. Recognition of Career Technical Educations SkillsUSA Winners.
    3. Recognition of Michelangelo Sosa for obtaining the highest score on the technical drafting and architecture test at the SkillsUSA Texas State Competition. **(Board Member Request – EE)**
    4. Monthly Report from the BISD Construction/Bond Oversight Committee.
    5. Presentation on Brownsville Independent School District Financial Report for the period ended January 31, 2012.

6. Presentation on proposal for a Local Policy FFE on Response to Intervention.
7. Information regarding possible survey on BISD employee's atmosphere. **(Board Member Request -MP)**

**B. Standing Board Agenda Items:**

8. Board Calendars.

**VIII. PUBLIC AUDIENCE:**

If you wish to address the Board of Trustees during the Public Audience portion of today's meeting, please print your name on the form provided. According to BISD Policy BED (Local), only those persons (on the list) who request to speak shall be heard. The speaker shall limit remarks to five minutes. The Board shall allot no more than 30 minutes for the Public Audience portion of the meeting. Complaints and concerns for which other resolution channels are provided shall be directed through those channels. These complaints include complaints on the following subjects: employee complaints, termination of employment, student complaints, removal to alternative education program, and expulsion. If the Board President determines that a person has not attempted to resolve a matter administratively, the person shall be directed to the appropriate policy for attempted resolution before bringing the matter to the Board. Complaints against specific employees or officers of BISD shall be heard in Closed Meeting, as authorized by the Texas Government Code Title 5-Section: 551.074 (1) and (2). If your topic concerns complaints against specific employees or officers, please note this on the sign-up sheet. You must make your points on issues in a constructive and courteous fashion pursuant to Robert's Rules of Order.

**IX. Closed Meeting: as pursuant to the Texas Government Code Section: 551.074 & 551.082**

**A. Level III Board Review and Grievance:**

9. Level III Grievance #007/11-12 – Acacia Ameel.

**(Board Reconvenes After Closed Meeting)**

10. Board action on Level III Grievance #007/11-12 – Acacia Ameel.

**The Board may deliberate or take action regarding the following agenda items.**

**X. Consent Agenda:**

**A. Recommend approval of the following General Function Items:**

11. Recommend certification to the Texas Education Agency that all BISD's instructional materials purchased from the state instructional materials allotments cover all elements of the essential knowledge and skills of the required curriculum, other than physical education for each grade level.
12. Recommend approval to reconcile summer salaries for employees who worked as counselors at Family Centers throughout the District and teachers from Hanna High School who participated in curriculum writing during the summer of 2011.
13. Recommend approval to authorize administration as to the preferred disposition of the three Madison Street Properties.

14. Recommend approval to authorize administration to solicit RFP's for construction services for the structural and roof repairs for the James P. Murphy Building.
15. Recommend approval to renew our annual 2012 TASB Membership and TASB Legal Assistance Fund and pay dues in the amount of \$11,500.00 for 2012 calendar year.

**B. Recommend approval of the following Payment:**

16. Recommend approval for payment of \$1,489.46 to Hartline Dacus Barger Dreyer LLP.
17. Recommend approval for payment of \$8,220.94 to Walsh, Anderson, Brown, Gallegos and Green, P.C.
18. Recommend approval to pay for National Hispanic Caucus of School Board Members Membership from July 1, 2012 – June 30, 2013, in the amount not to exceed \$375.00 from Local Maintenance Budgeted Funds.
19. Recommend approval to pay Gomez Mendez Saenz, Inc. \$2,849.17 (Lopez and Rivera High School Science Lab Additions); Terracon Consultants, Inc. \$3,060.00 (Lopez and Rivera High School Science Laboratory Additions); Peacock General Contractors \$308,211.82 (Lopez and Rivera High School Science Laboratory Additions) for a grand total of \$314,120.99 to be paid from Science Laboratory Grant Program/Local Maintenance Fund 199.
20. Recommend approval to pay Gomez Mendez Saenz, Inc. \$5,189.94 (Brownsville Early College High School); PHI Service Agency Inc. \$1,955.50 (Porter High School Instructional Facility and Hanna High School Performing Arts Instructional Facility); Public Utilities Board \$28,572.41 (Hanna High School Performing Arts Instructional Facility); Terracon Consultants, Inc. \$8,227.60 (Brownsville Early College High School and Porter High School Instructional Facility); D. Wilson Construction Co. \$145,575.95 (Porter High School Instructional Facility); Texas Descon, L.P. \$555,085.00 (Brownsville Academic Center and Brownsville Early College High School) for a grand total of \$744,606.40 to be paid from Qualified School Construction Bond Fund 190/Local Maintenance Fund 199.
21. Discussion, consideration and possible action to pay annual membership dues to the Brownsville Chamber of Commerce in the amount not to exceed \$5,000.00 from Budget Local Maintenance Fund.
22. Discussion, consideration and possible action to pay United Brownsville annual membership fees to the City of Brownsville in the amount not to exceed \$25,000.00 from Budgeted Local Maintenance Funds.

**C. Recommend approval of the following Budget Amendments:**

23. Recommend approval of Budget Amendment #104 in the amount of \$5,000.00 for Fund 429 – Other Special Revenue Fund for Ortiz Elementary. (New Funding)
24. Recommend approval of Budget Amendment #105 in the amount of \$1,340,052.00 for Fund 224 – IDEA-B Formula. (Additional Funding)

25. Recommend approval of Budget Amendment #106 in the amount of \$113,000.00 for Fund 198 – Medicare Reimbursement – SHARS. (Reallocation)
26. Recommend approval of Budget Amendment #107 in the amount of \$50,000.00 for Fund 274 – GEAR UP for Brownsville Learning Academy. (New Funding)
27. Recommend approval of Budget Amendment #108 in the amount of \$7,545,184.00 for Fund 289 – Texas Literacy Initiative. (New Funding)

**D. Recommend approval of the following Contracts/Agreements:**

28. Recommend approval to enter into a Memorandum of Understanding with the University of Texas Brownsville for the purpose of submitting an Early College High School Designation application to the Texas Education Agency, (TEA) for Veterans, Lopez, Hanna and the Brownsville Early College High School.
29. Recommend approval to modify the Memorandum of Understanding between Brownsville ISD and Southwest Key, Inc./Casa Esperanza in the approximate amount of \$100,000.00 (Categorical Funds: 162) for the 2011-2012 school year in related services.
30. Recommend approval of Change Order #001 to amend the Owner/Contractor agreement with SpawGlass Contractors, Inc., Harlingen, Texas, for the Hanna High School Performing Arts Instructional Facility.
31. Recommend approval to sign the attached Amendment to the Contract for Construction to Allow for and Establish Procedures for Off-Site Storage for Construction Materials with Peacock General Contractors, L.P., Harlingen, Texas, to grant off-site storage for the Lopez and Rivera High School Science Laboratory Additions described on the Amendment document.

**XI. CLOSED MEETING:** as pursuant to the Texas Government Code Section: 551.071, 551.072, 551.074, 551.082, and 551.084.

**A. PERSONNEL MATTERS:**

32. Presentation of **Resignations**.
33. Recommend approval of **probationary contractual personnel** for the 2011-2012 and the 2012-2013 school years – **Teachers**. Subject to receipt of all outstanding documentation.
34. Recommend approval of **term-non-chapter 21 personnel** for the 2011-2012 and the 2012-2013 school years – **Accountant**. Subject to receipt of all outstanding documentation.
35. Recommend approval of **probationary contractual personnel** for the 2011-2012 and the 2012-2013 school years - **Assistant Principals**. Subject to receipt of all outstanding documentation.
36. Recommend approval of **probationary contractual personnel** for the 2011-2012 and the 2012-2013 school years – **Bid Control Accountant**. Subject to receipt of all outstanding documentation.

37. Recommend approval not to offer new employment contract to (F.A.F) terminating employment contract at end of contract term.
38. Board Self Evaluation.
39. Discussion and consideration regarding the appointment, employment, evaluation, and duties of the Superintendent; to include addressing forensic audit findings.

**B. Consultation with Attorney:**

40. Consultation with attorney regarding pending or threatened litigation matters.
  - a. Consultation with attorney regarding privileged communications or pending, or threatened litigation matters including lawsuits by Antonio Juarez and Hector Gonzales, and potential settlements in these matters.
  - b. Discussion and consideration regarding settlement in Rodrigo Lopez vs. BISD.
  - c. Discussion and consideration regarding settlement in Reese Tarbet vs. BISD.
  - d. Consultation with attorney regarding threatened or potential legal action and discussion arising from forensic audit.
  - e. Discussion and consideration regarding complaints against trustees, including complaints about compliance with trustee governance and ethics requirements under Board policies and open meetings and records. **(Board Member Request – LL)**
  - f. Discussion and consideration regarding results of internal investigation of allegations in letter received from employee C.G. regarding policy DIA (Local) from March 6, 2012 agenda item. **(Board Member Request – JC)**
  - g. Update on investigation regarding letter from C.G. **(Board Member Request – MP)**

**C. Real Property:**

41. Discussion of possible acquisition or sale of Real Property.

**(BOARD RECONVENES AFTER CLOSED MEETING)**

A33–37. Recommend approval on personnel matters discussed in Closed Meeting.

39. Discussion, consideration, and possible action regarding the appointment, employment, evaluation, and duties of the Superintendent, including with regard to duties and actions addressing forensic audit findings.

B40. Recommend approval on litigation matters discussed in Closed Meeting.

- a. Discussion, consideration, and possible action regarding privileged communications or pending, or threatened litigation matters including lawsuits by Antonio Juarez and Hector Gonzales, and potential settlements in these matters.
- b. Discussion, consideration and possible action regarding settlement in Rodrigo Lopez vs. BISD.

- c. Discussion, consideration and possible action regarding settlement in Reese Tarbet vs. BISD.
- d. Discussion, consideration and possible action regarding threatened or potential legal action arising from forensic audit.
- e. Discussion, consideration and possible action regarding complaints against trustees, including complaints about compliance with trustee governance and ethics requirements under Board policies and open meetings and records. **(Board Member Request - LL)**
- f. Discussion, consideration and possible action regarding results of internal investigation in letter received from employee C.G. regarding policy DIA (Local) from March 6, 2012 agenda item. **(Board Member Request – JC)**
- g. Discussion, consideration and possible action regarding the investigation of letter from C.G. **(Board Member Request – MP)**

C41. Recommend approval of acquisition or sale of Real Property discussed in Closed Meeting.

**XII. Announcement(s):**

- 42. **Next scheduled Board Meeting** of the Board of Trustees is on **Tuesday, April 17, 2012**, at the Administration Building at 5:30 p.m.

**XIII. Adjournment:**