



Brownsville Independent School District

Board Of Trustees

Regular Board Meeting
September 1, 2009
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 September 1, 2009**, with any corrections/deletions.
- VI.** Recommend approving the **minutes** of the **Regular Board Meeting of August 4, 2009**, with any corrections.
- VII.** Recommend approving the **Consent Agenda**.
- VIII. Superintendent's Report**
 - A. Conference Presentations:**
 1. Recognition of Tito Mata – Broke the World Record in Weight Lifting in his age group.
 2. Presentation on recycling (**Board Member Request**).
 3. Presentation of Proclamation for Paul Cowen from BISSD. (Board Member Request)

4. Presentation by vendor-Health Smart.

B. Standing Board Agenda Items:

5. Board Calendars.

IX. 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.

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

A. Level III Board Review and Grievance:

6. Level III Grievance – Monica Fragoso #002-09/10

(Board Reconvenes After Closed Meeting)

7. Board action on Level III Grievance – Monica Fragoso - #002-09/10

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

XI. General Function:

A. Recommend approval of the following General Function Items:

8. Recommend granting approval for the reselling of foreclosed property.
9. Recommend approval of optional recess periods which do not supplant TEA requirements in physical education periods, fine arts, etc. for BISD elementary campuses.
10. Recommend approval to purchase Lions Quest materials and training from Lions Quest International, Annapolis Junction, Maryland in the amount not to exceed \$27,852.00 from local and categorical campus and district-wide funds for the 2009-2010 school year. Items and services to be purchased subject to the District's needs and funding.
11. Recommend approval to select the Competitive Bidding and Competitive Sealed Proposals delivery methods as authorized by the Texas Education Code in accordance with

Subchapter B. Purchases, Contracts, 44.031, of the Texas Education Code for the Central Annex/Adult Education Parking Lot and Landscaping Project and the 2009 Hanna and Porter High School Science Laboratory Project.

12. Recommend approval of Change Order #02 to amend the Owner/Contractor agreement with D. Wilson Construction Company, McAllen, Texas, for the Veterans Memorial High School, in the amount not to exceed \$2,458,100.00.
13. Recommend approval of Change Order #010 to amend the Owner/Contractor agreement with American Contracting USA, Inc. Combes, Texas, for the Re-roofing Project at Hanna High School, Faulk and Stell Middle Schools, and El Jardin Elementary School.
14. Recommend approval of Resolution #011/09-10 for the adoption of the 2009-2010 Proposed Tax Rate. Recommend to adopt a tax rate of no more than \$1.092300 per \$100 valuation with a Maintenance and Operations rate of \$1.012273 and a Debt Service rate of \$0.080027.
15. Discussion, deliberation and possible action regarding procedures for allowing Internal Auditor to address the Board of Trustees as a whole during a Board meeting. **(Board Member Request)**
16. Discussion, consideration and possible action regarding reporting a Brownsville real estate broker for possible ethical and/or other violations of law against the district, to the Texas Real Estate Commission. **(Board Member Request)**
17. Discussion, consideration and possible action regarding board member requests to the Superintendent and/or administration including the reasonableness, costs associated, time expended, use of district resources and possible violation of the governance law associated with said requests. **(Board Member Request)**

B. Recommend approval of the following Payment:

18. Recommend approval to pay ACR Engineering, Inc., \$5,250.00; Gignac Associates Architects, LLP \$7,560.00; PHI Service Agency, Inc. \$4,026.00; Raba-Kistner Consultants, Inc. \$870.21; and American Contracting USA, Inc. \$55,770.98 for a grand total of \$73,477.19 to be paid from Capital Project Funds 631 and 634.
19. Recommend approval to pay ACR Engineering, Inc. \$2,600.00; Ambiotec Civil Engineering Group, Inc. \$24,750.00; PBK Architects, Inc. \$19,947.60; CAS Companies, LP \$50,017.50; for a grand total of \$97,315.10 to be paid from Local Maintenance Fund 199.

C. Recommend approval of the following Budget Amendments:

20. Recommend approval of Budget Amendment #047 in the amount of \$10,503,860.00 for Fund 283 – American Recovery and Reinvestment Act (ARRA) IDEA Part B of 2009. (New Funding)
21. Recommend approval of Budget Amendment #048 in the amount of \$271,501.00 for Fund 284 – American Recovery and Reinvestment Act (ARRA) IDEA Pre-School of 2009. (New Funding)

22. Recommend approval of Budget Amendment #049 in the amount of \$877.00 for Fund 315 – IDEA –B-High Cost Risk Pool. (New Funding)
23. Recommend approval of Budget Amendment #050 in the amount of \$34,000.00 for Fund 316 – IDEA B-Formula Deaf. (New Funding)
24. Recommend approval of Budget Amendment #051 in the amount of \$242,462.00 for Fund 199 – Local Maintenance Fund for Pena Elementary School and Pullam Elementary School. (Reallocation)

D. Recommend approval of the following Contracts/Agreements:

25. Recommend approval to enter into agreement with the University of Texas at Brownsville and Texas Southmost College Nursing School to utilize our facilities for clinical experience for the 2009-2010 school year.
26. Recommend approval to authorize the Superintendent to sign contracts for Supplemental Educational Services to various service providers in the amount not to exceed \$300,000.00 from Fund 211 Title I, Part A for the 2009-2010 academic school year. Services to be rendered subject to the District’s needs and funding.
27. Recommend approval to enter into contractual agreement with Abriendo Puertas, Parental Communications Initiative, Inc., Edinburg, TX in the amount not to exceed \$40,000.00 ARRA funds for the 2009-2010 school year. Services to be rendered subject to the District’s needs and funding.
28. Recommend approval to utilize psychological service providers in the amount not to exceed \$106,300.00 from budgeted categorical funds for the 2009-2010 school year. Services to be rendered subject to the District’s needs and funding.
29. Discussion, consideration and possible action regarding legal service agreement and fees between Walsh, Anderson, Brown Aldridge & Gallegos, P.C. and the Brownsville Independent School District. **(Board Member Request)**

E. Recommend approval of the following Bids/Proposals/Purchases:

30. Recommend approval to accept the negotiated fee for RFQ #08-034 Geotechnical materials Testing Engineering Services District-Wide (Annual Contract) from Terracon Consulting Engineers, Inc. Pharr, Texas for the Villa Nueva and Hudson Elementary School New Wing Project in the amount not to exceed \$39,588.00 (\$24,448.00 previously approved) to be paid from Capital Project Fund 634.

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

A. PERSONNEL MATTERS:

31. Presentation of **Retirements/Resignations.**
32. Recommend approval of **probationary contractual personnel** for the 2009-2010 school year – **Teachers.** Subject to receipt of all outstanding documentation.

33. Recommend approval of **term – chapter 21 contractual personnel** for the 2009-2010 school year – **Teacher**. Subject to receipt of all outstanding documentation.
34. Recommend approval of **probationary contractual personnel** for the 2009-2010 school year – **Assistant Choir Director**. Subject to receipt of all outstanding documentation.
35. Recommend approval of **term – chapter 21 contractual personnel** for the 2009-2010 school year – **Assistant Principal**. Subject to receipt of all outstanding documentation.
36. Recommend approval of **term – chapter 21 contractual personnel** for the 2009-2010 school year – **Counselors**. Subject to receipt of all outstanding documentation.
37. Recommend approval of **probationary contractual personnel** for the 2009-2010 school year – **Counselors**. Subject to receipt of all outstanding documentation.
38. Recommend approval of **term – chapter 21 contractual personnel** for the 2009-2010 school year – **Facilitator**. Subject to receipt of all outstanding documentation.
39. Recommend approval of **probationary contractual personnel** for the 2009-2010 school year – **Librarian**. Subject to receipt of all outstanding documentation.
40. Recommend approval of **probationary contractual personnel** for the 2009-2010 school year – **Nurses**. Subject to receipt of all outstanding documentation.
41. Recommend to terminate a probationary contract employee due to the lack of certification resulting in a void contract. (R.G.)
42. Discussion, consideration and possible action regarding letter from the Texas Education Agency dated July 13, 2009 referencing investigation of the Superintendent. **(Board Member Request)**
43. Discussion, consideration and possible action on recommendation of the Certified Hearing Examiner – TEA Docket No.: 187-LH-0709; Brownsville ISD vs. Nelda Garcia-Shull; Before Don Wittig, Certified Hearing Examiner, Texas Education Agency.
44. Board Self Evaluation.

B. Consultation with Attorney:

45. Consultation with attorney regarding pending or threatened litigation matters.
 - a. Discussion, consideration and possible action – Due Process Hearing – B.G. bnf Dora Guerra vs. Brownsville ISD; Docket No.: 088-DM-0609.
 - b. Discussion, consideration and possible action Cause No.: 2009-06-003755-D; Leonardo V. Garcia vs. Brownsville Independent School District; in the 103rd Judicial District Court of Cameron County, Texas.
 - c. Discussion, consideration and possible action – EEOC Charge No.: 31C-2009-01487C/TWC Charge No.: 1A90891/Grievance – Hermelinda Gill-Martinez.

- d. TEA Docket No.: 187-LH-0709; Brownsville ISD vs. Nelda Garcia-Shull; Before Don Wittig, Certified Hearing Examiner, Texas Education Agency.

C. Real Property:

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

- a. Recommend final approval and adoption Resolution No. 013-09/10 for the purchase of the real estate described below in the amount of \$1,928,000.00 (One Million Nine Hundred Twenty Eight Thousand Dollars) and to authorize the Board President to sign the resolution and all other appropriate documentation required for final closing. Commitment for title insurance in the District's favor in the amount of the purchase price is in place issued August 13, 2009, effective July 23, 2009 and reviewed by Counsel.

Being 19.239 acres of land out of a 308.92 acre tract described in deed to Pablo Kisel, dated July 31, 1980, from Tenneco Realty Inc. (Cameron County Deed Records Volume 1203, Page 11), out of a 407.92 acre tract, described in deed to Palmetto Corporation, dated November 9, 1964, from Douglas W. Risinger and wife,, Eva Loraine Risinger (Cameron County Deed Records Volume 776, Page 385), being Private Survey No. 642 (Cameron County Surveyors Records Volume A-1, Page 307), and being known as the M.H. Cross 406.2 acre tract (Cameron County Supplemental Deed Records Volume "Z", Page 265), and Part of a 100.00 foot strip of abandoned railroad right of way conveyed to Pablo Kisel on August 12, 1981, from Missouri Pacific Railroad Company (Cameron County Deed Records Volume 1245, Page 308), in Share 22, ESPIRITU SANTO GRANT, City of Brownsville, Cameron County, Texas, said 19.239 acre tract.

(BOARD RECONVENES AFTER CLOSED MEETING)

A32-43. Recommend approval on personnel matters discussed in Closed Meeting.

B45 a-d. Recommend approval on litigation matters discussed in Closed Meeting.

C46a. Recommend approval of acquisition or sale of Real Property discussed in Closed Meeting.

XIII. Announcement(s):

- 47. **Next scheduled Board Meeting** of the Board of Trustees is on **Tuesday, September 15, 2009**, at the Administration Building at 5:30 p.m.

XIV. Adjournment: