



# Brownsville Independent School District

## Board Of Trustees

**Regular Board Meeting**  
**November 16, 2010**  
**5:31 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 November 16, 2010**, with any corrections/deletions.
- VI.** Recommend approving the **minutes** of the **Rescheduled Regular Board Meeting of September 14, 2010**, with any corrections.
- VII.** Recommend approving the **minutes** of the **Regular Board Meeting of September 21, 2010**, with any corrections.
- VIII.** 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.
- IX. Superintendent's Report**
  - A. Conference Presentations:**
    1. Recognition of BISD Campus Kid's Voting Winners.
    2. Recognition of Texas Association of Gifted and Talented Advocates of the Year.
    3. Presentation on monthly report from the BISD Bond Oversight Committee. Bond Oversight Committee Meeting was held on November 4, 2010.

4. Presentation of the Brownsville Independent School District Financial Report for the period ended September 30, 2010.
5. Presentation of the Brownsville Independent School District Quarterly Consultant report for the First Quarter of Fiscal Year 2010-2011.
6. Notification of Allowance/Contingency Fund Change Order. Palo Alto Support Service Center (Betterment Fund Change Order #05)
7. Presentation of Audit report on all Legal Fees from 2008, 2009 and 2010 including the report we reviewed with Audit Committee regarding the concern of the fees and not being in compliance. **(Board Member Request) (Booklet)**

**B. Standing Board Agenda Items:**

8. Board Calendars.

**X. 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.

9. Recommend approval that the Board of Trustees remove Rick Zayas and Ruben Cortez, Jr. as members of the Board of Directors of the Brownsville Independent School District Public Facility Corporation and appoint Luci Longoria and Dr. Christina Saavedra as members of the Brownsville Independent School District Public Facility Corporation Board of Directors.

**XI. Recess the Brownsville Independent School District Board of Trustees Regular Board Meeting and reconvene the Brownsville Independent School District Public Facility Corporation Board of Directors Meeting.**

**(Board of Trustees Reconvenes after Brownsville Independent School District Facility Corporation Board of Directors Meeting)**

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

**XII. Consent Agenda:**

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

10. Recommend approval to authorize the Superintendent to allow travel arrangements to be made for the National Qualifiers in Chess which will be held on April 14 - 18, 2011 to Columbus, Ohio, April 28 – May 2, 2011 to Nashville, Tennessee, and to Dallas, Texas on May 5-9, 2011.
11. Recommend approval to select the Competitive Sealed Proposal delivery method as authorized by the Texas Education Code in accordance with Subchapter B. Purchases, Contracts, 44.035 of the Texas Education Code for the Qualified School Construction Bond Projects.
12. Recommend approval of Resolution #014/10-11 for the appointment of an individual to serve on the Cameron County Appraisal District Board of Directors.
13. Recommend appointing a Representative to serve on the United Brownsville Executive Committee.
14. Discussion and possible action with regards to the contract for Legal Services with the Firm of Walsh, Anderson, Brown, Gallegos, and Green, PC, Attorney at Law. **(Board Member Request)**
15. Discussion and possible action to hire a Law Firm to represent the District on an interim basis. **(Board Member Request)**
16. Discussion and possible action to direct the Administration to seek a Request for Qualification for Legal Services for the District. **(Board Member Request)**
17. Discussion and possible action with regards to current Professional Vacancies in the District. **(Board Member Request)**

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

18. Recommend approval to pay Gignac & Associates Architects, LLP \$4,762.09 (Palo Alto Support Service Center); Raba-Kistner Consultants, Inc. \$5,486.17 (Palo Alto Support Service Center); Terracon Consultants, Inc. \$2,079.80 (Central Annex Building Parking Lot Project); VCC, LCC \$429,522.55 (Palo Alto Support Service Center) for a grand total of \$441,850.61 to be paid from Local Maintenance Fund 199.
19. Recommend approval to pay D. Wilson Construction Company \$47,771.00 (Veterans Memorial High School); PHI Service Agency, Inc. \$6,309.55 (Thomas W. Keller Elementary School and Edward Manzano Jr. Middle School); Raba-Kistner Consultants, Inc. \$541.62 (Edward Manzano Jr. Middle School); Scoggins Construction Co., Inc. \$881,515.85 (Thomas W. Keller Elementary School and Edward Manzano Middle School) for a grand total of \$936,138.02 to be paid from Capital Project Funds 632 & 633.
20. Recommend approval to pay Gignac & Associates Architects, LLP \$32,601.09 (Daniel Breeden Elementary School); Raba-Kistner Consultants, Inc. \$18,112.87 (Daniel Breeden Elementary School); D. Wilson Construction Company \$1,040,169.72 (Daniel Breeden Elementary School) for a grand total of \$1,090,883.68 to be paid from Local Maintenance Fund 199/Qualified School Construction Bond Fund.

21. Recommend approval to pay Gomez Mendez Saenz, Inc. \$49,161.10 (Hanna and Porter High School Science Laboratory Building Additions) and W. Murray Thompson Construction Co., Inc. \$175,911.50 (Hanna and Porter High School Science Laboratory Additions) for a grand total of \$225,072.60 to be paid from Science Laboratory Grant Program.

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

22. Recommend approval of Budget Amendment #092 in the amount of \$400,000.00 for Fund 411 – Technology Fund. (Technology Fund Categorical Fund Balance)
23. Recommend approval of Budget Amendment #093 in the amount of \$324,011.00 for Fund 285 – American Recovery and Reinvestment Act (ARRA) of 2009. (Reallocation)

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

24. Recommend approval to enter into an agreement with Texas Department of Public Safety for release of applicant and/or employee driving records at no cost to the District.
25. Recommend approval to renew the Memorandum with Communities in Schools, Cameron County Inc., Brownsville, Texas, for Case Management Services for At-Risk students at each of the BISD High Schools for the 2010-2011 school year in the amount not to exceed \$122,500.00 from categorical funds. Services will be rendered subject to the District's needs and funding.
26. Recommend approval to renew contractual agreements with Communities in Schools, Cameron County Inc., Brownsville, Texas, for Case Management Services for students at Southmost Elementary, Besteiro Middle School; and Migrant Students at each of the BISD Middle Schools for the 2010-2011 school year in the amount not to exceed \$154,000.00 from categorical funds. Services to be rendered subject to the District's needs and funding.
27. Recommend approval to renew the Memorandum of Understanding between University of Texas at Brownsville and the Brownsville Independent School District to provide educational services to high school students participating in the Collaborative Dropout Reduction Grant for the 2010-2012 school years.
28. Recommend approval for the Administration to continue collaborative service agreements with the Historic Brownsville Museum, Gladys Porter Zoo, Brownsville Historical Association (Stillman House Museum), Brownsville Museum of Fine Art and the Brownsville Barnstormers Flying Museum in the amount not to exceed \$129,000.00 from budgeted Local maintenance Funds. (Annual Agreement)
29. Recommend approval to enter into an agreement with the Brownsville Public Utilities Board, Brownsville, Texas, to grant a Utility and Access Easement for Daniel Breeden Elementary School as described on the attached document.
30. Recommend approval of Change Order #001 to change date of completion due to weather delays to Owner/Contractor Agreement with D. Wilson Construction Company for Daniel Breeden Elementary School.

31. Recommend approval of Change Order #002 to change date of Substantial Completion due to weather delays to the Owner/Contractor Agreement with VCC, LCC for the Palo Alto Support Service Center.

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

32. Recommend awarding RFQ #11-049 Architectural Services for Lopez and Rivera High Schools and Cameron County Juvenile Justice Alternative Education Program High School Science Laboratory Addition Project to Gomez Mendez Saenz, Inc. Brownsville, Texas to provide architectural services and to authorize administration to negotiate a fee for said services to be paid from Science Laboratory Grant Program.
33. Recommend awarding Bid #11-050 Charter Bus Services District-wide to several vendors. (Annual Bid)
34. Recommend awarding Bid #11-051 Weight Training Room Equipment District-wide to several vendors. (Annual Bid)
35. Recommend awarding Bid #11-052 Medical Supplies and Equipment District-wide to several vendors and cast lots for items #1, #16, #58, #86, and #157 of said bid. (Annual Bid)
36. Recommend awarding Bid #11-053 Art Supplies and Equipment District-wide to several vendors. (Annual Bid)
37. Recommend awarding Bid #11-054 Reconditioning of Helmets and Shoulder Pad Repairs District-wide to several vendors. (Annual Bid)
38. Recommend awarding Bid #11-055 Printed Music District-wide to several vendors. (Annual Bid)
39. Recommend awarding Bid #11-056 Music Supplies and Materials District-wide to several vendors. (Annual Bid)
40. Recommend awarding Bid #11-057 Aquatic Center Chemicals, Services and Maintenance Equipment District-wide to several vendors and cast lots for item #30 of said bid. (Annual Bid)
41. Recommend awarding Bid #11-058 Furniture District-wide to several vendors. (Annual Bid)
42. Recommend awarding Bid #11-059 Awards for Honor and Graduation Students District-wide to several vendors. (Annual Bid)
43. Recommend awarding Bid #11-061 Sheet Metal Materials and Installation District-wide to several vendors. (Annual Bid)
44. Recommend awarding Bid #11-062 Plumbing Service Work District-wide to several vendors. (Annual Bid)
45. Recommend awarding Bid #11-063 Paving Service Work District-wide to several vendors. (Annual Bid)

46. Recommend awarding Bid #11-064 Irrigation and Landscaping Services, Supplies and Materials District-wide to several vendors. (Annual Bid).
47. Recommend awarding Bid #11-065 Glazing Supplies and Materials District-wide to several vendors. (Annual Bid)
48. Recommend awarding Bid #11-066 Energy Management Systems District-wide to several vendors. (Annual Bid)
49. Recommend awarding Bid #11-067 Roofing Supplies and Materials District-wide (Re-bid) to several vendors and cast lots for item #6 of said bid. (Annual Bid)
50. Recommend awarding Bid #11-068 Oxygen, Acetylene and Welding Supplies to several vendors. (Annual Bid)
51. Recommend awarding Bid #11-069 Recyclable Scrap Metal and Waste Materials. (Reverse-Bid) District-wide to several vendors. (Annual Bid)

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

**A. PERSONNEL MATTERS:**

52. Presentation of **Resignations**.
53. Recommend approval of **probationary contractual personnel** for the 2010-2011 school year – **Teachers**. Subject to receipt of all outstanding documentation.
54. Recommend approval of **probationary contractual personnel** for the 2010-2011 school year – **Assistant Principal**. Subject to receipt of all outstanding documentation.
55. Recommend approval of **probationary contractual personnel** for the 2010-2011 school year – **Liaison – 21<sup>st</sup> CCLC Program – Grants Department**. Subject to receipt of all outstanding documentation.
56. Recommend approval of **probationary contractual personnel** for the 2010-2011 school year – **Testing Coordinator**. Subject to receipt of all outstanding documentation.
57. Recommend approval of **term – chapter 21 contractual personnel** for the 2010-2011 school year – **Assistant Principals**. Subject to receipt of all outstanding documentation.
58. Recommend approval of **term – chapter 21 contractual personnel** for the 2010-2011 school year – **Coordinator for UIL Academics and Chess**. Subject to receipt of all outstanding documentation.
59. Recommend approval of **term – chapter 21 contractual personnel** for the 2010-2011 school year – **Educational Diagnostician**. Subject to receipt of all outstanding documentation.

60. Recommend approval of **term – chapter 21 contractual personnel** for the 2010-2011 school year – **Facilitator**. Subject to receipt of all outstanding documentation.
61. Recommend approval of **term – chapter 21 contractual personnel** for the 2010-2011 school year – **Reading First Coaches**. Subject to receipt of all outstanding documentation.
62. Recommend approval of **term – chapter 21 contractual personnel** for the 2010-2011 school year – **Resource Lead Teacher**. Subject to receipt of all outstanding documentation.
63. Recommend approval of **term – chapter 21 contractual personnel** for the 2010-2011 school year – **Principals**. Subject to receipt of all outstanding documentation.
64. Recommend approval of **term non-chapter 21 contractual personnel** for the 2010-2011 school year – **Coordinator for Health Services**. Subject to receipt of all outstanding documentation.
65. Recommend approval to pay a professional employee (I.S.) salary that was earned and not paid for Fiscal Years 2008-2009 through 2009-2010.

**B. Consultation with Attorney:**

66. Consultation with attorney regarding pending or threatened litigation matters.
  - a. Discussion and consideration – Cause No.: 2009-05-003124-D; Maria Cervera vs. Brownsville Independent School District; in the 103<sup>rd</sup> Judicial District Court of Cameron County, Texas.
  - b. Discussion and consideration - Level III Parent Complaint No. 002/10-11 – Myrna & Abel Garza (EQ/student).
  - c. Discussion and consideration – William Deen: TWCCRD Charge No.: 1A20298; EEOC Complaint No.:31C-2010-00396; William Deen vs. Brownsville Independent School District.

**Special Education Due Process Hearings:**

- d. Discussion and consideration – Due Process Hearing – M.D b/n/f Connie R. vs. Brownsville ISD, TEA Docket No. 022-SE-0910.
- e. Discussion and consideration – Due Process Hearing – J.D. b/n/f Connie R. vs. Brownsville ISD, TEA Docket No. 023-SE-0910.
- f. Discussion and consideration – Due Process Hearing – N.D. b/n/f Connie R. vs. Brownsville ISD, TEA Docket No. 033-SE-0910.

**C. Real Property:**

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

**(BOARD RECONVENES AFTER CLOSED MEETING)**

A53–65. Recommend approval on personnel matters discussed in Closed Meeting.

B66. Recommend approval on litigation matters discussed in Closed Meeting.

- a. Discussion, consideration, and possible action – Cause No.: 2009-05-003124-D; Maria Cervera vs. Brownsville Independent School District; In the 103<sup>rd</sup> Judicial District Court of Cameron County, Texas.
- b. Discussion, consideration, and possible action - Level III Parent Complaint No. 002/10-11 – Myrna & Abel Garza (EQ/student)
- c. Discussion, consideration, and possible action - William Deen: TWCCRD Charge No.: 1A20298; EEOC Complaint No.:31C-2010-00396; William Deen vs. Brownsville Independent School District.

**Special Education Due Process Hearings:**

- d. Discussion, consideration and possible action – Due Process Hearing – M.D. b/n/f Connie R. vs. Brownsville ISD, TEA Docket No. 022-SE-0910.
- e. Discussion, consideration and possible action – Due Process Hearing – J.D. b/n/f Connie R. vs. Brownsville ISD, TEA Docket No. 023-SE-0910.
- f. Discussion, consideration and possible action – Due Process Hearing – N.D. b/n/f Connie R. vs. Brownsville ISD, TEA Docket No. 033-SE-0910.

C67. Recommend approval of acquisition or sale of Real Property discussed in Closed Meeting.

**XIV. Announcement(s):**

68. **Next scheduled Board Meeting** of the Board of Trustees is on **Tuesday, December 7, 2010**, at the Administration Building at 5:30 p.m.

**XV. Adjournment:**