

Regular Meeting

Thursday, October 7, 2021 5:30 PM

Board Room, 201 N. St. Mary's, Beeville, TX 78102

Theresa Arthur: Absent
Art Gamez: Present
Pete Martinez: Present
Stephanie Moreno: Present
Leticia Munoz: Present
Eddie Salazar: Present
Orlando Vasquez: Present

1. CALL TO ORDER

Discussion: Board President Orlando Vasquez called the Regular Board meeting to order at 5:30 pm and a quorum was present and notice of the meeting had been posted for the time and manner required by law.

2. INVOCATION & PLEDGES OF ALLEGIANCE

Discussion: 6th Grade students from Moreno junior high Josiah Martinez led the pledge allegiance and Deacond Green led the Texas Pledge.
Board of Trustees, Mr. Pete Martinez, led the invocation.

3. PRESIDENT'S WELCOME

Discussion: Mr. Orlando Vasquez: I'd like to welcome everyone to today's board meeting. Appreciate all your attendance, especially the kiddos that are here tonight. I'm going to go around the table and see if there's any board comments. Board members may make a comment here in this portion of the agenda without prior posting being required and comment items may not pertain to the character of any students, staff or board member and may not be discussed or deliberated upon at this meeting.

Presenter: Mr. Orlando Vasquez, Board President

4. BOARD COMMENTS

- A. Any Board member may make a comment during this portion of the agenda, without prior posting being required. Comment items may not pertain to the character of any students, staff or Board member and may not be discussed or deliberated upon at this meeting.
- Discussion:** Mr. Pete Martinez just wanted to say welcome to all of you.
Mrs. Leticia Munoz- Thank all and thank you for taking interest to come in and see what is going on with Beeville

ISD.

5. PUBLIC FORUM

Discussion: Mrs. Korrina Russell signed for public comment on mask mandate.

- A. Patrons who have duly registered per policy BED (Local) may address the Board and make public comments on an agenda item during or before the board's consideration of the item. The Board may allow public comment on agenda items at all meetings. The Board will continue with the remaining agenda after the registered patrons have had an opportunity to speak.

Discussion: Mrs. Russell My name is Karina Russell. I'm speaking tonight on behalf of many students, parents, and BISD staff who unfortunately are being suppressed due to employment concerns. Governor Abbott's executive order dated 729 21 States that no government entity including accounting, city, school district, and public health authority, and no government official may require any person to wear face coverage or to mandate that another person wear face covering. TEA also put out a new public health guidance on Mac as of nine 1721 that reiterates Governor Abbott's order. The school systems must allow individuals to wear masks if they choose to do so. The board has final authority to determine and interpret the policies that govern the schools and has complete and full control of the district subject to the mandates and limits imposed by state and federal authorities. We are 100% supportive of anyone who desires to wear a mask. So is BISD teaching our kids or setting a good example by refusing to adhere to the Executive Order and Pea guidelines, which typically don't follow. There are 1029 school districts in the state of Texas. Only 71 of those currently have a mass mandate.

In effect, that equates to 6.9% of school districts. So are the other 93% of school districts in Texas having cases through the roof and are their local hospitals overlated to the point where they are turning people away? If so, where is that data? We appear to be masking out of fear. The numbers are down across the state and only 6.9% of Texas schools are masking kids. What federal funding has been allocated to do a cluster randomized trial study on the effectiveness of kids wearing mask for 8 hours a day? What studies have been done to see what the long term effects are of kids being required to wear a mask all day long? How many of you actually have kids attending BISD? Currently, the board has made decisions

based on the fear of a virus with a 99% recovery survival rate in adults and a 99 point 95% recovery rate in children. The public is 27 times more likely to die in an automobile accident than from Coven. That is unsubstantiated. Fear Covenant works better at attacking your lungs and making you sick when you have decreased oxygen levels. The masks have been proven to decrease oxygen and lung tissue pair research clearly shows that wearing a mask increases your chance of an upper respiratory infection 13 times more than a person not wearing a mask. The bacteria hanging around in a mask also causes bad breath to decay. Paradox, disease, gun inflammation and a stay in local life. These kids are constantly touching their mask. They are on the floor. They're on their desk, they're in the pocket, they're in their backpack. Our kids at BISD are wearing a mask from 08:00 A.m. To 04:00 p.m. And some are wearing a mask up until 06:00 p.m. If they are attending the Age program, do each of you wear your mask for eight plus hours a day other than to take a bite to eat? Speaking of eating, we have our kids eating lunch at tables, sitting directly next to each other without mask on. If we are so worried about Kobett, and we are going to keep them safe throughout the day. But at lunch they're just not safe. A dirty shield down the middle of the table, as my child describes, it is not in your theory to protect them if they're sitting that close next to each other, please board members explain to me how the virus knows when kids are eating or not playing football or not, et cetera. I have also heard that we do not have soap at multiple campuses for many days because of the recent TikTok challenge. But again, a mask is more important than washing our hands with soap. Reports of dizziness, headaches, anxiety, acne issues and increased upper repository infections have all been associated with mask. The CDC has reported that chronic mass wearing has led to a spike in mental health issues in suiciding children. There is very little compliance as the high school, as I personally witnessed last week when checking my child out for an appointment. How much is BISD planning on spending to potentially fight this in court? What is the plan when BISD received independent order from the attorney General's office? I think us as taxpayers have a right to know because that's our money as well. We know that underlying health conditions in children, especially serious brain or nerve related disabilities increase the risk of dying of Covid 19. Would we prefer kids not catch Covid 19? Sure, if they are infected, do we have to worry about any serious health consequences in very rare cases? Yes, We know which kids

are most at risk because of their preexisting serious disabilities and can follow protocols and protect those kids. But do we make all kids suffer for a few with preexisting conditions? With the information I've presented today, can you please explain to us why the board would feel the need to go against Governor Abbott order and the tea. Thank you for your time and I appreciate your concern.

Thank you all so much for being here today and coming out to hear some of the great things that are happening in our district.

6. RECOGNITIONS

A. Superintendent Comments

Discussion: Mr. Travis Fanning discussed the Project Learn it Grant to Increase Literacy in Elementary Schools from Education Service Center, Region 2 receives 2.6 million dollars.

We will be holding a Trunk or Treat on October 6, 2021, at the Stadium from 7-8:30 pm.

He also recognized the Beeville ISD Human Resources department for passing the TXDPS Audit for Beeville ISD.

He also mentioned the UIL Marching contest is held here at AC Jones High School.

Presenter: Mr. Travis Fanning, Superintendent

B. Mighty Trojan Awards

Discussion: She is truly a leader at FMC and throughout our district. Her most impressive qualities are reflected in her ability to build positive relationships with students throughout our campus. I can safely assume the same is true while she coaches at Moreno Jr. High. She can be seen each morning at FMC assisting students off their vehicles and greeting them by their name. Within the school day, her students feel safe and trust her guidance "on and off the field". Additionally, she exhibits leadership in providing support with students outside of her class when needed. She's a positive and calming force for many staff and students. She never hesitates to offer help without needing to be asked. Students who can be a challenge for some adults, tend to gravitate to her calming presence. Aside from her numerous positive interactions with students. Her leadership qualities and calm demeanor are a true blessing. She elevates our district with her faithfulness and commitment. From FMC Elem. Mrs. Nidia Barrera.

Presenter: Mrs. Martina Villarreal, Director of Federal and Special Programs

This Superman is always willing to do what it takes for anyone in the district. From delivering daily mail to campuses, to picking up our Chick-Fil-A sandwiches. I know

our district can count on him to get the job done. He has a high level of professionalism and never complains about his job duties and responsibilities. As anyone can see, he loves where he works! I am very proud of him and his hard work ethic. He is the definition of ELEVATE! I nominate our district Superman, John Delgado as our Mighty Trojan! He deserves to be recognized for all he does for our district and for picking up our Chick-Fil-A!!

7. REPORTS AND DISCUSSION ITEMS:

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| <p>A. Learning & Innovation update
 Discussion: Character Trait of the Month- Responsibility District & Campus Improvement Plans
 Curriculum Update: Clever, Schoology, Math & Science curriculum
 CTE Update</p> | <p>Presenter: Dr. Tiffany Spicer, Chief of Staff</p> |
| <p>1. CTE Update</p> | <p>Presenter: Mr. Jay Viertel, Director of CTE</p> |
| <p>B. Technology update
 Discussion: Emergency Connectivity Funding 2.0 (ECF)</p> | <p>Presenter: Mr. Jody Davis, Chief of Operations</p> |
| <p>C. Property & Construction update
 Discussion: FMC and RAH Complete
 ACJ: Track complete, weight room, science lab, and CTE</p> | <p>Presenter: Mr. Jody Davis, Chief of Operations</p> |
| <p>D. Security update
 Discussion: Traffic Patterns
 Safety Officers
 TikTok Challenges
 Safety Drills</p> | <p>Presenter: Art Gamez, Chief of Police</p> |
| <p>E. Business Office report</p> | <p>Presenter: Mrs. Dela Castillo, Chief Financial Officer</p> |
| <p>F. First Reading updating CDA Investment Authority (Local) policy</p> | <p>Presenter: Mr. Travis Fanning, Superintendent</p> |

8. CONSENT AGENDA:

- A. Minutes of Previous Meetings:
1. August 30, 2021 5:30 PM Special Board Meeting
 2. September 9, 2021 5:30 PM Regular Board Meeting
 3. September 21, 2021 12:00 PM Special Board Meeting
- B. Professional Services Agreement with Angel Care, Inc. and Beeville ISD

C. September 2021 Expenditures

Action(s):

The Board unamanisoulsy carried the motion with a 6/0 to approve the consent items presented at the time. Mr. Pete Martinez made the motion, Leticia Munoz, seconded. This motion, made by Pete Martinez and seconded by Leticia Munoz, Passed.

Voting Detail:

Theresa Arthur: Absent
Art Gamez: Yea
Pete Martinez: Yea
Stephanie Moreno: Yea
Leticia Munoz: Yea
Eddie Salazar: Yea
Orlando Vasquez: Yea

Voting Summary: Yea: 6, Nay: 0, Absent: 1

9. ACTION ITEMS:

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| <p>A. Discussion and possible action regarding project update and value engineering at FMC
Discussion: No action Taken</p> | <p>Presenter: Mr. Travis Fanning, Superintendent & Mr. Jody Davis, Chief of Operations</p> |
| <p>B. Discussion and possible action on the strategies and protocols for the return to learn plan due to COVID-19 for the 2021-2022 school year
Discussion: No action taken</p> | <p>Presenter: Mr. Travis Fanning, Superintendent</p> |
| <p>C. Discussion and possible action regarding the mask mandate Beeville ISD currently has in place for students, staff, parents, and/or visitors.
Discussion: No action taken</p> | <p>Presenter: Mr. Travis Fanning, Superintendent</p> |
| <p>D. Consideration and possible approval to nominate a candidate/candidates to the Bee County Appraisal District Board of Directors
Discussion: No action taken</p> | <p>Presenter: Mr. Travis Fanning, Superintendent</p> |
| <p>E. Consideration and possible action to renew the District's local innovation plan under Texas Education Code § 12A.007.
Action(s):
The Board unanimously carried the motion with a 6/0 vote to renew the District's local innovation plan under Texas Education code 12A.007. This motion, made by Stephanie Moreno and seconded by Art Gamez, Passed.
Voting Detail:
Theresa Arthur: Absent
Art Gamez: Yea</p> | <p>Presenter: Mr. Travis Fanning, Superintendent & Dr. Tiffany Spicer, Chief of Staff</p> |

Pete Martinez: Yea
Stephanie Moreno: Yea
Leticia Munoz: Yea
Eddie Salazar: Yea
Orlando Vasquez: Yea

Voting Summary: Yea: 6, Nay: 0, Absent: 1

F. Consideration and possible approval of purchasing and acquisition for CH (Local) requires purchases of goods or services that cost \$50,000 or more

Presenter: Mr. Dela Castillo, Chief Financial Officer

Action(s):

The Board unanimously carried the motion with a 6/0 vote to approval of purchasing and acquisition for CH (local) requires purchases of goods or services that cost \$50,000 or more. Leticia Munoz made the motion, second by Pete Martinez. This motion, made by Leticia Munoz and seconded by Pete Martinez, Passed.

Voting Detail:

Theresa Arthur: Absent
Art Gamez: Yea
Pete Martinez: Yea
Stephanie Moreno: Yea
Leticia Munoz: Yea
Eddie Salazar: Yea
Orlando Vasquez: Yea

Voting Summary: Yea: 6, Nay: 0, Absent: 1

G. Consideration and possible approval of Investment Policy

Presenter: Mrs. Dela Castillo, Chief Financial Officer

Discussion: No action taken until next regular meeting

H. Consideration and Possible Action Regarding Decision of the Level III Hearing Officer in Grievance Filed by Employee Mona Ayala (Texas Gov't Code 551.074)

Action(s):

The Board unanimously carried the motion with a 6/0 vote to deny. This motion, made by Stephanie Moreno and seconded by Leticia Munoz, Passed.

Voting Detail:

Theresa Arthur: Absent
Art Gamez: Yea
Pete Martinez: Yea
Stephanie Moreno: Yea
Leticia Munoz: Yea
Eddie Salazar: Yea

Orlando Vasquez: Yea

Voting Summary: Yea: 6, Nay: 0, Absent: 1

Discussion: The next item on the agenda is item 9H consideration of Level three Grievance filed by employee Mona Ayala.

Mr. Fanning, has the agreement requested to this matter be considered in open session? Yes, Mr. Ayala has requested that the board hear this matter in open session.

We will proceed and open session with your Level three hearing. Because this is a level three appeal, an audio recording will be made. Please avoid talking when others are speaking, so the tape will accurately reflect the proceedings. For the record, I would like to note that the following board members are present. Mr. Pete Martinez, Mrs. Leticia Munoz, Mr. Art Gomez, Mrs. Stephanie Moreno, Mr. Eddie Salazar and my name is Orlando Vasquez. I am the President of the Board of Trustees. A quorum of the board is present to hear this appeal.

Ms. Joey Moore is the board's attorney and will be advising the board on this matter. We will now begin the Level three Grievance appeal of Ms. Mona Ayala. I will ask the Grievance party to state your name for the record, and if you have a representative to identify your representative, Mr. Fanning, will you please identify anyone who will be presenting on the administration's behalf?

Members of the Board Doctor Tiffany Spicer, Assistant Superintendent, will be presenting on behalf of administration. Dr. Spicer and the administration are being represented by Mr. David Holmes.

I will now ask each member of this board whether he or she is able to be impartial and arrive at a decision based solely upon information presented this evening. Any board member not able to be impartial should say so and ask to be excused. Is there any trustee who asks to be excused? Note for the record that we have no trustees have been asked to be excused. I will now instruct the parties regarding the procedures to be followed in this appeal. The appeal will be conducted in accordance with the district's policy DGBA local.

The Grievance will present the Level three appeal to the board. I request that the board members not interrupt during the appeal presentation. When the Grievance has completed

her presentation, the administration may make a response. This is not a formal, evidentiary hearing and there will be no calling of witnesses or cross-examination. Members of the board are not to be questioned. I will ask the parties, please to limit your presentations to 15 minutes each. Each party will be given an additional three minutes for summation and rebuttal.

In the interest of fairness, I want to give both sides the same amount of time the timekeeper will be Trustee Eddie Salazar. I also would caution the parties that the board will consider only those issues and documents included in the local record. Are there any questions regarding the conduct of the hearing? Okay, there are none. Finally, before the parties proceed, one issue that must be addressed is whether this appeal has been timely filed. According to district Policy DGBA local, the Level three must be filed no later than ten district business days from the date of the Level two decision.

In the interest of fairness, I want to give both sides the same amount of time the timekeeper will be Trustee Eddie Salazar. I also would caution the parties that the board will consider only those issues and documents included in the local record. Are there any questions regarding the conduct of the hearing? Okay, there are none. Finally, before the parties proceed, one issue that must be addressed is whether this appeal has been timely filed. According to district Policy DGBA local, the Level three must be filed no later than ten district business days from the date of the Level two decision.

The local record reflects that the Level Two decision was issued on September 13, 2021. The Level three appeal was filed on September 30, 2021, which is 13 district business date days from the date of the Level two decision. Board Policy DGBA local States that all time limits shall be strictly followed unless modified by mutual written consent. If a complaint form or appeal notice is not timely filed, the complaint may be dismissed on written notice to the employee at any point during the complaint process. Ms. Ayala, the board has decided to not dismiss the complaint as untimely before hearing your side. But during your presentation, please address the issue of timeliness and whether your appeal was timely filed. You may now proceed.

10. ADJOURN TO CLOSED SESSION:

Discussion: The meeting went into close session at 8:05 pm

- A. For the purpose of considering matters for which closed sessions are authorized by Chapter 551.071-551.084, Texas Government Code, whereupon the Superintendent at the request of the Board President, will present for the Board's consideration or discussion the following matters.
1. **Section 551.071** For the purpose of a private consultation with the Board's attorney on any or all subjects or matters authorized by law.
 - a. Seek Legal Advice from Attorney Regarding Grievance Filed by Employee Mona Ayala (Texas Gov't Code 551.071 and 551.074).
 - b. Consideration and Possible Action Regarding Decision of the Level II Hearing Officer in Grievance Filed by Employee Mona Ayala (Texas Gov't Code 551.074)
 2. **Section 551.072** For the purpose of discussing the purchase, exchange, lease or value of real property.
 - a. The Board will discuss the sale of the Thomas Jefferson property on 701 E. Hayes Street, Beeville, TX 78102
 3. **Section 551.073** For the purpose of considering a negotiated contract for a prospective gift or donation.
 4. **Section 551.074** For the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear complaints or charges against a public officer or employee.
 - a. Approval and possible action of personnel recommendations and resignations
 5. **Section 551.076** To consider the deployment, or specific occasions for implementation, of security personnel or devices.
 6. **Section 551.821** For the purpose of deliberating a matter regarding a public-school student if personally identifiable information about the student will necessarily be revealed.
 7. **Section 55.083** For the purpose of considering the standards, guidelines, terms or conditions the Board will follow, or instruct its representatives to follow, in consultation with representative of employee groups in connection with consultation agreements provide for by Section 13.901 of the Texas Education Code.
 8. **Section 551.084** For the purpose of excluding witness or witnesses from a hearing during examination of another witness.

11. **RECONVENE IN OPEN SESSION:**

Discussion: The meeting reconvened into open session 8:20 pm

A. Consideration and Possible Approval of Items Discussed in Closed Session.

1. **Section 551.071** For the purpose of a private consultation with the Board's attorney on any or all subjects or matters authorized by law.

a. Seek Legal Advice from Attorney Regarding Grievance Filed by Employee Mona Ayala (Texas Gov't Code 551.071 and 551.074).

Action(s):

The Board unanimously with a 6/0 vote the decisions of the administration and denied the grievance appeal. This motion, made by Leticia Munoz and seconded by Stephanie Moreno, Passed.

Voting Detail:

Theresa Arthur: Absent
Art Gamez: Yea
Pete Martinez: Yea
Stephanie Moreno: Yea
Leticia Munoz: Yea
Eddie Salazar: Yea
Orlando Vasquez: Yea

Voting Summary: Yea: 6, Nay: 0, Absent: 1

1. Consultation regarding possible action to renew the District's local innovation plan under Texas Education code § 12A.007

2. **Section 551.072** For the purpose of discussing the purchase, exchange, lease or value of real property.

a. The Board will discuss the sale of the Thomas Jefferson property on 701 E. Hayes Street, Beeville, TX 78102

3. **Section 551.073** For the purpose of considering a negotiated contract for a prospective gift or donation.

4. **Section 551.074** For the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear complaints or charges against a public officer or employee.

a. Approval and possible action of personnel recommendations and resignations

5. **Section 551.076** To consider the deployment, or specific occasions for implementation, of security personnel or devices.

6. **Section 551.821** For the purpose of deliberating a matter regarding a public-school student if personally identifiable

information about the student will necessarily be revealed.

7. **Section 55.083** For the purpose of considering the standards, guidelines, terms or conditions the Board will follow, or instruct its representatives to follow, in consultation with representative of employee groups in connection with consultation agreements provide for by Section 13.901 of the Texas Education Code.

8. **Section 551.084** For the purpose of excluding witness or witnesses from hearing during examination of another witness.

12. **AGENDA PLANNING**

13. **ADJOURNMENT**

The meeting adjourned at 8:20 pm

Board Secretary

Board President