

**MINUTES  
BEEVILLE INDEPENDENT SCHOOL DISTRICT**

**JUNE 21, 2005**

A REGULAR MEETING OF THE BEEVILLE INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES WAS CALLED TO ORDER IN THE BOARD ROOM OF THE ADMINISTRATION OFFICES AT 6:00 P.M. BY PRESIDENT NICK CARDENAS. OTHER MEMBERS PRESENT WERE LAURA FISCHER, TOM BEASLEY, JOHN FISH, AND ART GAMEZ. OTHERS PRESENT WERE SUPERINTENDENT, DR. JOHN HARDWICK; DEPUTY SUPERINTENDENT, ERASMO RODRIGUEZ; ASSISTANT SUPERINTENDENT FOR CURRICULUM & INSTRUCTION, NANCY JONES; EXECUTIVE DIRECTOR FOR FINANCE, LINDA O'CONNELL; DIRECTOR FOR SPECIAL ED AND SPECIAL PROGRAMS, CINDY CLENDENNEN; MEMBERS OF THE STAFF, FACULTY, AND GUESTS.

TIM FITCH ARRIVED AT 6:55 P.M. AND VELMA ELIZALDE WAS ABSENT.

LRC SUMMER SCHOOL STUDENTS CONDUCTED THE PRESENTATION OF COLORS/PLEDGE OF ALLEGIANCE AND PRAYER.

NICK CARDENAS WELCOMED THE VISITORS AND ASKED FOR COMMENTS. NO COMMENTS WERE MADE. DR. HARDWICK INTRODUCED TIM SAN MIGUEL WHO CHOSE TO CAREER SHADOW DR. HARDWICK AS HE IS A STUDENT IN THE UPWARD BOUND PROGRAM AT COASTAL BEND COLLEGE AND IS STUDYING EDUCATION.

THE BOARD RECOGNIZED THE FOLLOWING BISD EMPLOYEE:

YVONNE DIAZ, BISD PEIMS COORDINATOR, RECEIVED A PERFECT PID AWARD FROM THE EDUCATIONAL SERVICE CENTER, REGION 2, FOR A 0.0% ERROR RATE ON THE DISTRICT'S PERSON IDENTIFICATION DATABASE SYSTEM.

LAURA FISCHER MADE THE MOTION TO APPROVE ITEMS "A" THROUGH "G" ON THE CONSENT AGENDA. THE MOTION WAS SECONDED BY TOM BEASLEY AND CARRIED BY UNANIMOUS VOTE. THE FOLLOWING ITEMS WERE APPROVED:

- A. MAY 17, 2005 REGULAR BOARD MEETING MINUTES AND SPECIAL BOARD MINUTES OF MAY 18, JUNE 7, AND JUNE 14, 2005.
- B. MAY 2005 MONTHLY EXPENDITURES
- C. 2005-2007 DEPOSITORY CONTRACT
- D. 2005-2006 STUDENT ATHLETIC INSURANCE BID
- E. 2005-2006 BREAD BID
- F. 2003-2004 EVALUATION WAIVERS
- G. 2003-2004 DIP AND CIP EVALUATIONS

NANCY JONES, ASSISTANT SUPERINTENDENT FOR CURRICULUM AND INSTRUCTION, INFORMED THE BOARD THAT THE CAMPUS HANDBOOKS HAD BEEN REVISED WITH FEW CHANGES AND ARE AVAILABLE FOR REVIEW. MRS. JONES THEN GAVE THE BOARD THE BACKGROUND INFORMATION ON THE TEXAS PRIMARY READING INVENTORY (TPRI) RESULTS AND A PRESENTATION ON THE 2005 TAKS SCORES.

MICKEY LOFTON, PRESIDENT OF PROSPERITY BANK, AND MR. VANCE FEILER WITH INVESTMENT PROFESSIONALS, INC., LOCATED AT PROSPERITY BANK, GAVE A PRESENTATION ON INVESTMENTS.

LINDA O'CONNELL, EXECUTIVE DIRECTOR FOR FINANCE, PRESENTED THE BUSINESS OFFICE REPORT.

ERASMO RODRIGUEZ, DEPUTY SUPERINTENDENT, GAVE THE FOOD SERVICE REPORT.

BILL BRANUM AND JOHN LUCIO WITH OWNERS BUILDING RESOURCES, LP. GAVE A MASTER PLAN SUMMARY.

TOM FERRELL, ARCHITECT WITH FERRELL/BROWN ASSOCIATES, GAVE A CONSTRUCTION UPDATE AND TOLD THE BOARD THE FIELD HOUSE AT A.C. JONES HIGH SCHOOL WILL BE COMPLETED ON JULY 12, 2005.

LAURA FISCHER MADE THE MOTION TO APPROVE THE PROPOSED RENOVATIONS TO THE GIRLS DRESSING ROOM AT THE MARION HORTON GYM SUBMITTED BY KRUEGER CONSTRUCTION COMPANY. THE MOTION WAS SECONDED BY TOM BEASLEY AND CARRIED BY UNANIMOUS VOTE.

CLOSED SESSION AS AUTHORIZED BY TEXAS OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE SECTIONS 551.071, 551.074, AND 551.082 TO CONSIDER AND DISCUSS PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY, CONSIDERATION AND POSSIBLE APPROVAL OF EMPLOYMENT OF PERSONNEL AS LISTED ON THE PERSONNEL ACTION SHEET, AND PERSONNEL.

OPEN MEETING TO CONSIDER ACTION, DECISION, OR VOTE WITH REGARD TO CONSIDER AND DISCUSS PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY, CONSIDERATION AND POSSIBLE APPROVAL OF EMPLOYMENT OF PERSONNEL AS LISTED ON THE PERSONNEL ACTION SHEET, AND PERSONNEL

TIM FITCH MADE THE MOTION TO APPROVE THE EMPLOYMENT OF ALMA GUEVARA, EFIGENIA HERRERA, AND CLINT PARGMANN AS LISTED ON THE PERSONNEL ACTION SHEET. THE MOTION WAS SECONDED BY TOM BEASLEY AND CARRIED BY UNANIMOUS VOTE.

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:50 P.M

---

SECRETARY

---

PRESIDENT

# **BEEVILLE INDEPENDENT SCHOOL DISTRICT**

## **PERSONNEL ACTION**

**JUNE 21, 2005**

---

### **EMPLOYMENT**

<b><u>NAME</u></b>	<b><u>POSITION/LOCATION</u></b>	<b><u>EFFECTIVE DATE</u></b>
Alma Guevara	Teacher/Madderra-Flournoy Elementary	August 9, 2005
Efigenia Herrera	Speech Therapist/Special Education	August 9, 2005
Clint Pargmann	Math Teacher/Moreno Junior High	August 9, 2005

**MINUTES**  
**BEEVILLE INDEPENDENT SCHOOL DISTRICT**  
**AUGUST 9, 2005**

A SPECIAL MEETING OF THE BEEVILLE INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES WAS CALLED TO ORDER IN THE BOARD ROOM OF THE ADMINISTRATION OFFICES AT 5:30 P.M. BY PRESIDENT NICK CARDENAS. OTHER MEMBERS PRESENT WERE LAURA FISCHER, VELMA ELIZALDE, ART GAMEZ, AND JOHN FISH. OTHERS PRESENT WERE SUPERINTENDENT, DR. JOHN HARDWICK; DEPUTY SUPERINTENDENT, ERASMO RODRIGUEZ; EXECUTIVE DIRECTOR FOR FINANCE, LINDA O'CONNELL; DIRECTOR OF SPECIAL ED AND SPECIAL PROGRAMS, CINDY CLENDENNEN; SARA LEON SCHOOL DISTRICT ATTORNEY; MEMBERS OF THE STAFF, FACULTY, AND GUESTS.

CLOSED SESSION AS AUTHORIZED BY TEXAS OPEN MEETING ACT, TEXAS GOVERNMENT CODE SECTION 551.071 AND 551.074 TO CONSULT WITH DISTRICT LEGAL COUNSEL REGARDING PENDING LITIGATION IN BARRIENTES V. BEEVILLE ISD., THE BOARD WILL CONSULT WITH DISTRICT LEGAL COUNSEL REGARDING PENDING LITIGATION IN BARRIENTES V. BEEVILLE ISD, THE BOARD WILL CONSULT WITH SPECIAL SOUNSEL FOR THE BOARD REGARDING BEEVILLE ISD V. BARRIENTES, THE BOARD WILL CONSIDER RECOMMENDATIONS OF INDEPENDENT HEARING EXAMINER IN BEEVILLE ISD V. BARRIENTES, THE BOARD WILL CONSIDERED PROPOSED TERMINATION OF ERMILO BARRIENTES, THE BOARD WILL CONSIDERED POSSIBLE APPROVAL OF EMPLOYMENT OF PERSONNEL AS LISTED ON THE PERSONNEL ACTION SHEET.

OPEN MEETING TO CONSIDER RECOMMENDATION OF INDEPENDENT HEARING EXAMINER IN BEEVILLE ISD V. BARRIENTES. THE BOARD CONSULTED WITH DISTRICT LEGAL COUNSEL REGARDING PENDING LITIGATION IN BARRIENTES V. BEEVILLE ISD., THE BOARD CONSULTED WITH SPECIAL SOUNSEL FOR THE BOARD REGARDING BEEVILLE ISD V. BARRIENTES, THE BOARD CONSIDERED RECOMMENDATIONS OF INDEPENDENT HEARING EXAMINER IN BEEVILLE ISD V. BARRIENTES, THE BOARD CONSIDERED PROPOSED TERMINATION OF ERMILO BARRIENTES, THE BOARD CONSIDERED POSSIBLE APPROVAL OF EMPLOYMENT OF PERSONNEL AS LISTED ON THE PERSONNEL ACTION SHEET.

**ACTION TAKEN IN OPEN SESSION**

1. Tim Fitch stated that Mr. Barrientes was given an opportunity to present his case to an Independent Hearing Examiner, and he has withdrawn his hearing request. Therefore made the motion to accept the recommendation of the Independent Hearing Examiner and dismiss this hearing due to Mr. Barrientes' nonsuit. The motion was seconded by Tom Beasley and carried by unanimous vote.
2. Laura Fisher made the motion that the Board adopt the following resolution (read resolution aloud) The motion was seconded by Art Gamez and carried by unanimous vote.

3. Tim Fitch made the motion to employ Timothy Shockome as listed on the Personnel Action Sheet. The motion was seconded by Tom Beasley and carried by unanimous vote.

THE BOARD ALSO CONDUCTED A BUDGET WORKSHOP.

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:30 P.M.

---

SECRETARY

---

PRESIDENT

## **Resolution of the Board of Trustees of the Beeville Independent School District**

On this 9<sup>th</sup> day of August, 2005, the Board of Trustees of the Beeville Independent School District considered the proposed termination of Ermilo Barrientes. After due consideration of the evidence before the Board in this matter, the Board finds as follows:

1. That at a duly called meeting on May 5, 2005, this Board voted to accept the recommendation of the Superintendent of Schools to propose termination of the employment of Ermilo Barrientes, and to place Mr. Barrientes on leave without pay pending discharge. Mr. Barrientes was provided with detailed written notice of the reasons for the proposed termination.
2. That on May 20, 2005, Mr. Barrientes requested that the Commissioner of Education appoint an Independent Hearing Examiner to conduct a hearing on the proposed termination and leave without pay pending discharge.
3. That on May 31, 2005, Victoria Guerra was appointed Independent Hearing Examiner and assigned to hear this case. The procedural record before this Board indicates that on June 21, 2005 the parties extended the time period for hearing this case by written agreement; that the parties participated in pre-hearing discovery and submitted pre-hearing motions; that a hearing was scheduled before the Independent Hearing Examiner by agreement for August 10, 2005; that on July 1, 2005 Mr. Barrientes gave notice of his withdrawal of his request for a hearing; and that on July 28, 2005, the Independent Hearing Examiner recommended dismissal of this case due to non-suit by Mr. Barrientes. The Board accepted the Independent Hearing Examiner's recommendation.

4. That by letter dated August 3, 2005, Mr. Barrientes was notified of this meeting and offered the opportunity to submit evidence to the Board for its consideration. The Board has received documents from the administration, designated Petitioner's Exhibits 1 through 80. The Board has had an opportunity to review this information. Mr. Barrientes has also been given notice of tonight's hearing and an opportunity to appear to submit information for the Board's consideration. He has elected not to appear or present information for the Board's consideration.
5. That Ermilo Barrientes has waived his right to a pre-termination hearing.
6. That based the information before this Board, the Board makes the following findings:
  - a. Ermilo Barrientes failed to respond appropriately to a student discipline referral on October 26, 2004, placing a student at an unreasonable risk of harm to himself or others;
  - b. Ermilo Barrientes repeatedly neglected student discipline referrals throughout the 2004-2005 school year;
  - c. Ermilo Barrientes improperly used school district time and resources for personal business;
  - d. Ermilo Barrientes failed to respond to repeated instructions to review TEA's *Model Comprehensive Developmental Guidance Program for Texas Public Schools*;
  - e. Ermilo Barrientes failed to develop a school guidance program on the Alternative Education Program campus;
  - f. Ermilo Barrientes failed to comply with reasonable administrative directives from his supervisor;
  - g. Ermilo Barrientes unreasonably failed to comply with the terms of his professional growth plan;
  - h. Ermilo Barrientes failed to make adequate provision for the administration of the TAKS test on the Alternative Education Program campus in February of 2005, a serious dereliction of duties;

- i. Ermilo Barrientes neglected his duties as school counselor;
  - j. Ermilo Barrientes misrepresented his qualifications and professional background on his employment application by failing to disclose prior employment difficulties with Harlandale ISD and St. Anne's School;
  - k. Ermilo Barrientes' performance reflects incompetence in the performance of his duties which is inconsistent with a continued employer-employee relationship;
  - l. Ermilo Barrientes' conduct is inconsistent with that of a reasonably prudent professional educator in the State of Texas; and
  - m. Ermilo Barrientes caused the distribution of materials in the community which was disparaging of other professionals, students, and the District.
7. That the findings above and the information before this Board supports the conclusion that Ermilo Barrientes' conduct failed to meet the accepted standards of conduct for the profession generally recognized and applied in similarly situated school districts in this state, and failed to meet the professional standards of this District.
8. That the above-referenced incidents of insubordination, failure to fulfill duties and responsibilities, disparagement of professional colleagues and falsification of information on the employment application, singly and collectively constitute good cause for termination.
9. That good cause exists to support the decision to place Ermilo Barrientes on leave without pay pending discharge through the end of the 2004-2005 contract term.



It is therefore resolved that Ermilo Barrientes' employment with the Beeville Independent School District be terminated for good cause.

\_\_\_\_\_  
Board President

ATTEST:

\_\_\_\_\_  
Board Secretary

It is therefore resolved that Ermilo Barrientes' employment with the Beeville Independent School District be terminated for good cause.

  
Board President

ATTEST:

  
Board Secretary