



# UNITED INDEPENDENT SCHOOL DISTRICT AGENDA ACTION ITEM

**TOPIC:** Approval of Board Minutes for the Month of December 2017

**SUBMITTED BY:** Griselda Rodriguez

**OF:** Secretary

**APPROVED FOR TRANSMITTAL TO SCHOOL BOARD:** \_\_\_\_\_

**DATE ASSIGNED FOR BOARD CONSIDERATION:** January 24, 2018

**RECOMMENDATION:** It is recommended that the UISD Board of Trustees approve the Board Meeting Minutes for the Month of December 2017

1. Regular Board Meeting 12-20-17
2. Special Called Meeting 12-18-17

**RATIONALE:**

State Law requires the Board to prepare and keep minutes of its Open Meeting Govt. Code §551.021. The minutes are public records available for public inspection and copying upon request to the Superintendent or his designee. Govt. Code § 551.022.

**BUDGETARY INFORMATION:**

No Budget Impact

**POLICY REFERENCE & COMPLIANCE:**

This is in compliance and in accordance with Board Policy BE and BE (LOCAL).

Regular Board Meeting  
The State of Texas  
United Independent School District  
The County of Webb

December 20, 2017

**In Attendance**

Roberto J. Santos, Superintendent of Schools

**Board of Trustees**

Juan Roberto Ramirez – President - ABSENT  
Javier Montemayor, Jr. – Vice President – PRESENT  
Aliza Flores-Oliveros – Secretary – PRESENT  
Ricardo Molina, Sr. – Parliamentarian – PRESENT  
Judd Gilpin – Member – PRESENT  
Ricardo “Rick” Rodriguez – Member – ABSENT  
Ramiro Veliz, III – Member - ABSENT

*A Regular of the Board of Trustees of United ISD was held Wednesday, December 20, 2017, beginning at 6:00 PM in the United ISD - Student Activity Complex, Fine Arts Building, 5208 Santa Claudia Lane, Laredo TX 78043.*

**I. Announcement by the Board President calling this meeting of the United Independent School District to order at 6:34 PM. Let the record show that a quorum of Board Members is present, that this meeting has been duly called, and that notice of this meeting has been posted in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551.**

**II. Pledge of Allegiance**

A. Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

**III. Board Announcements**

**Ricardo Molina:** I want to take a moment to thank the UISD Police Department, and the Chief of Police for supporting the children and the El Cenizo Community Center. Also, thank you to Clark Middle School, Los Obispos, and United Middle School for adopting a child at Christmas and bringing them gifts. Also the people from Centeno Elementary, the great staff from United thank you for being with us.

**Aliza Flores-Oliveros:** And I just wanted to say that I witnessed the Clark Band and Mariachi Group on Sunday and it was spectacular they performed as though they were in high school.

**Judd Gilpin:** That's what I thought when I saw them.

**Aliza Flores-Oliveros:** They performed as though they were in high school, if you missed it you really missed out. I did miss the Alexander Band performance but I was at a committee meeting, me and Mr. Molina, and also, I want to wish everyone a Merry Christmas and a Happy New Year, thank you.

#### **IV. Recognitions**

A. BILINGUAL EDUCATION SCHOLAR AWARD - FALL 2017 HONOREES

B. NAMING COMMITTEE - ELEMENTARY #29 - SAN ISIDRO  
ELEMENTARY SCHOOL

C. NAMING COMMITTEE - MIDDLE SCHOOL #10 - RAUL PERALES  
MIDDLE SCHOOL

D. LYNDON B. JOHNSON HIGH SCHOOL - AP SCHOLARS

E. UNITED SOUTH HIGH SCHOOL - AP SCHOLARS

F. ALEXANDER HIGH SCHOOL - AP SCHOLARS

G. ALEXANDER HIGH SCHOOL - VOLLEYBALL TEAM - CO-DISTRICT  
CHAMPIONS & REGIONAL QUARTERFINALISTS

H. ALEXANDER HIGH SCHOOL - FOOTBALL TEAM - BI-DISTRICT  
CHAMPIONS & AREA FINALISTS

I. UNITED HIGH SCHOOL - CHESS CLUB - SOUTH TEXAS GRADES  
CHESS CHAMPIONSHIPS

J. UNITED HIGH SCHOOL - AP SCHOLARS

K. UNITED HIGH SCHOOL - VOLLEYBALL TEAM - CO-DISTRICT  
CHAMPIONS & REGIONAL QUARTERFINALISTS

#### **V. Superintendent's Report**

A. Review of LEGAL Policies in TASB Update 109

B. Annual Report Regarding Board Member's Continuing Education

**Roberto J. Santos:** Mr. Montemayor and members of the board, I've got to read this mostly for information. The Annual Report regarding the Board Members continuing education and for the record:

Aliza Flores-Oliveros – 15.75 Hrs.

Judd Gilpin – 6.75 Hrs.

Ricardo Molina – 9.5 Hrs.

Javier Montemayor I think is 0 Hrs.

Juan Roberto Ramirez – 18 Hrs.

Ricardo "Rick" Rodriguez – 10.75 Hrs.

Ramiro Veliz – 14.5 Hrs.

Those are the continuing Education Hours.

#### **VI. Public Comments:**

Comments shall be limited to current Board agenda items, student recognitions, or charitable causes. Comments are limited to three minutes per speaker. The speaker will be informed when he or she has one (1) minute remaining. No more than three (3) persons will be allowed to speak on any side of an issue, nor shall the time per subject exceed ten minutes. Delegations of more than three (3) persons shall appoint one person to present their views to the Board. Public comment shall not be used for personal attacks by the speaker against Board members, District employees, or students. Speakers who engage in personal attacks, or use insulting, profane, threatening, or abusive language during any Board meeting shall be ruled out of order by the presiding officer and may be escorted from the Board meeting room by District peace officers or security staff. Any concerns or complaints regarding employees, public officials, students, or parents must be resolved via the appropriate complaint process, as stated in BED (LOCAL). Pursuant to 551.042 of the Texas Government Code, no Board Member or Administrator may respond to a member of the public, unless such response is a recitation of District policy or a statement of specific factual information.

*NO PUBLIC COMMENTS*

#### **VII. Consent Agenda Items**

A. Approval of Monthly Disbursements

B. Approval of Property Tax Refunds for the Month of November 2017

C. Approval of Cooperative Program Contract Related Fees Report for the 2015-2017 Fiscal Years

D. Approval of Awarding Bids, Proposals and Qualifications

E. Approval of the School Buses Hazardous Routes Resolution for School Year 2017-2018

F. Approval of Application for Low Attendance Day Waiver for George Washington Middle School for Friday, November 10, 2017.

G. Approval of Requests from Board Members in re: Use of Board of Trustees Discretionary Funds for Various Projects/Campuses

H. First Reading of LOCAL Policies in TASB Update 109

Motion: So Move  
Moved By: Ricardo Molina  
Seconded By: Aliza Flores-Oliveros  
Any Discussion:

**Mr. Eddie Zuñiga:** Mr. Montemayor, excuse me, we have 1 more discretionary funds request that I would like to read into the minutes if I may. This is from Centeno Elementary, principal Ms. Amabilia Gonzalez, sponsored by Ramiro Veliz III, it's for \$3989.00 for a new portable audio system.

A motion is made to amend the previous motion, approve Items A-H and to include the read in discretionary funds request.

Motion: So Move  
Moved By: Ricardo Molina Sr.  
Seconded By: Aliza Flores-Oliveros  
Any Discussion: NONE  
All In Favor: Unanimous

**MOTION PASSES**

## **VIII. Items for Individual Consideration**

### **A. Approval of Donations**

**Roberto J. Santos:** We had 5 donations of over \$1,000.00 or more.

- The USD Communications Dept. received a donation of \$10,000.00 from Blue Cross Blue Shield of Texas for Sponsorship of the Run Wild for Scholars Zumbathon.
- The Alexander high school dazzlers received a donation of \$14622.70 from the Alexander high school Booster Club
- USD Communications Dept. received a donation of \$1,500.00 from the CEC Civil Engineering to sponsor two (2) teams at the Golf Tournament
- The USD Communications Dept. received a donation of \$1,000.00 from Synergy Structural Engineering to Sponsor a team at the USD Golf Tournament

- The Federal Programs Dept. received a donation of \$1,310.00 from AEP Linemen for the McKinney Vento students for the UISD- United in the Spirit of giving. We have also several donations of under \$1,000.00 giving us a grand total of \$30,781.85 that we graciously accept and I want to thank these clubs and organizations for helping our students.

Motion: So Move  
 Moved By: Javier Montemayor  
 Seconded By: Aliza Flores-Oliveros  
 Any Discussion: NONE  
 All In Favor: Unanimous

***MOTION PASSES***

**B. Approval of Board Minutes for the Month of November 2017**

Motion: So Move  
 Moved By: Ricardo Molina  
 Seconded By: Aliza Flores-Oliveros  
 Any Discussion: NONE  
 All In Favor: Unanimous

***MOTION PASSES***

**C. Approval of Proposed Mascot and Colors for Elementary #29 (San Isidro Elementary) to Open during the 2018-2019 School Year**

**Mike Garza:** Mr. Montemayor and members of the board, Mr. Santos, members of the audience, we come before the board for official approval since the school was provided to the district the San Isidro name is already a default for the actual location so all were getting now is the official mascot which the top mascot was the raptors and the top colors we have burnt orange, navy blue and kaki. We are asking for those 2 items to be approved officially.

Motion: So Move  
 Moved By: Aliza Flores-Oliveros  
 Seconded By: Ricardo Molina  
 Any Discussion: NONE  
 All In Favor: Unanimous

***MOTION PASSES***

**D. Approval of Proposed Boundary Changes for Various Campuses 2018-2019 School Year**

**Mike Garza:** As presented at the previous Business and Instruction committee meetings, these are the official boundaries that will take effect for the 2018-2019 school year. It does affect what is now Trautmann Middle School which will become Herrera Middle School and then it will also have an impact for the Alexander-United high school boundaries basically making Shiloh Road the new boundary between the 2 high schools. We did have numerous parent meeting I know Mr. Montemayor you attended the one at Traumann and the issues were addressed as best as possible and so now we are asking the board to formally approve the boundaries. So that we can move forward in informing all the individuals that are being affected by this change.

Motion: So Move  
Moved By: Ricardo Molina  
Seconded By: Judd Gilpin  
Any Discussion: NONE  
All In Favor: Unanimous

***MOTION PASSES***

**E. First and Final Reading of Board Policy GKC (LOCAL)**

Motion: So Move  
Moved By: Javier Montemayor  
Seconded By: Ricardo Molina  
Any Discussion: NONE  
All In Favor: Unanimous

***MOTION PASSES***

**IX. Closed Session: Board will adjourn into closed session pursuant to the following sections of the Texas Open Meetings Act**

***The Board Adjourns into Closed Session at 6:42 PM.***

**A. 551.071 Consultation with Attorney; Closed Meeting**

1. Discussion Re: Superintendent's Duties and Responsibilities
2. Status Update on Texas Education Agency Docket Numbers 033-R10-06-2016 through 049-R10-06-2016 and 009-R10-12-2016 through 011-R10-12-2016

**B. 551.074 Discussion of Personnel or to Hear Complaints Against Personnel  
551.076 Considering the Deployment, Specific Occasions for, or Implementation of, Security Personnel or Devices**

1. Student Activity Fund Audits: Elementary Schools - Nye Elementary, Bonnie Garcia Elementary, Col. Santos Benavides Elementary and Muller Elementary
2. Student Activity Fund Audits: Middle and High Schools - Los Obispos Middle School, United High School 9th Grade Campus
3. Transportation Department Vehicle Parts and Supplies
4. Non-Campus Administrators Extra Duty Pay
5. Status of Ongoing Audits

**X. Reconvened from Closed Session, the Board will take appropriate action on items, if necessary, as discussed in Closed Session**

***Meeting is adjourned at 7:34 PM.***

***NO ACTION NEEDED.***

#### **XI. Adjournment**

**Mr. Roberto J. Santos:** Takes a moment to wish the Board Members and audience a Merry Christmas and safe winter break to all and their families.

There being no further business before the USD Board of Trustees, this Regular Board Meeting of December 20, 2017 was adjourned at **7:35 PM.**

Motion:	So Move
Moved By:	Javier Montemayor
Seconded By:	Ricardo Molina
Any Discussion:	NONE
All In Favor:	Unanimous

***MOTION PASSES***

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Juan Roberto Ramirez, Board President

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Aliza Flores-Oliveros, Board Secretary



## **Special Called Meeting**

**Monday, December 18, 2017 5:30 PM**

**The State of Texas**

**United Independent School District**

**County Of Webb**

### **In Attendance:**

Roberto J. Santos, Superintendent of Schools

### **Board of Trustees:**

Juan Roberto Ramirez, President – PRESENT

Javier Montemayor, Vice President – PRESENT

Aliza Flores-Oliveros, Secretary – Late-In

Ricardo Molina, Parliamentarian – PRESENT

Judd Gilpin, Member – PRESENT

Ramiro Veliz III, Member – PRESENT

Ricardo "Rick" Rodriguez, Member – Late-In

A Special Called Meeting of the Board of Trustees of United ISD will be held Monday, December 18, 2017, beginning at 5:30 PM in the United ISD - Student Activity Complex, Fine Arts Building / SAC Rm. #1, 5208 Santa Claudia Lane, Laredo TX 78043

### **I. Call Meeting to Order**

Mr. Juan Roberto Ramirez brings this Special Called Meeting to order at **5:31 PM** and asks that Roll Call be taken.

### **II. Establish Quorum**

### **III. Closed Session: Board will adjourn into closed session pursuant to the following sections of the Texas Open Meetings Act**

#### **A. 551.071 Consultation with Board's Attorney**

#### **551.074 Discussion of Personnel or to Hear Complaints against Personnel**

- 1. Conduct Level Three (3) Employment Grievance of Paul Kane and Lina Volpe, Including Consultation with Legal Counsel Regarding Same**

**Javier Montemayor:** This is a Level III Grievance presentation of Paul Kane and Lina

Volpe regarding the procedure used by the Board of Trustees in conducting their prior Level III Appeals which were considered by the Board on October 11, 2017 and October 18, 2017 pursuant to UISD Board Policy Series DGBA. In accordance with UISD Board Policy this Grievance is being held before the UISD Board Of Trustees. For the Record my name is:

Javier Montemayor, may the other Board Members please state their names:

Ricardo Molina Sr.

Juan Roberto Ramirez

Judd Gilpin

Ramiro Veliz III

For the Record may the Grievant/s and the District representatives please introduce themselves at this time:

**Tony Conners**, I'm here on behalf of TSTA members, Ms. Lina Volpe and Paul Kane

**Stephen Trautmann Jr.**, I'm an attorney with the Law Firm of J. Cruz and Associates, I'll be representing on behalf of the District.

This grievance presentation as well as the Administrative response will be Open to the Public at the request of the Grievant/s. To provide a record of the proceedings an audio recording is being made. Due to the bypassing of Levels I and II there is no Level II Appeal record instead the Board has provided a Board Packet consisting of the following items:

- 1- The Level I Appeal filed by the Grievant/s on this matter on October 25, 2017
- 2- United ISD Board Policy DGBA (LOCAL) and DGBA (LEGAL)
- 3- The Level III Appeal Board Packet for Paul Kane's Level III Appeal filed August 25<sup>th</sup> heard by the Board Subcommittee on October 11, 2017 and considered by the Board on October 18, 2017
- 4- The Level III Appeal Board Packet for Lina Volpe's Level III Appeal filed on September 11, 2017 heard by the Board Subcommittee on October 11, 2017 and considered by the Board on October 18, 2017
- 5- A Court Of Appeals Opinion Style Professional Association of College Educators vs El Paso County Community District 678 Southwest 2<sup>nd</sup> 94 in the El Paso Court of Appeals issued April 18, 1994
- 6- Texas Education Code 11.1511
- 7- Texas Education Code Sect. 11.1513
- 8- Texas Government Code Section. 617.005

- 9- Article I Section. 27 of the Texas Constitution
- 10- Agenda Minutes from Board Subcommittee Meeting held on October 11, 2017
- 11- Agenda Minutes from Board Meeting held October 18, 2017
- 12- The Level III Board Script for the Board Subcommittee Appeal Hearing of Paul Kane held on October 11, 2017
- 13- The Level III Board Script for the Board Subcommittee Appeal Hearing of Lina Volpe held on October 11, 2017
- 14- The Video Recording of the October 18, 2017 Board Meeting
- 15- The Board Subcommittee Hearing Transcript for Lina Volpe's Level III Appeal Hearing on October 11, 2017
- 16- The Board Subcommittee's recommendation regarding the Level III Appeals of Paul Kane and Lina Volpe on October 11, 2017
- 17- The Video recording of the October 18, 2017 Board Meeting

**Juan Cruz:** Mr. Montemayor, Mr. Conners and I spoke today and there's a couple of things that he wants me to introduce into the record which are fine, one of them is a request that he had made previously to Mr. Ramirez when we had the hearing for Mr. Kane and Ms. Volpe to have the full Board Hearing and then the response that was issued by Mr. Ramirez and those had been duly noted and place in the record as well.

**Javier Montemayor:** Their not part of the packet that we received?

**Juan Cruz:** No. But he will give them to you right now.

**Mr. Conners:** My Exhibit A, my e-mail to Mr. Ramirez dated August 30<sup>th</sup> and then I have a letter from Juan and Roberto Ramirez board president, Exhibit B.

**Javier Montemayor:** Do you have only 1 copy?

**Mr. Conners:** I just.....(preparing copies)

**Javier Montemayor:** If not I can circulate this one.

(Mr. Conners prepares copies and hands out to the other Board Members.)

**Javier Montemayor:** This Level III Grievance is being conducted in accordance with DGBA (LOCAL) the District's Policy governing Employee Complaints which is also included in the Local record. I will now instruct the Grievant and District representative on the procedures to be followed in this grievance presentation as provided by DGBA LOCAL. The Board will listen impartially to a presentation by both the Grievant/s and

the District representatives. The Grievant shall present first followed by District representative. Following both presentations, the Board will consult with Legal Counsel Juan Cruz in Closed Session pursuant to 551.071 of the Texas Government Code (TGC). The rules for this Level III Grievance presentation are as follows:

- 1) Only one person speaks at a time
- 2) The Grievance participants shall conduct themselves with common courtesy and respect for the rights of others
- 3) The Grievant and the District representative will each be afforded 15 minutes which is a reasonable time limit to make their presentation however, additional time may be afforded at the request of the Grievant and at the Board Presidents discretion. If additional time is allotted to the grievant/s, the District representative will also be afforded an equal amount of time.
- 4) The Grievant/s and District representative may not question the Board. At the conclusion of the grievant/s and the District representatives presentations the Board shall consider the Grievant/s complaint and at that point the Board may ask questions of the grievant/s and district representative if necessary. The Board may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board Meeting. To provide a record of the proceedings an audio recording is being made, please avoid speaking when others are speaking so that the record will reflect the proceedings accurately.

Are there any questions? Mr. Conners, Mr. Trautmann?.... I will now ask the grievant/s to proceed with their presentation. Mr. Connors you have 15 minutes.

**Tony Conners:** On behalf of the grievants I'll be presenting, this is exactly the way it should go. We're using your process to bring concerns that employees have. Before at least a quorum of the board and we're not here today to relit iGATE or discuss the details of the earlier grievances but I do provide you some information so you can have an understanding briefly as to how they got here today. Mr. Kane, he had a grievance over his reassignment and Ms. Volpe had a grievance over her summer pay, her last year summer pay and we were hopeful and expectant on the merits that we would resolve this at level 1 or level 2. That historically hasn't been the case. I've been coming here since 1996 and I've been coming to the board about 8 or 10 times that says that things are getting worked out and we were hopeful that we work it out, and then we didn't work it out and then we requested a hearing. We filed a level 3 hearing so that we can come before the board and get our 10-15 minutes and have this thing heard and decided and move on; but they didn't get a hearing, instead over our objections we were forced to have a hearing before only three board members in accordance with the current grievance policy DGBA LOCAL, in which 7 of you have delegated to the board president to decide whether there's going to be a formal board

meeting or is there going to be a subcommittee and I gave you at the start exhibit A and B is my letter that I sent to the board president, Mr. Ramirez and asked him about can we have the normal, can we have what the law requires a board hearing, and he promptly responded to me and gave me his, his reasoning. That is found on Exhibit B.

So we were forced to have a hearing in front of 3 board members on October 11th, and we objected to that, but what turned out to be the most bizarre thing, is the way in which it was conducted it was conducted an ex-parte fashion, that is when we spoke the other side wasn't present, when they spoke we weren't present. And I recall that the chair of the board asked me how much time I wanted to save for a rebuttal, I said how can I have a rebuttal if I don't hear what the other side says it's like sending me to Neiman Marcus and giving me \$10 and telling me to shop away. That's not proper. After a subcommittee hearing they came out and they voted to take no action and present the outcome in front of the whole school board on October 18th, and that was handled in Closed Session we weren't part of that party. We weren't in front of the board, and at least some of those committee members, they went in there and discussed with you what they thought. And we had no idea we didn't even know what the administration had to say. We didn't know what they were talking about when they were in there for 45 minutes plus, we had no idea until recently when we got the transcript. Cause we have a field (inaudible) with the Commissioner of Education pending. Apparently when you all came out of Open Session, you all decided to take no action, which doesn't mean that the grievance is turned down, it's not until the next board meeting if you all don't do anything, it has the impact of saying "you lose". It's actually a bland way of saying "No thank you" on your grievance. So we brought this appeal to the Commissioner of Education, that's pending, but I also brought this grievance because I wanted to come in front of the board and I wanted to talk to the board about the concerns, and we basically have 2 type of concerns. We have legal violation concerns and we have bad governed concerns.

So let's talk about the legal concerns. In the Texas Education Code, there are provisions that require the Board to have a Policy and process that allows people who work for the school district, students even citizens to have a hearing to come in front of the board, to present their grievance in front of the board and those are found in Sections: 11.1511, Subsection 13 and Section 11.1513 Subsection i, and you guys didn't do that right. When we come before the subcommittee and we present our grievance in front of 3 of the subcommittee we don't have a Board Hearing because the board only exists we you have meet at a duly called meeting and you have at least a quorum. So going to a three board panel that's not a Board Hearing. We also, didn't have a Hearing on the 18th, October 18, we didn't come to you and present a grievance, we didn't present, we didn't have a hearing, it was a back door discussions with coming back out and giving us no idea what you all considered, what you decided.

You just decided not to tell us, you decided to take no action. Now, the Texas Constitution Article 1, Section 27 and the Texas Government Code 617.05 they recognize the important right of public employee supreme grievances and the courts have decided that, that means you're entitled to stop look and listen, you're entitled to hear (inaudible), but you're not entitled to a particular outcome. You're not even entitled to have a hearing in front of the Board. In fact, the cases in the record, the El Paso Educators Association vs. El Paso Community College the court El Paso court of appeals, that explicit rule that they weren't entitled to have a hearing before the Board of Trustees at that College. So why am I here? They had a winning case. I'm telling

you about their winning case. Because they don't have a winning case. That case does not discuss Education Code where the Texas Association of School Board who's very powerful they realized how important it was for you to have hearings to decide important matters. That's why that case is instinctual, but I know that Mr. Cruz is the Senior partner of the firm and he's your attorney and he's gonna advise you and your going to follow his advice, of course you will. But that, and that means that we're gonna go and go to the commissioner and we're gonna go to the court and we'll see in the end, who's right.

So let's talk about bad government, even if it's legal bad government, me count the ways.

First of all, as I said earlier, you only have power when your (inaudible), and most of the information that you receive is what Mr. Santos and the Administration chooses to have you hear. The grievances are one of the few times that you get to hear information first hand unfiltered about important issues, about grading practices, about athletics about all kinds of controversies and your elected by your community to have one (inaudible) in votes. You should not yield your power to the board president and deciding who gets what even if it's perfectly legal. You should hang on to your power so you can decide these important cases because if you don't, you give away your power and there may be situations where there may be of 4-3 board on certain issues and the board president could be in the minority, and he has the ability, I have no facts to accuse, I'm not accusing, but it's possible that the superintendent, the board president decide who would be on that panel and it's all together possible that the minority will prevail in the panel decision, but that is bad government and it sure isn't efficient. Is it efficient? no it's not efficient! cuz you got to meet twice. You got to bring your staff, you bring your little subcommittees and you come back again and you discuss it in the meeting, that's twice. It's still wrong, that's twice, it's not efficient.

Also, this ex-parte thing my gosh, I've been doing this since 87, I was a lawyer for school districts, 2 commissioners in the past 23 years of lawyer for the public education, I have never seen that ex-parte, I was just beside myself what is this? last time I checked we were this side of the Rio Grande what is this kind of plantation thing that you can't hear what the supervisor would say. How can there be a hearing if you can't hear? How can there be a hearing? One of the big problems is, that there can be abuse, by standing next to the proposing side or being in the same room that brings honesty that brings accountability, so, when we don't hear when they have to say they may be saying things that we've never heard of before. They can be saying things that are inflammatory and not true, and honestly they have a big (inaudible), because they're at the end of the train and this is the decision coming down. And we learned, we learned that, that happened in these cases. We learned that in Ms. Volpe's case we learned that they were coming up with completely new rational that we had never hear before. We didn't hear it in front of the transportation directors meeting, didn't hear it at the mediation, didn't hear it at level I, didn't hear at level II, and we surely didn't hear it at level III, when we were in front of the subcommittee. We didn't hear about it until we got and filed this grievance and we filed an appeal and the same thing with Mr. Kane.

Mr. Kane they brought information that we were not aware of so, that's bad government, bad government. The citizens of United ISD and the constituents need to have better government than this.

So, we're asking for what's the number? 7 of the level I, and I will own up that I made a mistake, there's a typo. I ask, I think I wrote, says on there, board subcommittee

hearing, it should just be board hearing, that's what I meant. Obviously I bring a grievance to a board subcommittee, but what we're asking for is we'd like to come back again the way it should have been, and let Mr. Kane and Ms. Volpe have their 15 minute presentation in front of the board and you can decide. It may not change the outcome but they want to have the satisfaction that he's coming all the way to the top to have that done. And then they were asking that you change your policies and practices. You change your policy your DGBA LOCAL, you change it to eliminate that subcommittee approach, and that you not engage in the practice of ex-parte. Cause I'm not aware of any district that's ever done the ex-parte only a few and very circumstances in subcommittees and because we recognize that we don't have a monopoly and wisdom solution, if there's something else to resolve this, we'd like to resolve this. We'd like to resolve this if we resolve this, we cannot just resolve this grievance, but we can also, resolve the pending 7057 appeal. So, I thank you again for this opportunity to present important information and I hope that you all make a collective right decision, because you did take an oath of office that you would obey the law, and you also have a code of ethics that you would also do what's fair and just. That you're not just about rubber stamping administration, and when you get into these kind of practices, you run into these problems. So thank you.

**Javier Montemayor:** Mr. Trautmann you have 15 minutes.

**Stephen Trautman:** Thank you. Good evening. For the record my name is Stephen Trautmann Jr. and I am an attorney with the firm of Juan Cruz and Associates, I will be presenting UISD's response to the grievance filed by Paul Kane and Lina Volpe on October 25th, 2017. This grievance stems from a level III hearing that occurred on October 11, 2017, before a board subcommittee composed of board members Ricardo Molina, Ramiro Veliz, and Javier Montemayor. At this October 11, 2017 hearing, the board subcommittee heard the grievances of Paul Kane and Lina Volpe after their attorney, Tony Conners. The board meeting board subcommittee spent over 2 hours hearing and discussing these grievances. The October 18, 2017 board meeting, 2 agenda items were discussed pertaining to the recommendations of the board subcommittee in the matters of Paul Kane and Lina Volpe no action was taken by the board pertaining to these grievances which in essence upheld the level 2 decision. This grievance was then filed on October 25th, 2017, in their grievance, the grievants claim that their quote on quote legal rights to have a hearing before the board to present their grievance were violated and we were not treated fairly as far as the level III appeals.

The requested remedies sought by the grievant/s is as follows; as you know Mr. Conners stated that he wrote subcommittee as an error but, this is what it stated "The board subcommittee hearing to present our grievances and revising the districts current level three (3) practices and policies in order to comply with the law as well as improve fairness and efficiency. We also request any other appropriate relief." First and foremost as discussed above, the grievant/s were afforded a very long hearing before the board subcommittee on October 11, 2017, approximately 2 hours.

This was a mistake and the grievant/s are requesting a grievance before the entire Board of Trustees (which they are), there is nothing in district policy or the law that requires a hearing before the entire board of trustees. Board Policy *DGBA LOCAL* which governs employee complaints and grievances (that's the policy we're using

today) I'm gonna quote quite a bit of DGBA so we kind of know the process and the way the hearings were held. In *DGBA LOCAL* board subcommittee is defined as title of three (3) members of the board, *DGBA LOCAL* gives the board president discretion for either a board subcommittee or the board to hear and conduct the level III grievance.

Per *DGBA LOCAL* "The same rules apply to a board subcommittee hearing and a hearing before the board. The hearings held before the board subcommittee then the board subcommittee shall render a recommendation to the board at the next regularly scheduled board meeting. Board members shall not take part in any deliberations or decision making without having first heard all the evidence. The presiding officer of the board subcommittee may set reasonable guidelines for the presentation including an opportunity for the employee and administration to each make a presentation and provide a rebuttal and an opportunity for questioning by the board subcommittee. The board subcommittee shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels. The board subcommittee shall prepare a separate record of the level III presentation. If a hearing was held before the subcommittee they shall render a recommendation to the board at the next regularly scheduled board meeting. Upon such recommendation, the board may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled board meeting. If the board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of response by the board upholds the administrative decision at level II."

Here the district complied with the policy *DGBA LOCAL*, by conducting this subcommittee hearing on October 11, 2017, and the discussions held at the October 18, 2017 regularly scheduled board meeting with the full board. The full board provided entire level III packet, provided the entire record, the subcommittee strictly provides a recommendation. The board is provided a transcript for the hearing they see what happens there. This is an official policy, it is good government.

Regarding policy *DGBA LOCAL*, there's a legal reason that this policy is in place;

1. Article I, Section 27 of the Texas Constitution states: "Employees should have the right in a peaceable manner to assemble together for their common good and to apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address or remonstrance."

So the Texas Constitution does allow do is degree. In 1984 the court of appeals in El Paso, Texas heard the following case; Professional Association of College Educators and James Simone vs El Paso County Community District, Cause No. 08-82-00353-CV, here, this professional association of college educators brought an action against the collegiate board of trustees alleging that the board failed to respond to or consider a written grievance addressing a proposed change in the official policies of the college concerning the tenure of the faculty members. The Court of Appeals held that, "We find no requirement that those trusted with the powers of government must negotiate or even respond to complaints filed by those being governed, but surely they must stop, look, and listen. They must consider the petition, address or remonstrance."

Further, both the attorney general in opinion 8/22 in 1974 in a court of appeals in Corpus Christi, Texas held "The right to present grievances is satisfied if the employees have access to those in a position of authority to air grievances, however, that authority is under no legal compulsion to take action to rectify the matter." Corpus Christi Independent School District vs. Padilla, Cause No. 709 S.W.2nd 700.

So basically that is that you have to be able to approach the board, address your



grievance. That happened here. Board subcommittee heard the grievance, three (3) board members, you all made a recommendation to the board with the entire board packet and all the evidence before them. Once again this is efficient government. Here the board satisfied all legal requirements by conducting this board subcommittee hearing in accordance to the DGBA LOCAL on October 11, 2017. The grievant/s had the opportunity to air their grievance to those in a position of authority as three board members were present and both the board and the board subcommittee considered the grievance that satisfied the stop, look, and listen requirement. The law basically states that school districts should add a complaint policy but it does not in any way govern or outline how the process or procedure to hear complaints should be conducted by a school board, so as long as there is a complaints procedure that allows employees to present the employment complaint there is no further legal obligation imposed on the district. As such, board policy DGBA LOCAL satisfied all necessary legal requirements pertaining employee grievances and the district has complied with the law and its own policy pertaining to Paul Kane and Lina Volpe's grievances. For these reasons I respectfully request that the grievant/s requested remedies be denied. Thank you.

*This concludes the presentation.*

**For the record Aliza Flores-Oliveros is now PRESENT (Time 6:00 PM).**

**Javier Montemayor:** The Board Adjourns into Closed Session at 6:03 PM pursuant to the Texas Open Meetings Act, Sections: 551.071, 551.074, 551.082, and 551.0821 to consult with legal counsel regarding outstanding grievances of Mr. Kane and Ms. Volpe and to hear the outstanding grievances of parents M.B. on behalf of T.B. and parent A.C. on behalf of L.C. and Marilyn Brice, Thelma Cavazos, Linda Garza, and Claudia Villarreal

2. Conduct Level Three (3) Employment Grievance of Marilyn Brice, Thelma Cavazos, Linda Garza, and Claudia Villarreal, Including Consultation with Legal Counsel Regarding Same

- B. 551.071 Consultation with Attorney; Closed Meeting  
551.082 School Children; School District Employees; Disciplinary Matter or Complaint  
551.0821 School Board: Personally Identifiable Information About Public School Student  
551.084 Investigation; Exclusion of Witness From Hearing

1. Conduct Level Three (3) Parent / Student Grievance of L.C. and T.B.

- IV. Reconvened from Closed Session, the Board will take appropriate action on items, if necessary, as discussed in Closed Session

**Juan Roberto Ramirez** calls the time is **10:05 PM** and the Board has now reconvened from Closed Session.

- A. Action Regarding Employment Grievance of Paul Kane and Lina Volpe

**Judd Gilpin:** I move to amend the Board Policy to require every Grievance Hearing to be posted in compliance with the Texas Open Meetings Act in order to allow for all Board Members to attend as necessary. Further, my motion is to allow both parties to be present at the time of the Board Hearing however, the Board will reserve the right to excuse one party out of the hearing based upon the conduct of parties and issues involved in the grievance

Motion:	So Moved
Moved By:	Judd Gilpin
Seconded By:	Ricardo Molina
Any Discussion:	NONE
All In Favor:	Aliza Flores-Oliveros, Ricardo Molina, Juan R. Ramirez, Judd Gilpin, Ramiro Veliz
Abstain:	Ricardo Rodriguez, Javier Montemayor

**MOTION PASSES**

**B. Action Regarding Employment Grievance of Marilyn Brice, Thelma Cavazos, Linda Garza, and Claudia Villarreal**

**Judd Gilpin:** I move to deny the remedies requested.

Motion:	So Move
Moved By:	Judd Gilpin
Seconded By:	Ramiro Veliz III
Any Discussion:	NONE
All In Favor:	Aliza Flores-Oliveros, Ricardo Molina, Juan R. Ramirez, Judd Gilpin, Ramiro Veliz
Abstain:	Javier Montemayor and Ricardo Rodriguez

**MOTION PASSES**

**C. Action Regarding Parent / Student Grievance of L.C. and T.B.**

**Ramiro Veliz:** Regarding the Level III FNG Appeal on behalf of student L.C. I move to deny all requested remedies with the exception of the Quiz taken on May 9, 2017

Motion:	So Move
Moved By:	Ramiro Veliz
Seconded By:	Judd Gilpin
Any Discussion:	NONE
All In Favor:	Aliza Flores-Oliveros, Juan R. Ramirez, Judd Gilpin, Ramiro Veliz
Abstain:	Ricardo Molina, Ricardo Rodriguez, Javier Montemayor

## **MOTION PASSES**

**Ramiro Veliz:** Regarding the Level III FNG Appeal Hearing of student T.B. I move to deny all requested remedies with the exception of the Quiz taken on May 9, 2017

Motion:	So Move
Moved By:	Ramiro Veliz
Seconded By:	Judd Gilpin
Any Discussion:	NONE
All In Favor:	Aliza Flores-Oliveros, Juan R. Ramirez, Judd Gilpin, Ramiro Veliz
Abstain:	Ricardo Molina, Ricardo Rodriguez, Javier Montemayor

## **MOTION PASSES**

### **V. Adjournment**

There being no further business before the Board of Trustees, this Special Called Meeting of United ISD, is adjourned at **10:09 PM** on December 18, 2017.

Motion:	So Move
Moved By:	Ricardo Molina
Seconded By:	Ramiro Veliz
Any Discussion:	NONE
All In Favor:	Unanimous

## **MOTION PASSES**

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Juan Roberto Ramirez, Board President

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Aliza Flores-Oliveros, Board Secretary