



UNITED INDEPENDENT SCHOOL DISTRICT AGENDA ACTION ITEM

TOPIC _____ Board Minutes for the Month of July 2012 _____

SUBMITTED BY: _____ Alejandra Salinas _____ **OF:** _____ Board Secretary _____

APPROVED FOR TRANSMITTAL TO SCHOOL BOARD: _____ **August 22, 2012** _____

RECOMMENDATION:

It is recommended that the United ISD Board of Trustees take action to approve Board Meeting minutes:

Regular Board Meeting – July 18, 2012

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

BOARD POLICY REFERENCE AND COMPLIANCE:

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

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

July 18, 2012

In Attendance

Roberto J. Santos, Superintendent of Schools

Board of Trustees

Judd Gilpin – President - PRESENT
Juan Roberto Ramirez – Vice President - PRESENT
Ricardo “Rick” Rodriguez – Secretary - PRESENT
Ricardo Molina, Sr. – Parliamentarian - PRESENT
Pat Campos – Member - PRESENT
Juan A. Molina, Jr – Member - PRESENT
Javier Montemayor, Jr. – Member - PRESENT

Roll Call, Establish Quorum. Call to Order

I. Pledge of Allegiance

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

II. A Regular Meeting of the Board of Trustees of United ISD was held Wednesday, July 18, 2012, in the Bill Johnson Student Activity Complex, Fine Arts Building, 5208 Santa Claudia Lane, Laredo TX 78043. President, Judd Gilpin made an announcement calling the meeting of the United Independent School District to order at **6:05 p.m.** The record showed that a quorum of Board members was present, that the meeting had been duly called, and that notice of the meeting had been posted in accordance with the Texas Open Meeting Act, Texas Government Code Chapter 551.

III. Public Comments: Comments are limited to three minutes per speaker. The Board Parliamentarian will be the timekeeper and will inform the speaker when they have one (1) remaining minute. No more than three (3) persons will be allowed to speak on any side of an issue. Should there be more than three (3) people who wish to speak on a particular issue they need to select not more than three (3) representatives to speak for them. Comments must address items listed on the agenda. The presiding officer or designee shall determine whether a person who wishes to address the Board has attempted to solve a matter administratively. If not, the person shall be directed to the appropriate policy, as noted in BED (LOCAL), to seek resolution before bringing the matter to the Board at a subsequent meeting. 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. When a speaker comes to the podium, please indicate what agenda item you will be addressing. Furthermore, please refrain from mentioning any employee's name and any

complaint about any employee's duties or responsibilities should be channeled through the appropriate grievance policy.

Mr. David Perez – Representing United Classroom Teachers Association, UISD Employee Benefits Committee, United High School Teacher, Parent of a UISD student and Taxpayer – as a member of United CTA, and representative of many UISD teachers, he addressed the Board and thanked them for their generosity in absorbing the health insurance premium increase for the second year in a row and for granting teachers an employee retention bonus of \$2,000.00. He commented that he understands the district has faced some tough decisions during the current biennium with the reduction in funding from the state of 20 plus million dollars. Mr. Perez stated that many school district employees throughout the state have been affected by these massive budget shortfalls resulting in districts laying off teachers, bus drivers, custodians and other staff to try to balance budgets. He also said UISD staff has been very fortunate not to have had any layoffs, thanks to the efforts of Superintendent Santos, Ms. Benavides and the Board of Trustees. He commented the District is looking out for us in an effort to preserve our jobs and have made this generous gesture in an effort to alleviate some of the increased expenses we have all faced in this difficult time. Speaking as a taxpayer, Mr. Perez stated it was through the districts conservative fiscal management that has allowed UISD to garner a triple A rating from Fitch in our debt obligations resulting in lower interest payments. Fitch has complimented UISD for its “strong financial performance that has steadily bolstered general fund reserves over the past five years. The tenured management team has kept spending in check despite the challenge of historically fast enrollment growth. The district typically outperforms their budget and has successfully managed to mitigate state wide funding cuts in the fiscal 2012-13 biennium”. Again Mr. Perez thanked the board for their almost \$11 million investment in the employees of UISD.

Mr. Gilpin complimented and thanked Mr. Santos and staff for all their hard work and doing such a good job in these difficult times.

Mr. Santos thanked the board for being extremely supportive and thanked staff for committing to help all employees. He also stated we need to be aware of what the future brings and he thinks financially, UISD will be able to manage and move forward.

IV. Consent Agenda Items

- A. Approval of Monthly Disbursements**
- B. Approval of Budget Amendment**
- C. Approval of Resolution Authorizing Board Officers and United ISD Personnel to make Deposits and Withdrawals with the BBVA Compass Bank**
- D. Approval of Submission of Certified Estimated 2012 Debt Collections**
- E. Discussion and Possible Action on Renewal of District Health Insurance Plan**
- F. Consideration for approval of GMP (Guaranteed Maximum Price) for RFQ 080-2011 Design/Build Services for Construction of New Science Labs for Alexander, Lyndon B. Johnson and United South High Schools**
- G. Approval of Awarding Bids, Proposals and Qualifications**

- H.** Approval of Resolution Authorizing the District to Sell Surplus Personal Property - School Buses (2)
- I.** Approval of Requests from Board Members re: Use of Board of Trustees Discretionary Funds for Various Projects/Campuses
- J.** Approval of Interlocal Agreement and Memorandum of Understanding between Webb County Juvenile Board and United ISD for the 2012-2013 School Year
- K.** Approval of District Goals for the 2012-2013 School Year
- L.** Approval of PDAS Appraisers for the 2012-2013 School Year
- M.** Approval of PDAS Appraisal Calendar for the 2012-2013 School Year

Mr. Juan Molina advised the Board that the Business and Instructional Committee Members had met and were recommending the approval of the following items IV-A through IV-M

Motion:	So Move
Moved by:	Juan A. Molina
Seconded by:	Rick Rodriguez
Discussion:	None
In Favor:	Javier Montemayor, Pat Campos, Ricardo Molina, Judd Gilpin, Rick Rodriguez, Juan A. Molina
Opposed:	None
Abstained:	Juan Roberto Ramirez - stated for the record that he was not present at committee meetings

V. Items for Individual Consideration

A. Board Minutes for the Month of June 2012

Special Called Meeting – June 11, 2012
Regular Board Meeting – June 20, 2012
Budget Workshop – June 27, 2012
Special Called Meeting – June 27, 2012

Motion:	So move
Moved by:	Juan A. Molina
Seconded by:	Rick Rodriguez
Discussion:	None
In Favor:	Unanimous
Opposed:	None

- B. Consideration for the Board of Trustees to decide on the Public Meeting, Time & Place to discuss the 2012-2013 Budget and Proposed 2012 Tax Rate

Mr. Eduardo Zuniga addressed the Board and requested approval of a Public Meeting to take place at 6:00 p.m. on Wednesday, August 15, 2012 at the Bill Johnson Student Activity Complex at 5208 Santa Claudia Lane, Laredo, Texas. He stated the purpose of the meeting is to discuss the school district's budget and the proposed tax rate.

Motion: So move

Moved by: Juan A. Molina
Seconded by: Rick Rodriguez
Discussion: None
In Favor: Unanimous
Opposed: None

- C. Consideration for the Board of Trustees to Vote on the 2012 Proposed Tax Rate that will be Published in the Notice for the Public Hearing

Mrs. Norma Farabough addressed the board and informed them that according to our Education Code and the Texas Property Tax Code, the Board needs to vote on a proposed tax rate. She stated this year the district is proposing to keep the same tax rate of \$1.194860 and the breakdown would be \$1.04 for maintenance & operations and .154860 cents for our debt services. She further stated that since we have not received our certified values and we won't get those until the 25th, those numbers could possibly change the division between the M&O and I&S. Ms. Farabough stated that as it looks right now they would probably remain the same but just in case it changes, the board needs to be aware of that.

Motion: So move

Moved by: Ricardo Molina
Seconded by: Rick Rodriguez
Discussion: None
In Favor: Unanimous
Opposed: None

- D. Discussion/Action to Nominate TASB Board Representative

Ms. Pat Campos addressed the board and moved to nominate Cecilia Moreno from Laredo I.S.D. as a TASB Board Representative.

Motion: So move

Motion by: Pat Campos
Seconded by: Juan A. Molina
Discussion: None
In Favor: Unanimous
Opposed: None

E. First and Final Reading of CKE (Regulation) – “Ticketing as a Last Resort”

Mr. Juan Cruz addressed the board and informed them that this is something that they have been working on in conjunction with TRLA and most of this has already been done by the school district police department but went over the substance of the policy. He explained the first part of the policy calls for communication meetings, that is that the principal will have at least two regular meetings with his/her designated police department officers to make sure there is a good level of communication. He continued to the second part of the policy with respect to the use of force which states that a district peace officer may use force when there is threat of imminent harm to the officer or to others and obviously has to be reasonable force. Mr. Cruz continued with the third part of the policy which is the issuance of citations which states that there is documentation to be kept by the district peace officer whenever there is any citation to be given, either in terms of backup documentation in a student intervention form or the incident report form. He explained that the policy specifically states that the citations will be issued as a last resort for violations of the Texas Penal Code, Education Code, Health and Safety Code. Mr. Cruz stated there are exceptions to this policy. If the child's behavior is egregious; if the principal requests that the citation be given; if the teacher requests that the citation be given; or if there is a law that has been violated, obviously the citation would need to be given to the child. Mr. Cruz continued to the fourth part of the policy which is the de-escalation and that is that the district peace officer will try to de-escalate the situation if they come across one and have the child return to the classroom and also refer the child to a counselor if needed. He also stated there will be a required training component which will be at the start of each year or when the officer begins employment and the training will be four hours in length. He explained the factors to be incorporated into that training will be the de-escalation to prevent a crisis from occurring; effectively manage acute crises; reduce potential and actual injury to students and staff; and assist peace officers to identify a child who has special needs and/or who is in crisis. Mr. Cruz informed the board that this policy has been discussed with TRLA and they are in agreement with this policy and requested the board's approval on the first and final reading.

Motion: So move

Moved by: Pat Campos

Seconded by: Juan Roberto Ramirez

Discussion: Mr. Juan Molina asked a question regarding the officer using force in the case of imminent harm to the officer or to others. Mr. Molina asked if it should also state harm to self.

Mr. Juan Cruz responded by saying that the policy does state that in the second sentence which is: “the officer may use as much force as is reasonably necessary to protect self and others”

Mr. Molina asked if there is a definition to “imminent harm” and Mr. Cruz replied no, it will be

at the officers discretion depending on what the situation may be.

Mr. Juan Roberto Ramirez asked if there will be some justification and Mr. Juan Cruz responded yes, there will have to be justification for the use of force.

In Favor: Unanimous
Opposed: None

Mr. Juan Cruz addressed the board and mentioned the next three items are reviews of policies which are first readings and then the next section would be to go to closed session but before going into closed session, he mentioned there was a request from Mr. Enrique Garza's attorney, Mr. George Altgelt, to address the board on his client's request to rescind a resignation previously submitted to the Human Resources Department and the board policy which states that any resignation that has been tendered by an employee, once its accepted by the Superintendent, can only be withdrawn with the permission of the school board. He then called Mr. Altgelt to the podium for 10 minutes.

Mr. Gilpin asked if there has to be a motion to move up the agenda item and Mr. Juan Cruz replied yes.

Mr. Gilpin asked for a motion to move agenda Item VII-B up on the schedule

Motion: So move

Moved by: Pat Campos
Seconded by: Ricardo Molina
Discussion: None
In Favor: Unanimous
Opposed: None

Mr. Altgelt addressed the board and provided them with copies of policy DFBB Legal.

Mr. Juan Cruz stated for the record that Mr. Altgelt will present for 10 minutes and then Mr. Stephen Trautmann from his office will issue a response for 10 minutes.

Mr. Altgelt requested some flexibility for the 10 minutes he is being allowed to speak. Mr. Gilpin asked him to go with the ten minutes for now.

Mr. Altgelt started by saying that back in October 1, 2011 Mr. Javier Montemayor, acting board member and Judge Raul Vasquez formed a partnership and obtained the tax contract for Webb County. On March 23, 2012, the board, in accordance with Texas Education Code 21.207-B1, essentially illegally designated the honorable Raul Vasquez to be the independent hearing officer or designee. Mr. Altgelt read the second paragraph of the information he provided to the board which states that "the designee may not be employed by the district and neither the designee nor a law firm with which the designee is associated may be serving as an agent or representative of

the district, an employee in a dispute between the district, an employee or organization of school employees, school administrators or school boards". Mr. Altgelt continued that on June 9, 2012, after reviewing the law, Judge Vasquez, recused himself, thereby rendering the notice to his client defective.

He explained that the notice he received, indicated that his client was being given notice pursuant to Texas Education Code 21.206 of the Education Code and pursuant to 21.207 B1. He stated to the board that they illegally designated someone to be the independent hearing officer and that the notice is now defected and untimely.

Mr. Altgelt stated that he and Mr. Juan Cruz are in disagreement in this section of the law. He said this is a situation where there are facts where they don't agree and essentially, he highlights these issues because of the legality of the board's decision to designate someone they knew or should have known of being conflicted out as the independent designee. He stated the reason they chose to have this in open session is so that the public, the staff, and the TSTA representatives present can know exactly what and how it all went down. Mr. Altgelt stated he also disagrees as to how this now defective notice to his client should be resolved. Section 21.206 of the Education Code requires the board to give Mr. Garza timely notice, which they did initially, however since the notice did not include a proper independent designee, who was not qualified to serve and who ultimately recused himself, the notice is not good. He further stated that as of today, the board has not given his client any new notice with regard to this issue and mentioned that it is his understanding that they probably won't because to do so would be to concede that they made a mistake. Mr. Altgelt mentioned that the remedy is reinstatement and he believed that is the only choice that the district has in light of the violation of the Texas Education Code 21.206. He stated that he highlights this point as an example to show how the record in this case is ranked with error and that it's been one procedural error after another. Mr. Altgelt said this means that if the board pours them out today then they will go before the commission which means taxpayers and TSTA will spend a lot of money which is not good for the tax payers and it's not good for Mr. Garza or the students that he serves.

Mr. Altgelt went on to explain that Mr. Garza had been a career educator, without incident for six years with UISD. In the seventh year Mr. Garza was transferred to Los Obispos and within a few months the campus principal moved him to a special reading program and he is given the most difficult students because the teacher before him quit.

Mr. Altgelt gave a little background regarding Mr. Garza and stated he was born in Laredo, lived a few years in Hebbronville and spent most of his life in Port Lavaca and speaks very little Spanish. He goes on to explain that Mr. Garza complained to his principal that his students were out of control and when questioned by the principal, the students start saying all these things in Spanish about Mr. Garza and that he had told them some horrible things supposedly and allegedly in Spanish and Mr. Garza doesn't speak Spanish. One of the comments from the principal was that since Mr. Garza did not respond then he must be acknowledging that he did say those things but the reason he didn't respond is because he didn't know Spanish. The result of this is the non-renewal through this defective notice.

Mr. Altgelt asked the board to use some common sense. He further stated that people don't come to him to call it quits, people come to him because their careers are at stake. He explained that Mr. Garza did not go to UISD to resign. He went to UISD to withdraw his TRS money because he was not going to receive a paycheck in August but he is told that he needs to go through the whole exit process. When filling out the forms, Mr. Garza writes in "non-renewal, case still pending". Mr. Altgelt stated that he thinks UISD concocted the affidavits they have on file to show a resignation when in fact it was not a resignation and Mr. Garza was just wanting to get his TRS money. Mr. Altgelt further stated that if this issue is not resolved they will go before the commission and also stated that he presented two very reasonable proposals to resolve this matter so that Mr. Garza can keep his career intact and be able to apply at some other school district so that he can keep practicing his craft and so that all those years he spent studying won't be for nothing and so that those six years that he invested in UISD mean something. Mr. Altgelt asked that instead of taking the comments of four unruly students to maybe pay attention to the teachers because the schools are not built with bricks and mortar, they are built with teachers that care.

Mr. Stephen Trautmann provided the board copies of DFE (Local). He stated that the policy he provided them with basically states that the board has jurisdiction over a resignation. Mr. Trautmann also provided that board with copies of affidavits as well as resignation papers from Mr. Enrique Garza. Mr. Trautmann stated that he wants to get to Mr. Altgelt's point regarding proper notice for the non renewal hearing. He stated that first and foremost, this is a resignation hearing and the notice regarding non renewal hearing has nothing to do here and we are talking strictly about a resignation. Mr. Trautmann went on to explain that on March 23, 2012, UISD held a board meeting and it is recommended to the board that Mr. Enrique Garza's contract be non-renewed and the board acted on the recommendation and voted to recommend the non renewal of his term contract. On March 30, 2012, through certified mail, Mr. Enrique Garza received the letter notifying him of the proposed non-renewal of his term contract. On April 5, 2012, Mr. Garza timely notified the board that he wanted to have a non-renewal hearing in front of the board designated attorney, Raul Vasquez. On April 16, 2012, it was agreed that the hearing would be held on June 18th and 19th, 2012. On June 6th 2012, they received a call saying that Mr. Enrique Garza went to Human Resources and resigned. He further explained that according to a case from the Commissioner of Education, (Linda Fantroy vs Dallas Independent School District) a resignation is a unilateral action and a resignation is accepted upon receipt. Mr. Trautmann explained what happened on June 6th when Mr. Garza went to Human Resources and stated he received affidavits from the employees he came in contact with him when he went to resign.

He continued by saying the Ms. Patricia Gonzalez met him at the Human Resources Dept. lobby, took him to the back to continue the process and provided him with the Notice of Separation form. Mr. Garza completed the form and she accepted his voluntary resignation. At no time did Ms. Gonzalez fill out any paperwork for Mr. Garza. Mr. Garza completed the form himself and specifically checked the box marked "resignation". Mr. Trautmann added that Mr. Garza is a school teacher, he is educated and also stated that opposing counsel is claiming he just went to get his retirement funds but in order to get your retirement you need to retire or resign. He stated that Mr. Garza knew the consequences. After completing the paperwork, Ms.

Gonzalez accepts the resignation and refers him to Risk Management to complete the exit process. Ms. Mary Cavazos walks Mr. Garza over to Risk Management and at no time did Mr. Garza state that he was forced to resign. Mr. Trautmann stated that Mr. Garza basically went on his own free will to UISD to get his money out and he had to resign to get that money, he filled out the forms and he was completely aware of what he was doing. Mr. Trautmann concluded by saying that the bottom line is a resignation is accepted upon receipt, it is a unilateral action and the only way that he can get his job back with the district is if the resignation is rescinded but it seems clear that Mr. Garza was aware of what he was doing.

Mr. Gilpin asked if there were any questions for either of the attorneys.

Mr. Javier Montemayor wanted to clarify something. He stated that it is true that Judge Vasquez and he are partners in a tax collection firm but he didn't believe that any of the board members here had anything to do with regards to appointing a hearing officer and asked if that is correct.

Mr. Juan Cruz responded by saying that's right and stated that as Mr. Trautmann mentioned, this is not really about that notice issue and stated Mr. Altgelt defers on that issue but this is a resignation, it's been accepted and it's separate and apart and stated it can be taken up on appeal if that needs to occur.

Mr. Altgelt stated that with regard to that issue and out of the abundance of caution that it may be prudent, and given the procedural history, that Mr. Montemayor may want to recuse himself from being part of the discussion and the decision in this particular matter.

Mr. Montemayor stated he plans to do that anyway only because Judge Vasquez was involved at some point or another but he wants to make it clear that the prudent thing for him to do was in fact to recuse himself and that was the right venue. He also stated that he didn't want to give the impression that at some point or another, this had any effect with regards to the outcome in this matter. He stated just for the record that he was planning to recuse himself prior the meeting.

Mr. Juan Cruz stated he has done so in prior meetings with respect to this topic.

Mr. Altgelt stated for the record that they are not alleging actual impropriety, he is just saying there is the potential of appearance of impropriety.

- F. First Reading of Policy EIF (LOCAL) - Academic Achievement - Graduation
- G. First Reading of Policy FFAF(LOCAL) in Update 94: Wellness and Health Services - Care Plans
- H. First Reading of Policy GKG (LOCAL) - Community Relations - School Volunteer Program

VI. Closed Session: Board will adjourn into closed session at **6:43 p.m.** pursuant to the following sections of the Texas Open Meetings Act:

A. 551.071 Consultation with Board's Attorney

1. Consultation with legal counsel re: legal claims involved in the removal of the UT Longhorn Logo from UHS areas
2. Consultation with legal counsel re: Disposition of Board's previously proposed nonrenewal of employment of Enrique Garza and on the due process hearing requested by Enrique Garza on the proposed nonrenewal in light of the resignation of employment by Enrique Garza.
3. Consultation with legal counsel re: Resolution authorizing an expenditure for the protection and advancement of interests pertaining to the Webb County School Lands and Attorney Fee Agreement with Law Firm of Person, Whitworth, Borchers & Morales in connection with Webb County School Lands.

B. 551.071 Consultation with Board's Attorney

551.072 Discussion on the Purchase, Exchange, Lease or Value of Real Property
Discussion of Proposals for Sale and/or Acquisition of Real Property

1. Discussion of request for authorization to close purchase of several tracts from EG Ranch, Ltd. being generally described as approximately 51 acres located off Hwy. 359, south of City of Laredo Landfill

C. 551.071 Consultation with Board's Attorney

551.074 Discussion of Personnel or to Hear Complaints against Personnel

1. Consider Appointment of Principal for Clark Elementary School
2. Consider Enrique Garza's request to rescind resignation pursuant to Board Policy DFE
3. Board shall consider the designee's recommendation re: the nonrenewal of Rosa Elizondo's term contract and allow parties to present oral arguments to Board
4. Board shall consult with legal counsel re: accept, reject or modify the designee's recommendation re: the nonrenewal of Rosa Elizondo's term contract

D. 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. Antonio Gonzalez Middle School Student Activity Audit
2. Status of on-going Audits

The Board returned from Closed Session at 7:57 p.m. No action was taken in Closed Session.

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

A. Appointment of Principal for Clark Elementary School

Mr. Santos stated his recommendation for the Principal at Clark Elementary School is Sandra Higareda.

Motion: So move

Moved by: Pat Campos
Seconded by: Juan Roberto Ramirez
Discussion: None
In Favor: Unanimous
Opposed: None

- B. Action re: Enrique Garza's request to rescind resignation pursuant to Board Policy DFE**

Mr. Juan Cruz stated his recommendation is to deny Mr. Enrique Garza's request to rescind his resignation pursuant to board policy DFE.

Motion: So move

Moved by: Juan A. Molina
Seconded by: Pat Campos, Ricardo Molina, Judd Gilpin, Juan Roberto Ramirez, Rick Rodriguez, Juan A. Molina
Discussion: None
In Favor: Unanimous
Abstained: Javier Montemayor

- C. Discussion and possible action with respect to request for authorization to close purchase of several tracts from EG Ranch, Ltd. being generally described as approximately 51 acres located off Hwy. 359, south of City of Laredo Landfill**

Mr. Juan Cruz stated the recommendation is to authorize legal counsel and school district administration and necessary officials to proceed with the closing of several tracts from EG Ranch, Ltd. being generally described as approximately 51 acres located off Hwy. 359, south of City of Laredo Landfill as discussed in closed session.

Motion: So move

Moved by: Juan A. Molina
Seconded by: Ricardo Molina
Discussion: None
In Favor: Unanimous
Opposed: None

- D. Action re: authorizing legal counsel to proceed re: claims to be filed to forcibly remove the UT Longhorn Logo from UHS areas and other matters incident thereto

Mr. Juan Cruz stated the recommendation is to authorize legal counsel to continue to negotiate and bring back to the board the necessary claims, if any, regarding the removal of the UT Longhorn Logo from UHS areas as discussed in closed session.

Motion: So move

Moved by: Pat Campos
Seconded by: Ricardo Molina
Discussion: None
In Favor: Unanimous
Opposed: None

- E. Board shall take action to accept, reject or modify the designee's recommendation re: the nonrenewal of Rosa Elizondo's term contract and take final action re: the nonrenewal of Rosa Elizondo's term contract

Mr. Juan Cruz stated for the record, that Mr. Rick Rodriguez and Mr. Juan Roberto Ramirez, did not participate in the discussion of this item but there needs to be a motion from the board with respect to that item.

Ms. Pat Campos moved to accept designee's recommendation in reference to the non-renewal of Rosa Elizondo's term contract and final action to non-renew Rosa Elizondo's term contract.

Motion: So move

Moved by: Pat Campos
Seconded by: Juan A. Molina
Discussion: None
In Favor: Javier Montemayor, Pat Campos, Ricardo Molina, Judd Gilpin, Juan A. Molina
Abstained: Juan Roberto Ramirez, Rick Rodriguez

- F. Action re: disposition of Board's previously proposed nonrenewal of employment of Enrique Garza and on the due process hearing requested by Enrique Garza on the proposed nonrenewal in light of the resignation of employment by Enrique Garza

Mr. Juan Roberto Ramirez moved that the board finds: #1 that its previous action of March 23, 2012, proposing the renewal of employment of Enrique Garza is voted moot in light of Enrique Garza's letter of resignation of employment dated June 2, 2012, #2 that Enrique Garza's request for due process hearing for the board's proposed non renewal of his employment with the district is likewise moot in the light of Enrique Garza's resignation of employment and therefore, the pending due process hearing on the proposed non-renewal of Enrique Garza is hereby dismissed and the Superintendent is directed to notify Enrique Garza and his counsel of the board's findings and actions.

Motion:	So move
Moved by:	Juan Roberto Ramirez
Seconded by:	Ricardo Molina
Discussion:	None
In Favor:	Pat Campos, Ricardo Molina, Judd Gilpin, Juan Roberto Ramirez, Rick Rodriguez, Juan A. Molina
Abstained:	Javier Montemayor

- G. Action re: approval of Resolution authorizing an expenditure for the protection and advancement of interests pertaining to the Webb County School Lands and Attorney Fee Agreement with Law Firm of Person, Whitworth, Borchers & Morales in connection with Webb County School Lands

Mr. Juan Cruz stated that the recommendation is to defer action on this matter until the next board meeting.

Motion:	So move
Moved by:	Juan A. Molina
Seconded by:	Juan Roberto Ramirez
Discussion:	None
In Favor:	Unanimous
Opposed:	None

VIII. Adjournment

There being no further business before the Board, the Regular Meeting of July 18, 2012, was adjourned at **8:02 p.m.**

Judd Gilpin – President

Ricardo “Rick” Rodriguez – Secretary

SAFETY PROGRAM/RISK MANAGEMENT
SECURITY PERSONNEL/PEACE OFFICERS

CKE
(REGULATION)

COMMUNICATIONS
MEETINGS

In order to facilitate communication between the UISD police department and the principal regarding priorities and expectations, the principal will convene two (2) regular meetings to be held at the beginning of each semester of the academic year.

Additionally, the principal or chief of police will call a meeting in response to an incident to review procedures. Those attending the meetings will include the principal, other appropriate campus administrators and personnel, the UISD peace officer and the officers' supervisors.

USE OF FORCE

A District peace officer may only use force when there is a threat of imminent harm to the officer or to others. A District peace officer may use as much force as is reasonably necessary to protect self and others in the performance of his or her duties as a peace officer for the District, and may use deadly force only in life-threatening situations. The principal, lieutenant, and chief/captain shall review all incidents where force has been used for compliance with District policy and recommend appropriate action in cases of non-compliance.

ISSUANCE OF
CITATIONS

All District peace officers will comply with the following protocol prior to issuance of a ticket and shall document their compliance on a Student Intervention Form to be included with or in lieu of an incident report.

As a general rule, citations will be issued as a last resort for violations of the Texas Penal, Education, and Health and Safety Code or any other Class C Misdemeanor violation. Exceptions may include the following:

1. The behavior is egregious;
2. The principal requests that a ticket be given and the officer agrees;
3. A teacher requests that a ticket be given and the officer agrees and the principal has been consulted;
4. The law or other District requirements mandate a ticket be issued (e.g., tobacco/curfew/school zone violations, and the like).

As a general rule, peace officers will comply with the following protocol prior to issuance of a citation. Exceptions are noted above :

1. The District peace officer must consider the option of allowing the student to return to class with no further action from the District peace officer after the District peace officer has uti-

SAFETY PROGRAM/RISK MANAGEMENT
SECURITY PERSONNEL/PEACE OFFICERS

CKE
(REGULATION)

lized Child Crisis Intervention Training and if the situation involving the student has de-escalated.

2. The District peace officer will offer the student an opportunity to speak with a counselor. If the student so desires, The District peace officer must consider the option of referral to the school counselor's office with no further action from the District peace officer.

Student Intervention Forms will be copied to the District peace officer's sergeant, who will review such forms for compliance with District Policy and forward the approved form regarding the citation to the chief of police and the affected campus principal.

TRAINING

All District peace officers will receive training on United Independent School District Policies and Regulations and United Independent School District Police Policies and Regulations. Training will be conducted prior to the start of each school year, or prior to the official on-campus start date of each officer. Training will be a minimum of 4 hours.

CHILD CRISIS
INTERVENTION
TRAINING

All District peace officers will receive Child Crisis Intervention Training every three (3) years. The goals of the training will be to:

1. Prevent crises from occurring;
2. De-escalate potential crises;
3. Effectively manage acute crises;
4. Reduce potential and actual injury to students and staff; and
5. Assist Peace Officers with the identification of a child who has special needs and/or who is in crisis

TERMINATION OF EMPLOYMENT
RESIGNATION

DFE
(LOCAL)

GENERAL REQUIREMENTS	All resignations shall be submitted in writing to the Superintendent or designee. The employee shall give reasonable notice and shall include in the separation of employment form a statement of the reasons for resigning. A prepaid certified or registered letter of resignation shall be considered submitted upon mailing.
AT-WILL EMPLOYEES	The Superintendent or designee shall be authorized to accept the resignation of an at-will employee at any time.
CONTRACT EMPLOYEES	<p>The Superintendent or designee shall be authorized to receive a contract employee's resignation effective at the end of the school year or submitted after the last day of the school year and before the penalty-free resignation date. The resignation is accepted upon receipt.</p> <p>The Superintendent or designee shall be authorized to accept a contract employee's resignation submitted or effective at any other time. The Superintendent or designee shall either accept the resignation or submit the matter to the Board in order to pursue sanctions allowed by law.</p>
WITHDRAWAL OF RESIGNATION	Once submitted and accepted, the resignation of a contract employee may not be withdrawn without consent of the Board.



UNITED INDEPENDENT SCHOOL DISTRICT

Human Resources Department

301 Lindenwood Dr., Laredo, Texas 78045 (956) 473-6273; (956) 473-6303 Fax

NOTICE OF SEPARATION FROM EMPLOYMENT

Please return this form to your campus principal or director prior to the date you are requesting separation from employment. Note: No faxes will be accepted, only original forms will be processed. To avoid delay in the processing of this request, all items must be completed. Attached is the policy on contracted employees requesting resignation.

Name <u>Enrique A Geron</u>	Social Security No. <u>462 77 0449</u>
Position Title/Grade or Subject <u>Teacher</u>	Campus/Department <u>Los Obis, MS</u>
Phone Number: <u>361 522 4138</u>	Date of Request <u>6/6/12</u>

Forwarding Address (Street, City, State, Zip) <u>605 E Santa Clara Highway, Laredo, TX 78361</u>	Eff. Date of Forwarding Address <u> / / </u>
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Effective Date of Resignation/Retirement <u>6 / 1 / 12</u>
The resignation date above will be the employee's last workday. Any employees that abandon their employment with the District shall be listed as terminated on the last day that the employee reported to work.
Check one: <input checked="" type="checkbox"/> Resignation <input type="checkbox"/> Retirement <input type="checkbox"/> Termination <input type="checkbox"/> Lapse in Service
I am presently on leave, and now wish to resign: <input type="checkbox"/> Yes <input type="checkbox"/> No
State reason for separation from employment: (During contract term documentation is required for justification)
<u>Suspended w/ pay, Non-Renew</u>

I presently have a child(ren) attending UISD schools: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, please indicate the names of the child(ren) and campus. - See Policy DEB (Local)
Name of Child(ren) <u> </u> Campus <u> </u>

Employee Insurance Benefits
Employees separating from employment are required to report to the Risk Management Department on or before their last day of employment. Under certain circumstances, employees may continue insurance benefits even after separation from employment. The district complies with all applicable COBRA regulations. As such, employees shall have sixty (60) days from the resignation, retirement, or termination date, as listed above, to qualify for COBRA benefits.

I have read and understand the information stated above.

Employee Signature <u>[Signature]</u>	Date <u>6/6/12</u>	Principal/Director Signature <u> </u>	Date <u> </u>
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Return to: Human Resources Department, 301 Lindenwood Dr., Laredo, Texas 78045
THE BOTTOM PORTION OF THIS FORM IS FOR OFFICE USE ONLY

Administrative Approval <u>[Signature]</u>	Date <u>6-6-12</u>
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TERMINATION OF CONTRACT:

RESIGNATION

Code B

UISD Form 903-016
Revised Oct., 2011



UNITED INDEPENDENT SCHOOL DISTRICT

HUMAN RESOURCES DEPARTMENT

301 Lindenwood Rd., Laredo, Texas 78045; (956) 473-6273; Fax (956) 473-6303; Toll Free 1-800-933-6013

EMPLOYEE EXIT FROM DISTRICT FORM

Employees exiting the District are required to take this Employee Exit from District form to each of the departments listed below and obtain clearance signatures. The District will not release the final pay, post employment references, or provide service records of anyone failing to comply with this procedure.

PERSONAL INFORMATION

Legal Name:	<u>Garza Enrique</u>	Social Security No.:	<u>462 77 0449</u>
	<small>Last Name First Name Middle Initial</small>		
Campus/Department:	<u>Loms</u>	Job Title:	<u>Teacher</u>
Resignation Date:	<u>6-1-12</u>		

DEPARTMENT CLEARANCE

Campus Principal / Department Director		
Signature	Date	Campus/Dept. Stamp
Human Resources Department		
Signature	Date	Campus/Dept. Stamp
Risk Management Department		
Signature	Date	Risk Management Department Stamp
Payroll Department		
Signature	Date	Payroll Dept. Stamp
Human Resources Department		
Signature	Date	HR Dept. Stamp

Once completed, this form must be submitted back to the Human Resources Department.

AFFIDAVIT OF MARY CAVAZOS

STATE OF TEXAS §
 §
COUNTY OF WEBB §

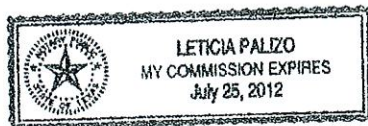
Before me, the undersigned authority, on this day personally appeared MARY CAVAZOS, known to me to be the person whose name is subscribed to the foregoing instrument, after being duly sworn, stated that the statements set forth below are true and correct and are based on his personal knowledge.

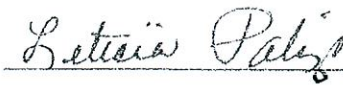
"My name is MARY CAVAZOS. I am over 18 years of age, of sound mind, and capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct. I hereby affirm that I am employed with the United Independent School District as a Human Resources Assistant. On June 6, 2012, I was asked by Mrs. Patricia Gonzalez to help Mr. Enrique Garza with the exiting process pertaining to his resignation by walking him over to the Risk Management Department. I walked Mr. Enrique Garza to the Risk Management Department."

Further affiant saith not.


MARY CAVAZOS

SUBSCRIBED AND SWORN TO BEFORE ME the undersigned authority by affiance,
on this the 18th day of June, 2012.




NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

AFFIDAVIT OF SAN JUANITA NAVARRO

STATE OF TEXAS §
 §
COUNTY OF WEBB §

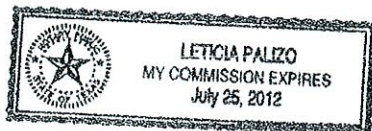
Before me, the undersigned authority, on this day personally appeared SAN JUANITA NAVARRO, known to me to be the person whose name is subscribed to the foregoing instrument, after being duly sworn, stated that the statements set forth below are true and correct and are based on his personal knowledge.


"My name is SAN JUANITA NAVARRO. I am over 18 years of age, of sound mind, and capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct. I hereby affirm that I am employed with the United Independent School District as a Risk Management/Benefits Assistant. On June 6, 2012, I assisted Mr. Enrique Garza with his resignation and at no time do I recall him stating or mentioning to me that he was being forced to resign."

Further affiant saith not.


SAN JUANITA NAVARRO

SUBSCRIBED AND SWORN TO BEFORE ME the undersigned authority by affiance,
on this the 18th day of June, 2012.




NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

AFFIDAVIT OF ROSA MARIA GARCIA

STATE OF TEXAS §
 §
COUNTY OF WEBB §

Before me, the undersigned authority, on this day personally appeared ROSA MARIA GARCIA, known to me to be the person whose name is subscribed to the foregoing instrument, after being duly sworn, stated that the statements set forth below are true and correct and are based on his personal knowledge.

"My name is ROSA MARIA GARCIA. I am over 18 years of age, of sound mind, and capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct. I hereby affirm that I am employed with the United Independent School District as a Receptionist. On June 6, 2012, Mr. Enrique Garza arrived at the United Independent School District Human Resources Office on 201 Lindenwood Drive, Laredo, Texas 78045. Mr. Enrique Garza informed me that he was here to resign. I proceeded to ask him if he had the exit paper work and if he had spoken with his principal. Mr. Enrique Garza informed me that he did not speak with his principal and that he was on administrative leave. I then called Human Resources Assistant Elsa Rodriguez to inform her that Mr. Enrique Garza was present to resign. At no time did I provide Mr. Enrique Garza any paperwork, nor did he fill any paperwork out in front of me."

Further affiant saith not.



ROSA MARIA GARCIA

SUBSCRIBED AND SWORN TO BEFORE ME the undersigned authority by affiance,
on this the 18th day of June, 2012.



Leticia Palizo

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

AFFIDAVIT OF ELSA RODRIGUEZ

STATE OF TEXAS §
 §
COUNTY OF WEBB §

Before me, the undersigned authority, on this day personally appeared ELSA RODRIGUEZ, known to me to be the person whose name is subscribed to the foregoing instrument, after being duly sworn, stated that the statements set forth below are true and correct and are based on his personal knowledge.

"My name is ELSA RODRIGUEZ. I am over 18 years of age, of sound mind, and capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct. I hereby affirm that I am employed with the United Independent School District as a Human Resources Assistant. On June 6, 2012, I received a phone call from Ms. Rosa Maria Garcia informing me that Mr. Enrique Garza was in the building to resign. Since I was aware that Mr. Enrique Garza was on administrative leave, I called my immediate supervisor and Director of Compensation, Mrs. Patricia Gonzalez, to inform her that Mr. Enrique Garza was on the premises to resign. On June 6, 2012, I did not have any communication with Mr. Enrique Garza, nor did I even see him. Further, at no time did I provide him with any documentation, nor did I check in the "resignation" box on the "Notice of Separation from Employment" form."

Further affiant saith not.


ELSA RODRIGUEZ

SUBSCRIBED AND SWORN TO BEFORE ME the undersigned authority by affiance,
on this the 18th day of June, 2012.



Leticia Palizo
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

AFFIDAVIT OF PATRICIA GONZALEZ

STATE OF TEXAS §
 §
COUNTY OF WEBB §

Before me, the undersigned authority, on this day personally appeared PATRICIA GONZALEZ, known to me to be the person whose name is subscribed to the foregoing instrument, after being duly sworn, stated that the statements set forth below are true and correct and are based on his personal knowledge.


"My name is PATRICIA GONZALEZ. I am over 18 years of age, of sound mind, and capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct. I hereby affirm that I am employed with the United Independent School District as a Director of Compensation. On June 6, 2012, I received a phone call from Ms. Elsa Rodriguez informing me that Mr. Enrique Garza, a teacher at Los Obispos Middle School, was in the building to resign. I informed Ms. Elsa Rodriguez that I would see Mr. Enrique Garza. I proceeded to walk over to the lobby where Mr. Enrique Garza was waiting and I escorted him into the processing area. I asked him how I could help him and he stated that he was here to resign. I provided Mr. Enrique Garza with the "Notice of Separation from Employment" form so that he could complete the form. Mr. Enrique Garza completed the form and I accepted his voluntary resignation. At no time did I fill in the resignation box on the "Notice of Separation from Employment" form. I then asked Ms. Mary Cavazos to walk Mr. Enrique Garza to the Risk Management Department for the second part of the employee exiting process."

Further affiant saith not.


PATRICIA GONZALEZ

SUBSCRIBED AND SWORN TO BEFORE ME the undersigned authority by affiance,
on this the 18th day of June, 2012.




NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS