

# Minutes of Regular Board Meeting August 11, 2020

## The Board of Trustees Texas City Independent School District

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Present: Nakisha Paul, President  
Nelson Juarez, Vice President  
Melba Anderson  
Hal Biery  
Dickey Campbell  
Mable Pratt  
Bryan Thompson

Present: Dr. Melissa Duarte, Superintendent  
*Susan Myers, Deputy Superintendent of Education*  
*Dr. Terri Burchfield, Assistant Superintendent of Support Services*  
*Marcus Higgs, Assistant Superintendent of Human Resources*  
*Margaret Lee, Assistant Superintendent for Business & Operations*

*David Hodgins, TCSD Attorney*  
*Adriana Lyle, Executive Administrative Assistant/Board Secretary*  
*Sgt. D. Filmore, GCSO*  
*Bobby Mills, Systems Administrator*  
*Don Pursley, Director of Facilities*  
*Melissa Tortorici, Director of Communications*

A Regular Board Meeting of the Board of Trustees of Texas City Independent School District was held Tuesday, August 11, 2020, beginning at 6:30 p.m. in the Simpson Education Support Center Board Room.

### 1. Call to Order

### 2. First Order of Business

- A. Announcement by the President whether a quorum is present, that the meeting has been duly called and notice of the meeting has been posted for the time and manner required by law

*Ms. Nakisha Paul, President, called the meeting to order at 6:30 p.m. Mr. Biery announced that a quorum was present, that the meeting had been duly called, and notice of the meeting had been posted in the time and manner required by law.*

### 3. Pledge & Invocation

*Ms. Melba Anderson, Board Member, led the pledge to the flags.*  
*Mrs. Mable Pratt, Board Member, gave the invocation.*

#### **4. Public Forum**

- A. Public Forum regarding listed Open Session Agenda Items (in lieu of a public appearance at the Board Meeting, members of the public may submit written comments to the Board on any listed agenda item via email prior to the beginning of the meeting addressed to alyle@tcisd.org. In your email, please state your name, address, agenda topic, and comment).

*There was no Public Forum at this time.*

#### **5. Special Recognition**

- A. Congratulations to Margaret Lee for her Appointment to TASBO's Governmental Relations Committee

*Dr. Duarte, Superintendent, Congratulations to Margaret Lee for her Appointment to TASBO's Governmental Relations Committee*

#### **6. Action Items**

- A. Consider Approval of Minutes for Board Meetings Held June 19, 2020, July 14, 2020, and July 20, 2020

*Mr. Bryan Thompson, Board Member, moved to approve the minutes from meetings held on June 19, 2020, July 14, 2020, and July 20, 2020. Mr. Dickey Campbell, Board Member, seconded the motion. The motion carried 7/0.*

- B. Consider Approval of TASB 2020 Nomination for TASB Board

*Ms. Nakisha Paul, President, gave a review of the 2020 TASB Nominations for the endorsement to fill the position of the TASB Board of Directors. Mr. Hal Biery, Board Member, made a motion to give the TCISD endorsement to Page Rander, who has served as President on the Clear Creek ISD Board of Trustees Executive Committee. Mr. Bryan Thompson, Board Member, seconded the motion. The motion carried 7/0.*

#### **7. Information Items**

- A. Review of New Professional Position in Special Education Department

*Mr. Marcus Higgs, Assistant Superintendent of Human Resources, explained that TCISD has a Shared Service Arrangement with Galveston ISD for a Vision Impaired teacher. We were notified on July 16, 2020, that Galveston had too many students to share services with TCISD. It is the recommendation of Administration to approve a new position for a Vision Impaired teacher so that we can provide services to our students with visual impairment.*

- B. Review of Proposed 2020-2021 Budget

*Mrs. Margaret Lee, Assistant Superintendent for Business & Operations, gave a brief presentation of the 2020-21 Proposed Budget. Mrs. Lee explained that under HB3, we cannot calculate our tax rate for the Truth in Taxation software until we receive our Maximum Compressed Rate (MCR) from TEA and cannot move forward until we get the MCR and TNT software. Mr. Lee also stated that there would be a significant amount of movement between the time this item is submitted and the August 11 meeting.*

C. Review of Facilities Update

*Mr. Don Pursley, Director of Facilities, gave an update and answered questions on present construction.*

D. Review of a Temporary Extension of the 2019-2020 Juvenile Justice Alternative Educational Program (JJAEP), Funding Parameters and Interlocal Agreement, and Memorandum of Understanding (MOU)

*Dr. Terri Burchfield, Assistant Superintendent of Support Services, gave an update of the temporary extension of the 2019-2020 Juvenile Justice Alternative Educational Program (JJAEP), Funding Parameters, and Interlocal Agreement, and Memorandum of Understanding (MOU). Dickinson, the hosting district, has submitted a rewrite on the current MOU, and it is under review by the Galveston County. On June 29, 2020, the JJAEP Executive Committee agreed to bring an extension to the partner districts with a projected approval date for the 2020-2021 MOU of October 2020.*

E. Review of Local Policy Revision to EIA (Local) Academic Achievement Grading/Progress Reports to Parents and EIE (Local) Academic Achievement Retention and Promotion - First Reading

*Dr. Terri Burchfield, Assistant Superintendent of Support Services, reviewed changes to Local Policy Revision to EIA (Local) Academic Achievement Grading/Progress Reports to Parents and EIE (Local) Academic Achievement Retention and Promotion - First Reading*

F. Review of Local Policy Revisions in Update 115 – First Reading

1. *BF (Local): Board Policies*

*DED (Local): Compensation and Benefits - Vacations and Holidays*

*DIA (Local): Employee Welfare - Freedom From Discrimination, Harassment, and Retaliation*

*DMD (Local): Professional Development - Professional Meetings and Visitations*

*EI (Local): Academic Achievement*

*FB (Local): Equal Educational Opportunity*

*FD (Local): Admissions*

*FEB (Local): Attendance - Attendance Accounting*

*FFG (Local): Student Welfare - Child Abuse and Neglect*

*FFH (Local): Student Welfare - Freedom From Discrimination, Harassment, and Retaliation*

*FMF (Local): Student Activities - Contest and Competition*

*FNG (Local): Student Rights and Responsibilities - Student and Parent Complaints/Grievances*

*GF (Local): Public Complaints*

*Dr. Terri Burchfield, Assistant Superintendent of Support Services, reviewed policy changes resulting from TASB Update 115.*

**BF(LOCAL) BOARD POLICIES**

*A revision to this local policy clarifies that a district's legally referenced policies are not adopted by the Board.*

**DED(LOCAL) COMPENSATION AND BENEFITS: VACATIONS AND HOLIDAYS**

*Recommended revisions to this local policy on paid vacation days address the Board's authorization of the program, including which employees are eligible for the benefits, and refer to administrative procedures for details to promote consistent application and prevent conflict between policy and administrative procedures. Please confirm that the eligibility information, which was pulled from the district's existing policy, is accurate.*

**DIA(LOCAL) EMPLOYEE WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION**

*We offer for your consideration our recommended local policy language at this code.*

*Recommended revisions to this policy incorporate the recent United States Supreme Court decision *Bostock v. Clayton County, Georgia*, which held that an adverse employment action against an employee on the basis of homosexuality or transgender status violates Title VII's prohibition on sex discrimination in employment. As a result, the policy clarifies that discrimination on the basis of sex includes discrimination on the basis of biological sex, gender identity, sexual orientation, gender stereotypes, or any other prohibited basis related to sex.*

**DMD(LOCAL) PROFESSIONAL DEVELOPMENT: PROFESSIONAL MEETINGS AND VISITATIONS**

*Policy Service recommends that the administrative details regarding professional meetings be removed from the local policy manual, as board-adopted policy is not required.*

**EI(LOCAL) ACADEMIC ACHIEVEMENT**

*Administrative Code rules permit districts, in accordance with local district policy, to award course credit proportionately to a student who successfully completes only half of a course. A new board policy provision has been recommended to address this option, which matches common practice.*

**FB(LOCAL) EQUAL EDUCATIONAL OPPORTUNITY**

*The provision on the Title IX coordinator has been updated in response to the new Title IX regulations. Corresponding wording changes were made to the ADA/Section 504 coordinator text.*

**FD(LOCAL) ADMISSIONS**

*New Administrative Code rules, effective March 30, 2020, address transition assistance for highly mobile students who are homeless or in substitute care and require districts to adopt local policy to assist with awarding credit to a student who is homeless or in substitute care for a course that was earned prior to the student enrolling in or transferring to the district. See Transition Assistance for recommended text to comply with this local policy requirement.*

**FFG(LOCAL) STUDENT WELFARE: CHILD ABUSE AND NEGLECT**

*This local policy on child abuse and neglect has been significantly revised based on amended Administrative Code rules. Recommended text is included to provide the required policy addressing sexual abuse, trafficking, and other maltreatment of students that must be included in the district improvement plan and the student handbook.*

**FFH(LOCAL) STUDENT WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION**

*Based on the new Title IX regulations, recommended revisions include the following.*

- *The definition of Prohibited Conduct has been revised to include conduct that meets the Title IX definition of sexual harassment, but the policy retains the broader definitions of prohibited conduct in districts' current policies to ensure that all prohibited conduct is addressed.*
- *Text at Sex-Based Harassment and Investigation of Reports Other than Title IX directs readers to new provisions on responding to allegations of prohibited conduct that, if proved, would meet the definition of sexual harassment under Title IX, as the law requires a specific response process for these allegations. Allegations of prohibited conduct not based on sex or that would not meet the definition of sexual harassment under Title IX will follow the district's existing investigation process.*
- *The provision requiring an employee to report prohibited conduct has been updated to include either direct or indirect reports.*
- *Text at Response to Sexual Harassment—Title IX addresses legally required actions when the district receives notice or allegations of conduct that would meet the definition of sexual harassment under Title IX.*
- *New provisions direct the Superintendent to develop a Title IX formal complaint process that will apply following a formal complaint, and that must comply with the elements in the new regulations, as included in FFH(LEGAL).*
- *To determine responsibility in a Title IX formal complaint of sexual harassment, the policy designates that the district will use a preponderance of the evidence standard. The district must use the same standard of evidence for investigation of all formal Title IX sexual harassment complaints, including complaints by employees.*
- *Provisions on retaliation and false claims have been updated and moved to the end of the policy.*

**FMF(LOCAL) STUDENT ACTIVITIES: CONTESTS AND COMPETITION**

*This local policy on student contests and competition is recommended for deletion. There is no requirement for board policy on these issues; the district's practices can be included in administrative procedures.*

**FNG(LOCAL) STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT AND PARENT COMPLAINTS/GRIEVANCES**

*Policy Service has revised the list of protected characteristics at Other Complaint Processes, item 1, to align with the list at FFH(LOCAL) above. A recommended revision specifies that a person filing a complaint regarding refusal of entry to or ejection from property based on Education Code 37.105 shall be permitted to address the Board within 90 "calendar" days. This is an exception to how other timelines are calculated in the policy, which are based on "business" days in accordance with how days are defined.*

**GF(LOCAL) PUBLIC COMPLAINTS**

*A recommended revision specifies that a person filing a complaint regarding refusal of entry to or ejection from property based on Education Code 37.105 shall be permitted to address the Board within 90 "calendar" days. This is an exception to how other timelines are calculated in the policy, which are based on "business" days in accordance with how days are defined.*

**8. Business/Legal/Finance Consent Agenda**

*Mr. Dickey Campbell, Board Member, moved to approve items A, B, C, D, E(1-11), F(1-7), and G(1-18). Ms. Melba Anderson, Board Member, seconded the motion. The motion carried 7/0.*

- A. Consider Approval of New Professional Position in Special Education Department
- B. Consider Approval of 2020 Certified Appraisal Roll and Anticipated Collection Rate
- C. Consider Approval of Option 3 Agreement to Purchase Attendance Credits
- D. Consider Approval of Penalty and Interest Waiver
- E. Consider Approval of Financial Reports
  - 1. Dashboard Report
  - 2. General Fund Operating Statement
  - 3. Nutrition Services Operating Statement
  - 4. Expenditures by Function - All
  - 5. Expenditures by Function - 1XX
  - 6. Expenditures by Function - Head Start
  - 7. Check Register - All
  - 8. Check Register - Head Start

9. Investment Report
10. Tax Collector Report
11. Over Payment Letters
- F. Consider Approval of Purchases and Contracts Requiring Board Approval
  1. Student / Athletic Accident Insurance
  2. Geotechnical Survey
  3. TCHS Welding Shop Exhaust System Relocation
  4. Aviation Instruction
  5. Art Instruction and Health and Fitness Education
  6. Culinary, Marshall Arts, Cosmetic Arts, Sports, and Recreations Instruction
  7. Playground Equipment for Heights Elementary
- G. Consider Approval of Bids and Proposals
  1. RFP 30-01 Custodial Equipment Supplies and Services
  2. RFP 30-07 Grounds Keeping Equipment, Supplies, and Services
  3. RFP 30-09 Fencing Materials
  4. RFP 30-10 Miscellaneous Signs
  5. RFP 30-11 AC Filters
  6. RFP 30-12 Ready Mixed Concrete
  7. RFP 30-13 Plumbing Supplies
  8. RFP 30-14 Uniforms for Maintenance
  9. RFP 30-15 Glass Replacement
  10. RFP 30-16 Miscellaneous HVAC Supplies
  11. RFP 30-18 Equipment and Tool Rental
  12. RFP 30-20 Carpentry Supplies
  13. RFP 30-22 Tires
  14. RFP 30-23 Electrical Supplies
  15. RFP 30-24 Gas and Diesel
  16. RFP 30-26 Elevator and Wheelchair Lift Inspection and Service
  17. RFP 30-06 Contracted Services for Afterschool Program
  18. RFP 30-17 Copy Paper

**9. Curriculum & Consent Agenda**

*Ms. Melba Anderson, Board Member, moved to approve items B, C, D, E, F, G, H, I, J, K, and L. Mr. Bryan Thompson, Board Member, seconded the motion. The motion carried 7/0.*

*Item 9A Pulled to be discussed and voted on separately.*

A.

Consider Approval to Allow the Superintendent to Submit the Synchronous Attestation on Behalf of Texas City Independent School District

*Ms. Nakisha Paul, President, had a question regarding filing a waiver for additional minutes. Will attestation cover us? Dr. Duarte, Superintendent, explained that she would have the authority to submit the attestation to the state. Dr. Duarte stated that we would be in compliance with Synchronous instruction and would be meeting TEKS and our minutes.*

*Mr. Bryan Thompson, Board Member, made a motion to approve the Superintendent to submit the Synchronous Attestation on behalf of TCISD. Ms. Melba Anderson, Board Member, seconded the motion. The motion carried 7/0.*

- B. Consider Approval of Proposal for La Marque High School Welding Students to Attend College of the Mainland for the 2020-2021 School Year
  - C. Consider Approval of the Contract Between TCISD and Specialized Assessment & Consulting for the 2020-21 School Year
  - D. Consider Approval of Calvin Vincent Head Start Application and Proposed Budget for Fiscal Year 2021
  - E. Consider Approval of Calvin Vincent Head Start 2020-2021 Self-Assessment and Improvement Plan
  - F. Consider Approval of Calvin Vincent Head Start 2020-2021 Training and Technical Assistance Plan
  - G. Consider Approval of Calvin Vincent Head Start Planning Calendar
  - H. Consider Approval of 2020-2021 T-TESS Appraisal Calendar
  - I. Consider Approval of Proposed Agreement Between University of Texas Medical Branch at Galveston and Texas City ISD for 2020-2021
  - J. Consider Approval of Proposed Inter Local Cooperation Agreement and Memorandum of Understanding for the Transforming Lives Cooperative Day Program (TLC) for 2020-2021
  - K. Consider Approval of the Temporary Extension of the 2019-2020 Juvenile Justice Alternative Educational Program (JJAEP), Funding Parameters and Inter Local Agreement, and Memorandum of Understanding (MOU)
  - L. Consider Approval of Policy EIC (Local) Academic Achievement Class Rankings - Second Reading
- 10. Future Business**
- A. Future Agenda Items
  - B. Consider Report by Superintendent and/or Board Members Regarding Previous or Upcoming Activities for Board Members
  - C. Future Meeting Dates
    - 1. Set a Date for Team of Eight Training

*Tuesday, August 25, 2020, is set for the Team of Eight training with Bill Rutherford following Budget meeting.*



2. Set a date for Public Meeting to Discuss the 2020-2021 Budget and Proposed Tax Rate (Tuesday, August 25, 2020).  
*Tuesday, August 25, 2020, is set for the Public Meeting to Discuss the 2020-2021 Budget and Proposed Tax Rate at 5:30 p.m.*

## 11. Closed Meeting

- A. Closed meeting will be held for the purposes authorized by the Texas Open Meetings Act, Texas Government Code Section 551.071 et seq. concerning any and all purposes permitted by the Act, including but not limited to the following sections and purposes: Texas Government Code Sections:

*Mr. Nelson Juarez, Vice President, made a motion to convene into a closed meeting under Texas Government Code Sections 551.071 through 551.087. Mr. Bryan Thompson, Board Members, seconded the motion. The motion carried 7/0. The Board of Trustees entered a closed session at 7:23 p.m.*

- B. **551.071** For the purpose of a private consultation with the Board's attorney on all subjects or matter authorized by law
  1. When the governmental body seeks the advice of its attorney about:
    - a. Pending or contemplated litigation or
    - b. A settlement offer; or
  2. On a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter
  3. Consider legal advice regarding the purchase and sale agreement for the purchase of land related action items
  4. Consider legal advice regarding personnel issues
  5. Consider legal advice regarding any item listed on the agenda
- C. **551.072** For the purpose of discussing the purchase, exchange, lease, or value of real property
  1. Review purchase and sale agreement for the purchase of land
- D. **551.073** For the purpose of discussing negotiated contracts for prospective gifts or donations
- E. **551.074** For the purpose of considering the appointment, employment, resignation, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee
  1. Consider hiring professional, and non-professional personnel
  2. Consider renewals, non-renewals, and terminations of contracts for professional and non-professional personnel
- F. **551.076** For the purpose of considering the deployment, specific occasions for, or implementation of, security personnel or devices

- G. **551.082** For the purpose of considering discipline of a public school child, or complaint or charge against personnel
- H. **551.0821** For the purpose of considering a matter regarding a public school student where personally identifiable information about the student will necessarily be revealed by the deliberation
- I. **551.083** For the purpose of considering the students, guidelines, terms, or conditions the Board will follow or will instruct its representatives to follow in consultation with representative of employee groups
- J. **551.084** Excluding witness for a hearing

**12. Reconvene from Closed Meeting**

*The meeting was reconvened at 8:16 p.m.*

**13. Consider Action on Items Discussed in Closed Session**

- A. Consider Board Approval of Professional Personnel Recommendations and Related Actions

*Mr. Marcus Higgs, Executive Director of Human Resources, asked for approval of the hiring of all professional personnel recommendations as discussed in closed session. Ms. Melba Anderson, Board Member, moved for approval. Mr. Hal Biery, Board Member, seconded the motion. The motion carried 7/0.*

- B. Consider Board Approval of Renewal, Non-Renewals, and Terminations of Contracts for Professional Personnel and Related Actions

*No action was taken at this time*

**14. Adjournment**

*Mr. Nelson Juarez, Vice President, moved to adjourn the meeting at 8:17 p.m. Ms. Mable Pratt, Board Member, seconded the motion. The motion carried 7/0.*

Approved:

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Nakisha Paul  
TCISD Board of Trustees

\_\_\_\_\_  
Date

\_\_\_\_\_  
Adriana Lyle, Secretary  
TCISD Board of Trustees

\_\_\_\_\_  
Date

