

Minutes of Meeting of Board of Trustees
El Paso Independent School District
July 18, 2000
5:00 p.m.
Education Center-Boeing

Present Dr. Charles Roark, President
 Mr. Richard Telles, Secretary¹
 Dr. Gene Finke
 Miss Leonor Garcia
 Mr. Joe Rosales
 Mr. Dan Wever
 Dr. Gilberto Anzaldua, Superintendent
 Mr. Gary Weiser, Attorney at Law

Absent: Mrs. Ada Gonzalez-Peterson, Vice President

The meeting was called to order at 5:02 p.m. The Pledge of Allegiance was led by Mr. Rosales. It was announced that the purpose of the meeting was to hear grievances.

Mr. Gary Weiser, attorney at law, represented the Board of Trustees and Mr. Anthony Safi represented the EPISD administration. Mr. Mark Robinett represented Efren Yturralde, Mark Mendoza, Manuel Mendoza, and Dianne Jones, grievants on item no. 1, A., 1.

Meeting Closed (Item #1)

The meeting was recessed at 5:05 p.m. to a closed meeting by Dr. Roark under Sections 551.074 and 551.082 of the Texas Government Code as follows:

A. Grievance Hearings

1. Dianne Jones, Principal, Canyon Hills Middle School; Mark Mendoza, Principal, Bliss Elementary School; Efren Yturralde, Principal, Lincoln Middle School; Manuel Mendoza, Principal, Milam Elementary School

Mr. Rosales recused himself from participation in this grievance.

The closed meeting was opened at 5:07 p.m. The closed meeting ended at 5:35 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 5:35 p.m.

¹ Mr. Telles departed the meeting at 9:03 p.m., during the closed meeting on Item #1, A., 6.

Dianne Jones, Principal, Canyon Hills Middle School; Mark Mendoza, Principal, Bliss Elementary School; Efren Yturralde, Principal, Lincoln Middle School; Manuel Mendoza, Principal, Milam Elementary School (Item #1, A., 1.)

Mr. Safi advised that the administration identified specific portions of the grievance addenda which it believes are untimely and not grievable and requested that the Board uphold the Superintendent's specific rulings on each of the four addenda as described in the grievance materials.

It was moved by Mr. Wever, seconded by Mr. Telles, and carried unanimously that the Board support the Superintendent's decision on the timeliness of the submission of portions of the addenda to this grievance. Mr. Rosales was recused and did not vote. Dr. Finke voted in favor of the motion but recused himself from the vote on the Mark Mendoza grievance addenda.

Meeting Closed

The meeting was again recessed at 5:36 p.m. to a closed meeting by Dr. Roark under the authority previously cited.

Mr. Rosales recused himself from participation in this grievance hearing.

The closed meeting was opened at 5:37 p.m. The closed meeting ended at 6:10 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 6:10 p.m.

Dianne Jones, Principal, Canyon Hills Middle School; Mark Mendoza, Principal, Bliss Elementary School; Efren Yturralde, Principal, Lincoln Middle School; Manuel Mendoza, Principal, Milam Elementary School (Item #1, A., 1. - continued)

It was moved by Mr. Telles, seconded by Mr. Wever, and carried unanimously that the Board uphold the Superintendent's Step 4 responses to those portions of the grievances that were ruled admissible by the Board to not rescind the reassignments of Dianne Jones, Mark Mendoza, Efren Yturralde, and Manuel Mendoza and that their salaries be individually reviewed for the 2001-02 school year. Mr. Rosales and Dr. Finke were recused and did not vote.

Meeting Closed

The meeting was again recessed at 6:13 p.m. to a closed meeting by Dr. Roark under Sections 551.074 and 551.082 of the Texas Government Code as follows:

A. Grievance Hearing

2. Elco Ramos, Principal, Houston Elementary School

Mr. Rosales recused himself from participation in this grievance.

The closed meeting was opened at 6:17 p.m. The closed meeting ended at 7:20 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 7:20 p.m.

Elco Ramos, Principal, Houston Elementary School (Item #1, A., 2.)

It was moved by Mr. Wever, seconded by Mr. Telles, and carried unanimously that the Board uphold the Superintendent's Step 4 response to deny the corrective measures requested in the grievance filed by Elco Ramos, and that his salary be individually reviewed for the 2001-02 school year. Mr. Rosales was recused and did not vote.

Grievance Hearings – Mark Mendoza, Principal, Bliss Elementary School (Item #1, A., 3.) and Manuel Mendoza, Principal, Milam Elementary School (Item #1, A., 4.)

At the request of the grievants, these grievances were combined and heard in Open Session.

Mr. Rosales and Dr. Finke recused themselves from participation in the grievances and were not present during the discussion.

Dr. Roark reviewed the guidelines of the hearing.

Mr. Anthony Safi, representing the administration, provided a history of the grievances filed by Mark Mendoza and Manuel Mendoza regarding their transfers to other schools. The grievances allege that the meeting notice for the March 28, 2000, Board meeting did not comply with the Open Meetings Act.

Mr. Mark Mendoza, Principal at Bliss Elementary School and President of the Texas Association of Hispanic School Administrators, El Paso Chapter, and Mr. Manuel Mendoza, Principal at Milam Elementary School and Secretary for the Texas Association of Hispanic School Administrators, represented themselves. Mr. Mark Mendoza read the text of the grievance, which states that the Superintendent and Board of Trustees violated Board Policies BE (Legal) and BEC (Legal) and Texas Government Code Sections 551.074 and 551.144. Mr. Manuel Mendoza read the statements in the Superintendent's Step 4 response, and Mr. Mark Mendoza provided their response to each statement. The grievants requested that the Board's decision to transfer personnel under item no. 17, B., on the Board agenda of March 28, 2000, be rescinded and reversed.

Mr. Safi rebutted the grievants' response and reviewed the legal requirements of notices under the Open Meetings Act. He stated that more than 72-hours notice was provided to the general public and the notice was adequate to fully meet all requirements of the Act.

Mr. Mark Mendoza expressed his disagreement and stated that the personnel transfers/appointments should have been postponed until they were presented to the public in a more appropriate manner.

It was moved by Mr. Wever, seconded by Miss Garcia, and carried unanimously that the Board uphold the Superintendent's Step 4 response that item no. 17, b., on the agenda of the March 28, 2000, Board meeting did not require individual notices to campus principals that were subject to reassignment, and deny the corrective measures requested in the grievances filed by Mark Mendoza and Manuel Mendoza. Dr. Finke and Mr. Rosales were recused and did not vote.

Item Withdrawn

It was announced that item no. 1, A., 5., Grievance Hearings – Elida Barriga, Teacher, Burleson Elementary School, had been withdrawn from the agenda.

Meeting Closed

The meeting was recessed at 8:01 p.m. to a closed meeting by Dr. Roark under Sections 551.074 and 551.082 of the Texas Government Code as follows:

A. Grievance Hearings

6. Tonie Kreye, Assistant Principal, Coronado High School

The closed meeting was opened at 8:04 p.m. The closed meeting ended at 9:10 p.m.

Departure of Board Member

Mr. Telles departed the meeting at 9:03 p.m. and was not present for any subsequent action taken by the Board of Trustees.

Meeting Opened

The meeting was reassembled in Open Session at 9:10 p.m.

Grievance Hearings – Tonie Kreye, Assistant Principal, Coronado High School (Item #1, A., 6.)

It was moved by Miss Garcia, seconded by Mr. Wever, and carried unanimously that the Board uphold the Step 4 response by the Superintendent's designee to deny the corrective measures requested in the grievance filed by Tonie Kreye.

Grievance Hearings – Unity Council – Jerry Boyer, Teacher, Putnam Elementary School/President, El Paso Classroom Teachers Association; Patricia Bulos, Teacher, MacArthur Middle School/President, Association for Texas Professional Educators; Margie LaPuma, Paraprofessional, Highland Annex/President, ESP-El Paso/Texas State Teachers Association; Rosemary Salazar, Teacher, MacArthur Middle School/President, El Paso Teacher Association (Item #1, A., 7.)

Mr. Kevin O'Hanlon, representing the grievants, requested that the grievance be heard in Open Session.

Mr. Wever recused himself from participation in this grievance.

Dr. Roark reviewed the guidelines of the hearing.

Mr. Anthony Safi represented the administration. He stated that the grievance addresses the Board's effort to follow up on recommendations in the State Comptroller's Texas School Performance Review that the District revise its consultation policy in an attempt to reduce grievances and personnel management problems. Mr. Safi advised that various revised versions of Board Policy DGB (Local) were presented to the Board, which included input from the grievants. The administration's position is that this Board policy provides an opportunity for employees to determine whether or not they want single organization representation.

Mr. O'Hanlan represented the grievants. He stated that the State Comptroller's Texas School Performance Review indicates that several grievances had been filed against the District and that DGB (Local) deals with the consultation process and not grievances. He advised that the revised policy will cause even more grievances to be filed. The Unity Council is not asking to be the exclusive representative agent. The grievants request that Board Policy DGB (Local) revert back to the original 1996 version.

It was moved by Dr. Finke, seconded by Mr. Rosales, and carried unanimously that the Board uphold the Superintendent's Step 4 response to deny this grievance, in light of amendments made to Board Policy DGB (Local). Mr. Wever was recused and did not vote.

Meeting Adjourned

The meeting was adjourned at 9:46 p.m.

Date Approved: September 12, 2000