



**SOUTH SAN ANTONIO INDEPENDENT SCHOOL DISTRICT
OFFICE OF THE SUPERINTENDENT**

1450 Gillette Boulevard · San Antonio, Texas 78224 · (210) 977-7000 · Fax (210) 977-7017

Minutes of Special Meeting

**The Board of Trustees
South San Antonio ISD**

A Special Meeting of the Board of Trustees of South San Antonio ISD was held Wednesday, January 12, 2022, beginning at 6:00 PM in the ADMINISTRATION BUILDING 1450 Gillette Blvd. San Antonio, Texas 78224.

CALL TO ORDER AND ROLL CALL

Trustee	Present	Absent	Late Arrival/Departed Early
Stacey Alderete	X		
Gilbert Rodriguez	X		
Connie Prado	X		
Shirley Ibarra	X		
Homer Flores	X		
Ernesto Arrellano Jr.	X		
Gina Villagomez		X	

Led by Michelle Martinez, Senior Executive Assistant

- PLEDGE OF ALLEGIANCE
- TEXAS PLEDGE
- PRAYER

Led by Brad Domitrovich, Public Relations Consultant

Mr. Rodriguez, Board President, read board meeting rules of decorum aloud.

CITIZENS TO BE HEARD

None

SUPERINTENDENT'S REMARKS (NO ACTION / REPORT ONLY)

Henry Yzaguirre, Interim Superintendent of Schools, addressed the Board and audience stating that it is with great pleasure that he serves South San ISD as Interim Superintendent. He wished everyone a Happy New Year. He shared important updates; we are battling issues with the most recent COVID outbreak and we are doing our best to make sure students and staff are safe at all times, the flare up has impacted both our staff and students. He stated it is important to follow our safety protocols but it is most important to have our students in our classrooms. He said that our student attendance dipped record lows and the gap in learning continues to widen. He said that in person learning is the best practice if we want our children to succeed. He asked all of our parents to continue to follow our safety protocols and encouraged them to bring their children to school every day. He said the second semester is upon us and with that comes state assessments. He said that the state of Texas has assured us that all students will be responsible for and will be administered the STAAR end of course exams. He stated that our teachers and administrators are working hard to prepare our students for their respective exams. He said we must continue to push ourselves to do our very best and stay focused on our academic goals. He reminded our community that we have plenty of resources that we have available to our families throughout the district; resources that can assist us through these difficult

times, in which many are free of charge. He encouraged them to reach out to their local school or the district administration office for more information on how we can assist our families. He said God bless each and every one of you and God bless South San ISD.

BOARD PRESIDENT'S REMARKS (NO ACTION / REPORT ONLY)

Gilbert Rodriguez, Board President, addressed the Board and audience stating he will reserve most of his remarks for the regular meeting. He welcomed everyone back and hoped everyone rested and are excited to get to work for the benefit of our kids. He said that he is excited with working with Mr. Yzaguirre in moving the district forward and collaborating on what the Board should consider to support our teachers in the classroom, most importantly meeting the academic needs to our kids and our broader community. He stated that we have done an abundance of COVID testing and the numbers keep going up so there is a genuine concern amongst the community regarding COVID testing. He stated that the district will continue to do their part in providing the necessary resources to support the endeavor with testing and vaccinations. He said most importantly, vigorously and rigorously sanitizing our facilities, so our staff and out students can remain safe. He said he is a proponent of the vaccine and we will continue to have clinics for opportunities to get vaccinated. He said it is a team effort and the district will continue to do their part. He said everyone has a responsibility to help slow and stop the spread of COVID-19. He implored our broader community and parents at home/guardians, and our partners to do their part in helping us stop the spread of COVID. He said that he passed out or assigned Committee Members to the committees. He stated that we did have a Facilities Committee meeting yesterday, and we will have a Budget Committee meeting tomorrow. He stated thereafter he would ask the Superintendent to share those documents and that data with the rest of the Board.

Mr. Arrellano called a point of order and stated: On October 21, 2021 at around the 35th minute on the video, Dr. Cottrill, the Deputy Commissioner for TEA, made it clear that the Monitor will have a standing agenda item for all meetings. I don't see one for this meeting. What is the reason?

Mr. Rodriguez answered: What is your point of order? Is the point of order to state the procedure and process of the meeting that is currently taking place? The agenda has been set in collaboration of the Superintendent and that is what the Board is considering this evening. So, I don't recognize that as a point of order, would you like to restate?

Mr. Arrellano answered: So, ok, I will restate it if you want, if you want. What are you looking for? Are you looking for? What are you looking for to making a point of order?

Mr. Rodriguez answered: I am looking for you to articulate to me what your point of order is regarding the process of how are moving forward with this meeting. Is it with the?

Mr. Arrellano answered: So the process of the the of all agendas are supposed to have the an agenda item within that process for the the the Monitor to have comments or give a report to the Board. That's per Dr. Cottrill on October 21st.

Mr. Rodriguez responded: Right, so I do not recognize your point of order, but we certainly have a conversation after if you wish.

Mr. Arrellano responded: No I would like to have, I would like to have an answer as to who made that question

Mr. Rodriguez responded: Your point, your point of order is overruled and not recognized. It's it's not in alignment with

Mr. Arrellano responded: Well I just want to make sure that the record reflects that that this direct disregard of the TEA directive is not the will of the full Board, that that we did not vote on that.

Mr. Rodriguez responded: You are on the record and it's noted.

Mr. Arrellano responded: Alright, thank you.

Mr. Rodriguez responded: Thank you.

Mrs. Prado made a motion: I would like to make a motion that we put the point of order that Mr. Arrellano presented to a vote.

Mr. Rodriguez responded: So you're you're what you're saying is that you want to appeal the ruling of the Chair, is that correct?

Mrs. Prado answered: Correct, I'd like to make it in a motion.

Ms. Ibarra seconded

Woody Wilson, Legal Counsel, made a legal opinion on this issue stating: It's not on the agenda, so it's not really something that can be discussed at this time. You can put it on an agenda to be discussed but to discuss and deliberate and action on this item and it's not even on the agenda, I don't believe it is legally proper.

Mr. Rodriguez responded: No it isn't, and what we are voting on, and you can give me clarification, is the actual point of order that they are making. I have made a ruling, and therefore they are appealing that ruling. Although, you we all know that once the agenda is set, the agenda is set. So, is that is that acceptable?

Mr. Wilson answered: Yes

After further discussions, Mr. Rodriguez asked: One more time from legal counsel, I understand the item is not on the agenda and not up for discussion or consideration, but there was a point of order that was made. Is a vote on that point of order, I wanna wanna make sure that that we are doing things by process and by Roberts Rules and recognize everyone's participation in the meeting? So I just would like clarification on whether we should or should not vote on the point of order, not the fact that the item is on the agenda or not.

Mr. Wilson answered: Yeah, yes, you can vote on the point of point of order as you clarified Mr. Rodriguez, but once if it does pass, I'm telling you there's legal issues with discussing the item that he wants to discuss because it's not properly on the agenda.

Mr. Rodriguez responded: Ok. With in hearing legal counsel's advice, we will not take a vote on that item. I will not acknowledge the point of order. Now if there is concern amongst Board members regarding the agenda, I think we are all familiar with the process with requesting agenda items. Further, there was discussion during the agenda setting, and I think we all know; Mrs. Prado has been the Chair, Mr. Arrellano has been the Chair, the agenda is set in collaboration with the Superintendent and approved by the Board President. Moreover, I was very specific in my communications with legal counsel regarding this particular item. And that someone has to articulate to me and this Board in policy, in statute, some documentation that specifically states that either an agenda item or not is mandated and being placed on here. So, that's a task that legal counsel is researching. And until then, and you know, let me go ahead and bring a little more clarification, let me let me tell you why that item did not make it on the agenda ok? Because the previous Board President made it very clear that the reason that that agenda item was even on there was not specifically for providing TEA remarks or a report. It was just in case someone walked in here with a letter elevating the Monitor to a Conservator thereby giving him the authority to override any previous Board action that was given at that particular meeting. So that brought more concern as a Chair, and I've asked legal counsel in collaboration with our Superintendent, to seek more guidance from TEA; somebody needs to point me to a statute, somebody needs to point me to a policy, somebody needs to point me to law in order for someone naming me in collaboration with the Superintendent to place an item on the agenda. So that's where we stand, this discussion, the Chair will not entertain anymore discussion on this item and we're moving forward with our closed/executive session.

CLOSED / EXECUTIVE SESSION

NOTICE: The Board of Trustees may elect to go into Closed Meeting any time during the meeting to discuss matters listed on the Agenda when authorized by the provisions of the Open Meetings Act, Chapter 551 of the Texas Government Code. In the event the Board of Trustees elects to go into Closed Meeting regarding an Agenda Item, the Board of Trustees will hold a Closed Meeting to discuss individual personnel matters including termination, litigation and other matters the Board deems necessary. Upon completion of Closed Meeting, the Board of Trustees may, in the open session, take such action as appropriate on items discussed in a Closed Meeting. If, during the course of the meeting, any discussion of any item listed on the agenda should be held in Closed Meeting, the Board will convene in such Closed Meeting in accordance with Texas Government Code Sections 551.001 - 551.088. The Board members may take action in the open portion of the meeting on items

discussed in the Closed Meeting but no action will be taken in closed session.

The Board will return to open session and take appropriate action, if any, on items discussed in closed session. No Action will be taken in closed session. Further, Board Members are reminded that all items discussed in closed session must remain confidential so as to avoid liability to the district. The Board will consider and discuss, the following items:

Closed Meeting pursuant to the Texas Open Meetings Act, Texas Government Code §§ 551.071, 551.072, 551.074, 551.076, 551.082, and 551.0821

1. 551.071: Consultation with Attorney; and 551.074: Personnel: 551.082: Certain School Board Deliberations: Conduct Level III Grievance of Sharon Garza.
2. 551.071: Consultation with Attorney; and 551.074: Personnel: 551.082: Certain School Board Deliberations: Conduct Level III Grievance of Blanca Vallejo
3. 551.071: Consultation with Attorney; and 551.074: Personnel: 551.082: Certain School Board Deliberations: Conduct Level III Grievance of David Davis.
4. 551.071: Consultation with Attorney regarding the TEA INV2021-05-163 and TEA INV2021-08-094 and responding to same and possible retention of Kevin O’Hanlon as special counsel.
5. 551.071: Consultation with Attorney regarding the appointment of the monitor and responsibilities of same, including and not limited to actions of the Monitor during his appointment including on November 17, 2021 and legal analysis of those actions.
6. 551.071: Consultation with Attorney regarding the legal demand by J. Cruz & Associates for legal services performed and non-payment of same.
7. 551.071: Consultation with Attorney regarding Dr. Puig and status of suspension with pay.
8. 551.071: Consultation with Attorney; and 551.074 Personnel: Censure of District 2 Trustee for actions that occurred at the meeting on November 17, 2021.

Start time: 6:15 PM.

End time: 11:02 PM.

DISCUSSION AND POSSIBLE ACTION

1. Reconvene from Executive Session for action relative to items considered during Executive Session

Mrs. Alderete made a motion: I hereby move that the grievance of David Davis be set for determination at the next regular scheduled Board meeting, seconded by Mr. Flores, and the Board of Trustees voted 6/0. Motion passed.

Vote:	Yes	No	Abstained
Stacey Alderete	X		
Gilbert Rodriguez	X		
Connie Prado	X		
Shirley Ibarra	X		
Homer Flores	X		
Ernesto Arrellano Jr.	X		

Mrs. Alderete made a motion: I’d like to make a motion that on item #7 that legal counsel proceed as discussed in executive session

Mrs. Alderete agreed to withdraw her motion

Mr. Rodriguez made a motion: I move that the Board of Trustees deny the grievance of Ms. Sharon Garza, seconded by Mrs. Alderete, and the Board of Trustees voted 3/2/1. Motion passed.

Vote:	Yes	No	Abstained
Stacey Alderete	X		
Gilbert Rodriguez	X		

Connie Prado			X
Shirley Ibarra		X	
Homer Flores	X		
Ernesto Arrellano Jr.		X	

Mr. Rodriguez made a motion: I will make a motion that we deny the grievance of Blanca Vallejo, seconded by Mrs. Alderete, and the Board of Trustees voted 3/3. Motion failed.

Vote:	Yes	No	Abstained
Stacey Alderete	X		
Gilbert Rodriguez	X		
Connie Prado		X	
Shirley Ibarra		X	
Homer Flores	X		
Ernesto Arrellano Jr.		X	

2. Retention of the law firm of O’Hanlon, Demerath, & Castillo as special counsel in TEA matters.

Mrs. Prado made a motion: I make a motion that the Board retain the services of Mr. Kevin O’Hanlon as special counsel for all TEA matters, second by Ms. Ibarra, and the Board of Trustees voted 3/3. Motion failed.

Vote:	Yes	No	Abstained
Stacey Alderete		X	
Gilbert Rodriguez		X	
Connie Prado	X		
Shirley Ibarra	X		
Homer Flores		X	
Ernesto Arrellano Jr.	X		

3. Discussion of the Monitor and his responsibilities and duties during his appointment including actions of the Monitor during his appointment including but not limited to Monitors discussions with District 2 Trustee, Superintendent and Legal Counsel on November 17, 2021.

Mr. Rodriguez: I hereby move that legal counsel send notice to the Texas Education Agency regarding the conduct of the Monitor on November 17, 2021 in discussing the destruction of a video and request there should be consequences for his misconduct, second Mrs. Alderete, and the Board of Trustees voted 3/3. Motion failed.

Vote:	Yes	No	Abstained
Stacey Alderete	X		
Gilbert Rodriguez	X		
Connie Prado		X	
Shirley Ibarra		X	
Homer Flores	X		
Ernesto Arrellano Jr.		X	

4. Discussion of the TEA INV2021-05-163 and TEA INV2021-08-094
No additional motions for this item at this time.

Mr. Rodriguez opened the floor for any motions on closed session item #7 551.071:
 Consultation with Attorney regarding Dr. Puig and status of suspension with pay.
 Mrs. Alderete made a motion: I hereby move that the grievance I'm sorry I hereby move that
 legal counsel proceed as discussed in executive session, seconded by Mr. Flores

Mrs. Prado made a motion: I make a motion that legal counsel provide the Board a written
 update on the status of the investigation, seconded by Mr. Arrellano
 Mrs. Prado amended her motion: I make a motion that legal counsel provide the Board a status
 report of the suspension with pay of Dr. Puig, seconded by Ms. Ibarra, and the Board of
 Trustees voted 3/3. Motion failed.

Vote:	Yes	No	Abstained
Stacey Alderete		X	
Gilbert Rodriguez		X	
Connie Prado	X		
Shirley Ibarra	X		
Homer Flores		X	
Ernesto Arrellano Jr.	X		

Mr. Rodriguez made a motion: I have a motion that we direct legal counsel to proceed as discussed in
 closed executive session, Mrs. Alderete seconded, and the Board of Trustees voted 6/0. Motion
 passed.

Vote:	Yes	No	Abstained
Stacey Alderete	X		
Gilbert Rodriguez	X		
Connie Prado	X		
Shirley Ibarra	X		
Homer Flores	X		
Ernesto Arrellano Jr.	X		

5. Discussion and possible action on rescinding Censure of District 6 Trustee.
 No action taken.

ADJOURNMENT

Mrs. Alderete moved to adjourn the meeting, Mr. Arrellano seconded, and the Board of Trustees
 voted unanimously to adjourn the meeting at 11:23 PM.

ATTEST

Gilbert F. Rodriguez
 Gilbert Rodriguez, Board President

Stacey Alderete
 Stacey Alderete, Board Secretary

*NOTICE: This meeting of the Board of Trustees is authorized in accordance with the Texas Government
 Code, Sections 551.001 - 551.146. Verification of Notice of Meeting and Agenda are on file in the Office of
 the Superintendent. Closed meeting, if required and if authorized by the statute, will be conducted prior to
 the conclusion of the meeting for any item listed on this agenda.*