

THE HOUSTON INDEPENDENT SCHOOL DISTRICT



AGENDA

**Board of Education
Meeting**

August 19, 2021

THE HOUSTON INDEPENDENT SCHOOL DISTRICT
BOARD OF EDUCATION

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Millard House II, *Superintendent of Schools*

BOARD OF EDUCATION AGENDA

August 19, 2021

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- A-2. Approval Of Stipend For Vaccinated Employees
- A-3. Approval Of Additional Leave Days For COVID-19 Related Employee Absences
- A-4. Ratification Of The Filing Of The Brief, *Amici Curiae Certain Independent School Districts In The State Of Texas In Opposition To Petition For Writ Of Mandamus*, Which Opposes Governor Gregg Abbott's Order 38 Prohibiting Mask Mandates

B. TRUSTEE ITEMS

C. CLOSED SESSION

- C-1. Personnel
 - a. Deliberate the duties of the superintendent of schools, chief officers, assistant superintendents, principals, employees, chief audit executive, and board members; evaluations of the superintendent and chief audit executive, consideration of compensation, and contractual provisions.
 - b. Consider and approve proposed appointments, reassignments, proposed terminations, terminations/suspensions, contract lengths, proposed nonrenewals, renewals, and resignations/retirements of personnel including teachers, assistant principals, principals, including resignation agreements and full and final release for chief officers, assistant superintendents, executive officers, and other administrators, and, if necessary, approve waiver and release and compromise agreements.
 - c. Hear complaints against and deliberate the appointment, evaluation, and duties of public officers or employees and resolution of same.
- C-2. Legal Matters
 - a. Matters on which the district's attorney's duty to the district under the Code of Professional Responsibility clearly conflicts with the Texas Open Meetings Law, including specifically any matter listed on this agenda and meeting notice.

- b. Pending or contemplated litigation matters and status report.
- c. Update on federal law enforcement activity on February 27, 2020.
- d. Legal discussion and advice concerning House Bill 1842 (84th Leg., 2015), Senate Bill 1882 (85th Leg., 2017), and the district's options.
- e. Legal discussion concerning Houston ISD v. Texas Education Agency, et al., In the 459th Judicial District Court, Travis County, Texas, Cause No. D-1-GN-19-003695.
- f. Legal Update on Special Education Accreditation Investigation.
- g. Consideration and authority to settle in the matter of Uriel Marron v. HISD, et al.; in the 281st District Court of Harris County, Texas; Cause No. 2018-29402.
- h. Consideration and authority to settle in the matter of Carmen Herrera, Individually and a/n/f of Kiara C. v. HISD, et al.; in the 11th Judicial District Court of Harris County, Texas; Cause No. 2019-64635.
- i. Consideration and authority to settle in the matter of Niah Petite v. HISD, et al.; in the County Court at Law No. 2, Harris County, Texas; Cause No. 1141272.
- j. Consideration and authority to settle in the matter of Joi Harris v. HISD, et al.; in the 281st Judicial District Court of Harris County, Texas; Cause No. 2020-34260.
- k. Consideration and authority to settle in the matter of Paul Jacob, III, Individually and a/n/f minor son, P. J. IV., v. HISD, et al.; in the 151st Judicial District Court of Harris County, Texas; Cause No. 2019-69374.

C-3. Real Estate

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G. HUMAN RESOURCES

H. BUSINESS OPERATIONS

I. FINANCE

I-1. Approval Of Vendor Awards For Purchases Over \$100,000 And Ratification Of Vendor Awards For Purchases Under \$100,000 - *Revised*

- Purchase Requests

I-2. Approval Of Resolution Of The Board Of Education Of The Houston Independent School District Authorizing The Superintendent Of Schools To Negotiate And Execute COVID-19 Related Contracts Valued At Or Above \$100,000.00

- Resolution

J. OTHER

K. POLICY

L. SUPERINTENDENT'S INFORMATION ITEMS

ADJOURN

Office of the Superintendent of Schools
Board of Education Meeting of August 19, 2021

Office of Superintendent of Schools
Millard House II, Superintendent of Schools

SUBJECT: APPROVAL OF STIPEND FOR VACCINATED EMPLOYEES

In response to the recent resurgence in the rate of infection of the COVID-19 virus in the Houston-Harris County area, County Judge Lina Hidalgo has raised the threat level to “red” which is the highest and most severe level. The Centers for Disease Control and Prevention, Harris County Judge Hidalgo, City of Houston Mayor Sylvester Turner, and other local health officials are recommending residents take all reasonable precautions, including getting vaccinated. The rapid increase in the rate of infection necessitates that the Houston Independent School District (HISD) take precautions to guard against the spread of COVID-19 within district facilities and its negative impact on student instruction and employee wellbeing.

To support these efforts, the administration is offering a one-time payment of \$500.00 to all exempt and nonexempt employees upon proof of fully vaccinated status. Upon submission of appropriate documentation from a qualified medical professional who recommends that employees with medical conditions/disabilities do not receive the vaccine, those employees will also be eligible to receive the one-time payment. The administration believes there is a public purpose for encouraging employees to become vaccinated. Vaccination affords protection from the virus, supports wellness, and lessens the need for absences from school and work, while reducing the potential spreading of the virus to students and staff.

Board Policy AE(LOCAL), *Educational Philosophy*, identifies the safety and security of students and employees as a core value. Infection and resulting illness related to this virus has the potential to significantly disrupt the instructional program. Health care professionals strongly recommend vaccination as a means to combat the rate of infection. In furtherance of the safety and security core value, this one-time payment encourages employees to follow an important public health recommendation.

Proof of vaccination must be submitted to the Health and Medical Services Department no later than November 19, 2021.

COST/FUNDING SOURCE(S): The total cost for this program is not expected to exceed \$14,000,000.00

Fund Source	Fund	Cost Center	Functional Area	General Ledger	Internal Order/ Work Breakdown Structure	Amount
ESSER III Funds	2820000000	10XXXXXXXX	Various	61XX000000	Various	\$14,000,000.00

STAFFING IMPLICATIONS: None

ORGANIZATIONAL GOALS/IMPACT: This agenda item supports all four district goals and is aligned to Core Initiative 4: Data-Driven Accountability and Core Initiative 5: Culture of Trust through Action.

THIS ITEM DOES REQUIRE CONSULTATION.

THIS ITEM DOES NOT ESTABLISH, MODIFY, OR DELETE BOARD POLICY.

RECOMMENDED: That the Board of Education, believing there is a public purpose to be served by approving payment of a one-time \$500 stipend to exempt and non-exempt employees who provide proof of full COVID-19 vaccination status, as well as to employees with medical conditions/disabilities who upon recommendation from a qualified medical professional, should not receive the vaccine, therefore authorizes the superintendent to implement a program to facilitate the payments, effective August 20, 2021.

Office of the Superintendent of Schools
Board of Education Meeting of August 19, 2021

Office of Superintendent of Schools
Millard House II, Superintendent of Schools

**SUBJECT: APPROVAL OF ADDITIONAL LEAVE DAYS FOR COVID-19 RELATED
EMPLOYEE ABSENCES**

The administration supports implementation of wellness practices during the COVID-19 pandemic in furtherance of the board's core value, as stated in Board Policy AE(LOCAL), *Educational Philosophy*, of the paramount importance of student and employee safety and security. Despite best practices, the administration recognizes that some employees will become infected or exposed to the virus during the school year requiring them to quarantine and be absent from work. In an effort to support these employees' health and wellbeing, to encourage them to stay home when these occurrences arise, and to reduce the possibility of infecting other employees and students, the administration seeks to offer all fully vaccinated, full-time employees, up to 10 COVID-19 paid days. Recently, County Judge Lina Hidalgo raised the COVID-19 threat level to "red", which is the highest and most severe level, as a result of increased hospitalizations and infection. The administration believes there is a public purpose to be served by granting employees additional time off for COVID-19 related reasons.

Employees with medical conditions/disabilities that submit appropriate documentation from a qualified medical professional, who recommends that the employee not receive the vaccine, will also be eligible to receive these COVID-19 paid days. These days will be available during the 2021–2022 school year, and are in addition to, and will not be charged against, the employee's vacation or leave banks.

An employee may use these days consecutively for 10 days, or for a shorter period of time, as needed, not to exceed 10 days in total. Upon exhaustion of the 10 COVID-19 paid days, any additional absences will be charged against employee leave or vacation banks. Eligibility for access to the 10 days is contingent upon demonstration that the absences are due to COVID-19 exposure, symptoms, infection, and related factors. Employees must provide proof of full COVID-19 vaccination status to be eligible for these days. Employees also will be required to provide information to the district through Health and Medical Services and/or via use of the district's employee health questionnaire and tracking application in accordance with district procedures.

Fully vaccinated part-time employees, and those qualifying who are not vaccinated, will be eligible to receive a prorated number of days, in accordance with the applicable standards, and as determined by the district's Talent Office.

COST/FUNDING SOURCE(S): Funds are budgeted in the 2021–2022 operating budget.

STAFFING IMPLICATIONS: None

ORGANIZATIONAL GOALS/IMPACT: This agenda item supports all four district goals and is aligned to Core Initiative 4: Data-Driven Accountability and Core Initiative 5: Culture of Trust through Action.

THIS ITEM DOES REQUIRE CONSULTATION.

THIS ITEM DOES NOT ESTABLISH, MODIFY, OR DELETE BOARD POLICY.

RECOMMENDED: That the Board of Education, believing there is a public purpose for providing employees additional time off for COVID-19 related illness, authorizes the superintendent to create and implement a program for the 2021–2022 school year that provides up to 10 additional leave days for COVID-19 related illness or exposure, for fully vaccinated district employees, and other qualifying employees with medical conditions or disabilities, for whom vaccination is not recommended, effective August 20, 2021.

Office of the Superintendent of Schools
Board of Education Meeting of August 19, 2021

Office of Legal Services
Elneita Hutchins-Taylor, General Counsel

SUBJECT: RATIFICATION OF THE FILING OF THE BRIEF, AMICI CURIAE CERTAIN INDEPENDENT SCHOOL DISTRICTS IN THE STATE OF TEXAS IN OPPOSITION TO PETITION FOR WRIT OF MANDAMUS, WHICH OPPOSES GOVERNOR GREGG ABBOTT'S ORDER 38 PROHIBITING MASK MANDATES

This agenda item serves to ratify the filing of an *Amici* (friend of the court) brief on behalf of the Houston Independent School District (HISD). The brief was filed Saturday August 14, 2021, on behalf of seven school districts from across the state, as well as the Texas Association of School Boards. The arguments in the brief oppose Governor Gregg Abbott's Executive Order 38 prohibiting governmental bodies, including public school districts, from mandating the wearing of face masks in their facilities. In addition to HISD, the other districts supporting the brief are Dallas Independent School District, Fort Worth Independent School District, Aldine Independent School District, Richardson Independent School District, Corpus Christi Independent School District, and Spring Independent School District.

The COVID-19 virus has significantly impacted teaching and learning within the district over the past two school years. In the interest of protecting the health and safety of students and staff the district has implemented several protocols, which included the wearing of face masks inside district facilities. As more members of the community became vaccinated, and the protocols of wearing face masks, handwashing, and social distancing took effect, the rate of COVID-19 related hospitalizations and deaths began to subside in the Houston-Harris County area.

Unfortunately, however, as the administration continued preparation for the upcoming school year, the rate of infections and hospitalizations began to climb. In response to the data, Harris County Judge Lina Hidalgo moved the Harris County COVID-19 threat level to "red" on August 5, 2021, which is the highest and most severe level. Houston Mayor Sylvester Turner supported the increased threat level. Based on the raised threat level and information from medical professionals in the area, Superintendent of Schools House announced that face masks must be worn while inside all HISD campuses, facilities, and while on district buses. By unanimous vote at the August 12, 2021, meeting of the Board of Education, a resolution was approved, supporting the superintendent's decision to mandate masks throughout the district.

COST/FUNDING SOURCE(S): None

STAFFING IMPLICATIONS: None

ORGANIZATIONAL GOALS/IMPACT: This agenda item supports all four district goals and is aligned to Core Initiative 5: Culture of Trust through Action.

THIS ITEM DOES NOT REQUIRE CONSULTATION.

THIS ITEM DOES NOT ESTABLISH, MODIFY, OR DELETE BOARD POLICY.

RECOMMENDED: That the Board of Education ratifies the participation of HISD in the list of districts supporting the filing of *Amici Curiae Certain Independent School Districts In The State Of Texas In Opposition To Petition For Writ Of Mandamus*, which is in opposition to Governor Gregg Abbott's Order Number 38, effective August 20, 2021.

Office of the Superintendent of Schools
Board of Education Meeting of August 19, 2021

Office of Finance
Glenn Reed, Chief Financial Officer

SUBJECT: APPROVAL OF VENDOR AWARDS FOR PURCHASES OVER \$100,000 AND RATIFICATION OF VENDOR AWARDS FOR PURCHASES UNDER \$100,000

The purpose of this item is to authorize vendor awards for purchases over \$100,000. In consideration of the board's discussion at its August 12, 2021, meeting, the administration recommends that purchase of body cameras and law enforcement software be approved. The administration is withdrawing any request for approval of the purchase of tasers related to Project 21-04-10 RFP / Body-Worn Cameras, Tasers, and Law Enforcement Software.

The attachment for project 21-04-10 – RFP / Body-Worn Cameras, Tasers, and Law Enforcement Software reflects the names of successful bidders, the budgets to be charged, and a description of the items to be purchased. As recommended at the August 12, 2021, Board of Education regular meeting, the district will not procure or issue purchase orders for tasers under this project. A copy of each tabulation is on file in Board Services.

COST/FUNDING SOURCE(S): Funds for these recommended actions will be necessary only one time.

STAFFING IMPLICATIONS: None

ORGANIZATIONAL GOALS/IMPACT: This agenda item supports all four district goals and is aligned to all five core initiatives of the district.

THIS ITEM DOES NOT REQUIRE CONSULTATION.

THIS ITEM DOES NOT ESTABLISH, MODIFY, OR DELETE BOARD POLICY.

RECOMMENDED: That the Board of Education approves vendor awards for purchases over \$100,000 related to project 21-04-10 – RFP / Body-Worn Cameras, Tasers, and Law Enforcement Software, effective August 20, 2021, with the exception that the district will not procure or issue purchase orders for tasers under this project.

**Approval of Purchase Over \$100,000
Recommended for 8/19/2021 Board Agenda**

Project Information	21-04-10 - RFP / Body-Worn Cameras, Tasers, and Law Enforcement Software – (Isom) – (CPD)
Project Description	The purpose of this project is to purchase and replace law enforcement related technology and hardware products in compliance with safety and security policies and procedures. Based on annual appropriations, the projected expenditure is not to exceed \$950,000 for the duration of the project. The district applied the Best Value process in selecting the vendors to be awarded in accordance with Chapter 44 of the Texas Education Code (TEC) and district purchasing and acquisition policies CH(LOCAL) and CH(LLEGAL).
RFx's Viewed/ Received	84/4
Project Term	The project term is from August 20, 2021, through August 12, 2022, with four annual renewals, not to extend beyond August 12, 2026.
Amount not to Exceed (Project Term)	\$950,000

Budget Information					
Fund	1993000000	Fund	1993000000	Fund	
Cost Center	1040822000	Cost Center	1040822000	Cost Center	
Functional Area	AD52990000000000	Functional Area	AD52990000000000	Functional Area	
General Ledger	6299000000	General Ledger	6299000000	General Ledger	
I/O	700000002954	I/O	400000000020	I/O	

Recommended Vendor(s) for Approval		
Name	M/WBE Commitment	Location
Axon Enterprises	C-D	O
Digital Ally	C-1%	O
Mark43	C-D	O
Motorola Solutions	C-2.7%	T

Approval of Purchase Over \$100,000
Recommended for 8/19/2021 Board Agenda

Code Legend**M/WBE - Minority and Women Business Enterprise Notations**

- (A) - Certified M/WBE firm; if listed as A-100% indicates an M/WBE firm; if listed as A->100% the awardee will subcontract with an M/WBE firm(s).
- (B) - Non-M/WBE firm; who will subcontract the indicated percentage with an M/WBE firm(s) to meet or exceed the District's goal.
- (C) - Non-M/WBE firm; if listed as C-<% , the awardee will subcontract with an M/WBE firm(s) for a percentage less than the District's goal. If listed as, C-D, the awardee made a good faith effort.

Other Status Options

(NP-0%) - Non-profit

LOC – Location

Houston (H); Texas (T); Out of State (O); Out of State with Local Office (OT).

Office of the Superintendent of Schools
Board of Education Meeting of August 19, 2021

Office of Finance
Glenn Reed, Chief Financial Officer

SUBJECT: APPROVAL OF RESOLUTION OF THE BOARD OF EDUCATION OF THE HOUSTON INDEPENDENT SCHOOL DISTRICT AUTHORIZING THE SUPERINTENDENT OF SCHOOLS TO NEGOTIATE AND EXECUTE COVID-19 RELATED CONTRACTS VALUED AT OR ABOVE \$100,000.00

HISD Board Policy CH(LOCAL), *Purchasing and Acquisition*, requires Board of Education approval of district contracts valued at or above \$100,000.00. The Houston Independent School District (HISD) administration asks that the board waive a portion of CH(LOCAL) and approve a resolution continuing the authorization granted last March to the Superintendent of Schools to negotiate and execute COVID-19 related contracts valued at or above \$100,000.00.

The attached resolution sets forth the circumstances necessitating the delegation of contracting authority to the superintendent, including the fact that the pandemic is surging in Harris County, constituting a continuing danger to district students, staff, and community, which has resulted in elevation of the COVID-19 threat level to "Red," its highest level. Because of the continued threat to the safety of HISD students, staff, and community posed by COVID-19, it is necessary that goods and services required to address issues brought on by the pandemic be negotiated and executed in an efficient and expeditious manner, which is facilitated by authorizing the superintendent to negotiate and execute COVID-19 related contracts valued at or above \$100,000.00.

COST/FUNDING SOURCE(S): None

STAFFING IMPLICATIONS: None

ORGANIZATIONAL GOALS/IMPACT: This agenda item supports all four district goals and is aligned to Core Initiative 5: Culture of Trust through Action.

THIS ITEM DOES NOT REQUIRE CONSULTATION.

THIS ITEM DOES NOT ESTABLISH, MODIFY, OR DELETE BOARD POLICY.

RECOMMENDED: That the Board of Education approves the attached resolution authorizing the Superintendent of Schools to continue to negotiate and execute COVID-19 related contracts valued at or in excess of \$100,000.00 for the 2021–2022 school year, effective August 20, 2021.

**RESOLUTION OF THE BOARD OF EDUCATION OF THE HOUSTON
INDEPENDENT SCHOOL DISTRICT AUTHORIZING THE SUPERINTENDENT OF
SCHOOLS TO NEGOTIATE AND EXECUTE COVID-19 RELATED CONTRACTS**

WHEREAS, in order to ensure the safety of Houston Independent School District students and staff, and given that the emergency of COVID-19 and its continued spread constitutes an unforeseen emergency/matter of urgent public necessity, it is required that negotiation and execution of contracts valued at or more than \$100,000, and which are necessary to provide goods and services to students necessitated by COVID-19, be done in an efficient and expeditious manner;

WHEREAS, COVID-19 circumstances now dictate that the Superintendent of Schools be authorized to negotiate and execute COVID-19 related contracts valued at \$100,000 and above, which normally require Board approval pursuant to CH(LOCAL), and

WHEREAS, the negative impact of the COVID-19 virus -- especially the Delta variant -- on District students, staff, and community continues unabated to the present day, and for the foreseeable future, as evidenced by Harris County Judge Lina Hidalgo raising the Harris County COVID-19 threat level to red, which is the highest threat level for the virus, and comes just two weeks after the threat level was raised to orange; and

WHEREAS, the Board has a substantial public interest in protecting the health and safety of its students, staff, and community and therefore desires to ensure that the school district and community are prepared to the fullest extent possible to protect the health and safety of students, staff, and community in light of COVID-19.

NOW THEREFORE, be it resolved by the Board that:

1. All the above-referenced paragraphs are incorporated into and made a part of this Resolution; and

2. Beginning effective the date of Board adoption of this Resolution, and continuing for the remainder of the 2021–2022 school year, the Board authorizes the Superintendent of Schools to continue to negotiate and execute COVID-19 related contracts valued at or in excess of \$100,000.00.

Approved this _____ day of August 2021.

By: _____
Dr. Patricia K. Allen
HISD Board President

Attest:

By: _____
Kathy Blueford-Daniels
HISD Board Secretary