



Mission Consolidated Independent School District

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Notice and Agenda

The Board of Trustees of the Mission Consolidated Independent School District will hold a **Special Meeting on Wednesday, August 24, 2022, at 6:30 PM** in the **Mission CISD Annex, 925 E. Business HWY. 83, Mission, Tx 78572**. At this meeting, the Board may deliberate or act on any of the subjects listed on the following agenda. The President may change the order of items listed below for the convenience of the Board.

A G E N D A

I. Call Meeting to Order and Establish Quorum

II. Pledge of Allegiance and Moment of Silence

1. U. S. Flag and Texas Flag -

III. Comments from the Public

IV. Public Comment(s) on Specific Agenda Item(s)

V. Superintendent's Updates and Recognitions

The Superintendent may provide information to update the Board of Trustees on the following subjects: Student Extracurricular and Co-Curricular Achievement; District Awards and Recognitions; Recent and Upcoming Professional Staff and Leadership Development; Progress Reports on Student and Staff Initiatives Previously Approved by the Board of Trustees; and Communications Received from Other Governmental Entities Not Requiring Action by the Board of Trustees. This will be for informational purposes only. Board consideration of any subject included in the Superintendent's Report will not take place until the subject is placed on the agenda of a future board meeting for consideration and possible action. The Board's consideration of any subject at the present meeting will be limited to those subjects appearing elsewhere on the meeting agenda.

VI. Presentation(s) to the Board of Trustees

1. Construction Status Report: Tom Landry Stadium Repairs

VII. Discussion and Possible Action

1. Consideration and Approval for Substantial Completion for the Tom Landry Stadium Repairs Project (Visitors Side) - Ricardo Hinojosa Engineering, Inc. 3

2. Consideration and Approval for Substantial Completion for the Tom Landry Stadium Repairs Project (Home Side) - Ricardo Hinojosa Engineering, Inc. 27

3. Approval of Changes to the Student Code of Conduct for the 2022-2023 School Year 51

4. Approval of Amendment to Interlocal Agreement with City of Mission Police Services for the 2022-2023 School Year	82
5. Approval of Amendment to Interlocal Agreement with City of Alton with Police Services for the 2022-2023 School Year	85
6. Approval of Amendment to Interlocal Agreement with City of Palmhurst with Police Services for the 2022-2023 School Year	88
7. Approval of Amendment to Memorandum of Understanding with Hidalgo County Precinct 3 Constable for the 2022-2023 School Year	91
8. Approval of Budget Amendments	94
VIII. Executive Session	
1. Private Consultation with Board Attorney if necessary (Texas Gov't Code §551.071)	
2. Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of a Public Officer or Employee or to Hear a Complaint or Charge Against an Officer or Employee (Texas Gov't Code §551.074)	
IX. Action, if Necessary, on Matters Discussed in Executive Session	
X. Important Dates to Remember	
1. September 7, 2022, Board of Trustees Workshop at 6:30 p.m.	
2. September 21, 2022, Regular Board of Trustees Meeting at 6:30 p.m.	
XI. Adjournment	

In accordance with the Texas Open Meetings Act, the Board may enter into a closed meeting to deliberate any item that is listed above that fits within an exception listed in Subchapter D. Any final action, decision, or vote on a subject deliberated in closed meeting will be taken in an open meeting held in compliance with the Texas Open Meetings Act.

This Notice was posted by 6:00 p.m., on August 19, 2022



Dr. Carol G. Perez, Superintendent of Schools
Mission Consolidated Independent School District

SUBJECT: Consideration and Approval for Substantial Completion for the Tom Landry Stadium Repairs Project (Visitors Side) – Ricardo Hinojosa Engineering, Inc.

PRESENTER: Ricardo Rivera, Assistant Superintendent for Operations

BACKGROUND INFORMATION

STADIUM:

Tom Landry Stadium was built in approximately 1976 and additional seating was installed in approximately 1989. It currently has only four (4) handicap seating spaces on both the home and visitors' sides. The home side has a seating capacity of 5000 persons and the visitor's side has a seating capacity of 4000 persons.

At the Regular Board of Trustees meeting held on Wednesday, August 11, 2010, the Board approved a structural assessment to be conducted by Rick Hinojosa Structural Engineering. A report was completed on August 27, 2010. No further action was taken.

At a football game on September 26, 2013, and at the Regular Board of Trustees meeting on Wednesday, October 09, 2013, a concerned citizen brought to attention the fact that Tom Landry Stadium was not in compliance with the American Disabilities Act (ADA) current code concerning the required handicap seating spaces. As per ADA the breakdown for seating is 6 spaces for 1 – 500 seats than 1 seat for every 150 additional seats. As per calculations required additional seating on the home side will be 36 ADA seats and, on the visitors, the side will be an additional 30.

On October 08, 2013, I contacted Mr. Tim Petty, Program Specialist V with the Texas Education Agency (TEA) to discuss this issue and he confirmed that we were not in compliance with current codes and standards concerning stadium seating.

At the Regular Board of Trustees meeting held on Wednesday, December 11, 2013, and after consultation with our legal counsel, the Board approved renovations to the Tom Landry Stadium Press Box and the additional required ADA stadium seating.

The current press box is approximately 30 years old and has never been renovated. When new bleacher seating was installed the press was moved by crane to its current location. With the installation of a new scoreboard, additional staff will need to be placed in the press box to operate the system. Currently, approximately nine persons are in the box, however, it is now estimated that up to twenty-two persons may be in the box at any given time. This added weight along with the additional weight of chairs and equipment may cause stress on the structure. As per our legal counsel, there is no legal law that states that the structure needs to be evaluated, however, for safety precautions

The administration is considering a structural assessment study to be conducted on the press box to ensure that the structure is capable of sustaining the additional weight.

At the Regular Board of Trustees meeting held on Wednesday, March 20, 2013, Administration presented and the Board approved Consideration and Approval to Contract with Rick Hinojosa Engineering for a Re-Assessment of the Tom Landry Stadium Press Box.

At the Regular Board of Trustees meeting held on Wednesday, April 10, 2013, the Board was advised that due to concerns and possible code regulations requiring an elevator to be installed for the press box, inquiries were made to Mr. David Hansen, Legal Counsel. As per building code, an elevator is required should the square footage of a press box be larger than 500 sq. ft. Our current press box is approximately 40' X 8' which is 320 sq. ft. However, should only renovations be required without the addition of sq. footage the initial structural assessment will need to be considered? Furthermore, it is the responsibility of the structural engineer to make the decisions on what is currently within building codes and regulations even if it is only renovations. The possible recommendation of constructing adjacent press boxes may still require an elevator to be installed. The sq. footage requirement applies to the "aggregate" total sq. footage of all press boxes. Again, it will be the responsibility of the structural engineer to make that determination. Renovations to include floor support, the construction of an interior wall, countertops, and sand sliding windows.

At the February 05, 2014 Facilities Committee meeting, a presentation by Rick Hinojosa Structural Engineering stated that current plans to improve the press box must include the installation of an elevator or ramp access to the press box as per the State of Texas current code. At this meeting, the committee decided to cancel the press box renovation project.

At the Special Board of Trustees Meeting held on Wednesday, April 20, 2016, the Board approved the following:

The administration is again exploring the possibility of a stadium renovation to include a new press box, new reserve section seating with backrests, new concession stands, new concrete base under the bleachers along with new bleachers to meet current ADA rules and regulations. New bleachers to also include those at Leo Najo Baseball Park.

The administration is requesting approval to advertise for Request for Qualifications (RFQ's) for architectural/civil engineer services as the recommended process for the selection.

The ranking of Request for Qualifications responses must be on the basis of demonstrated competence, qualifications, capability to perform, the past performance of the firm and members of the firm, and other appropriate factors submitted by the firm in response to the request for qualifications, except that cost-related or price-related evaluation factors are not permitted as provided by Section 2254.004, Government Code.

If approved, Administration will begin advertising for architects and then begin the process of reviewing the firms as per the RFQ's and schedule presentations for the Board to review and possibly select a firm.

Advertisements for Request for Qualifications (RFQ's) for architects were advertised in the local newspaper on Wednesday, June 1st, and June 8th, 2016 along with being posted on the MCISD website. RFQ's were due at Central Office on Thursday, June 23, 2016, at 2:00 p.m...

Three (3) architectural firms submitted an RFQ and they were reviewed for completeness and adherence to the instructions of the request by Mr. Roosevelt Rios, Purchasing

Coordinator, and Ms. Tammy Tijerina, Project Manager on Thursday, July 28, 2016. The firms are listed below:

PBK Architects GIGNAC &
Assoc.
Alvarado Architects

This agenda item and presentation(s) were originally scheduled for Wednesday, August 03, 2016, however, they were postponed to a later date and time.

At the Facilities/Environment Committee held on Wednesday, August 24, 2016, the three ranked firms were invited to make a presentation to a Special Facilities/Environment Committee meeting and those Board members in attendance. The Committee allowed the firms a 15-minute presentation session along with a 15-minute question and answer session. The Committee along with Mr. Ricardo Rivera evaluated and ranked the firms on the basis of demonstrated competence and qualifications pursuant to the Professional Services Procurement Act as per the presentations. The rankings were then presented at the Special Board of Trustees meeting for consideration and approval for the selection of services.

At the Special Board Meeting held on Wednesday, August 24, 2016, the Board approved the rankings and selection of Alvarado Architects for services for the Tom Landry Stadium Renovations Project.

At the Regular Board Meeting held on Wednesday, September 14, 2016, the Board approved the contract for Alvarado Architects for the Tom Landry Stadium Renovations Project.

At the Regular Board Meeting held on Wednesday, November 09, 2016, the Board approved the project and budget, the procurement method, and Alvarado Architects' request for Schematic Design and Design Development for the Tom Landry Stadium Renovations Project. Alvarado Architects, District Staff, and Coaches have been working on the design due to the extremely tight timeline, this project has to be completed by late July 2017. The current design will have new concession stands, new parking, new parking over-lay where needed, the concrete area below the home side, new stadium fascia, new complete seating bleachers at both home and visitor side, home side reserved seating to have backrests, seating, and ramps to be ADA compliant, new ticket booths, press box with an elevator as recommended design, new stadium lighting as required along with other required items needed for the project.

At the Regular Board meeting held on Wednesday, December 14, 2016, the Board approved Alvarado & Associates final design and Approval for 24-inch-Wide Seats in the Reserved Section for the Tom Landry Stadium Renovations Project.

Advertisements in the local newspapers and at the Association of General Contractors Office (AGC) were posted on December 18, 2016, and December 25, 2016, for the new design. A pre-proposal meeting was held on Tuesday, January 10, 2017, at 2:00 P.M. at Central Office.

Proposals were publicly opened on Tuesday, January 17, 2017, at 4:00 P.M. at Central Office. Pre-ranking of the proposals was conducted by Mr. Roosevelt Rios, Mr. Albert Rodriguez, and Mr. Adrian Hernandez, Project Manager on Tuesday, January 17, and Wednesday, January 18, 2017.

At the Facilities Committee meeting, the Committee reviewed the pre-ranking of firms and then proceeded to officially rank the firm’s proposals. These rankings will then be presented to the Board of Trustees for consideration and approval for entering into negotiations in the order of ranking recommended at a special called meeting on Monday, January 23, 2017, at 7:30 a.m.

Pre-ranking of proposals by the Administration is merely a district process to pre-check if all requested documents and information in the Request for Proposals (RFP) were submitted prior to the Evaluation and Selection Committee’s formal evaluation. The pre-ranking of proposals is strictly unofficial. The Request for Proposal (RFP) package includes document CSP – 00350 Evaluation and Selection Criteria for Competitive Sealed Proposals which defines this portion of the procurement process. The District Evaluation and Selection Committee is comprised of three (3) Board of Trustees Facilities Committee Members and one (1) appointed Administration Staff. The Evaluation and Selection Committee will evaluate, rank, and publish all proposals. The Evaluation and Selection criteria have been approved by the Mission C. I. S. D.’s Board. Once the M. C. I. S. D. Board of Trustees approves the ranking, the District Evaluation and Selection Committee will then proceed to negotiate a contract with the highest-ranking Proposer.

The Finance department in conjunction with the district’s finance consultants has been designing a funding package for this project. In order to ensure this project under this funding source is securely financed Administration is recommending adjusting the contingency budget by an increase of \$2 million. Thus, the total construction budget including all soft costs will not exceed \$10 million.

Three proposals were submitted for this project and were ranked by the Facilities Committee as per MCISD guidelines and procedures. The Board must now consider the rankings and approve to enter into negotiations with the top-ranked firms in the order selected. Rankings are listed below:

<u>Company</u>	<u>Base Proposal</u>	<u>Alt. #1</u>	<u>Days</u>
Holchemont Const. (291)	\$7,463,000.00	(\$287,000.00)	235
E-Con Const. (287.6)	\$7,450,000.00	\$210,000.00	180
Central Builders (260.2)	\$8,000,000.00	\$500,000.00	180

Note:
Alternate #1 is for a larger custom-built press box which Administration recommends approving. Both E-Con Construction and Central Builders have an additional cost for this alternate, as per Holchemont Construction their base bid includes the larger custom press box. Should MCISD select the smaller pre-fabricated press box Holchemont has a

\$287,000.00 deduct from their base bid. The intention is for a notice to proceed (NTP) to be issued on or before February 01, 2017, with a substantial completion date of July 31, 2017, which is 180 days, Holchemont has a substantial completion date of September 24, 2017. Proposals and days are all prior to negotiations.

At a Special Board of Trustees meeting to be held on Monday, January 23, 2017, the Board will consider and possibly approve the rankings to allow negotiations to begin. It is the administration’s intent to bring forward at the Regular Board of Trustees meeting to be held on Wednesday, January 25, 2017, and approval and recommendation for a best and final offer (BAFO) and to enter into a contract with the selected general contractor. It is MCISD’s construction procurement process to present all items for Facilities Committee discussion prior to presenting to the Board of Trustees for final approval.

At the Regular Board of Trustees meeting held on Wednesday, January 25, 2017, the board approved the best and final offer (BAFO) from Holchemont in the amount of \$7,463,000.00 with an alternate #01 custom press box included as part of the contract. Notice to Proceed (NTP) was issued on February 02, 2017, with a substantial completion date of August 21, 2017.

At the Regular Board of Trustees meeting held on Wednesday, April 12, 2017, the board approved and pulled the following items:

Consideration and Approval of AEA #01 for CPR #02 to Furnish and Install Sports Lighting for the Tom Landry Stadium Renovations Project.

Sports Lighting Allowance:	\$600,000.00
AEA#01 Sports Lighting:	<u>\$580,392.00</u>
Balance:	\$ 19,608.00

Consideration and Approval of AEA #02 for CPR #03 to Furnish and Install a Scoreboard Sound System for the Tom Landry Stadium Renovations Project. Item was pulled for further pricing on additional speakers throughout the stadium.

Consideration and Approval of AEA #03 for CPR #04 to Furnish and Install Football Safety Netting System for the Tom Landry Stadium Renovations Project. Item was pulled due to MCISD having the netting and poles and only required pricing for the installation.

Consideration and Approval of AEA #04R to “Credit” the Allowances for the Tom Landry Stadium Renovations Project. Item was pulled due to other items being pulled thus not being able to present an accurate balance total.

Consideration and Approval of CPR #06 to Change the Size of the Bronze Statue for the Tom Landry Stadium Renovations Project.

Bronze Statue Allowance:	\$ 50,000.00
CPR#06 Bronze Statue:	<u>\$129,400.00</u>
Bronze Statue Allowance Balance:	(\$ 79,400.00)

Due to inclement weather in the month of March Holchemont Construction requested additional delay days, thus, they presented Consideration and Approval of CPR #09 for Seven (7) Delay Days for the Tom Landry Stadium Renovations Project. The new substantial completion date is August 28, 2017.

Administration presented Consideration and Approval of Selection of Color and Pattern for the Reserved Seating on Home Side for the Tom Landry Stadium Renovations Project. The Board approved option #1 alternating colors.

At the Regular Board of Trustees meeting held on Wednesday, May 10, 2017, the Board approved and pulled the following items:

Contingency Allowance:	\$100,000.00
AEA #01 Sports Lighting:	\$ 19,608.00
CPR #6 Bronze Statue:	<u>\$ (79,400.00)</u>
Contingency Balance:	\$ 40,208.00

Consideration and Approval of AEA #03R for CPR #04 to Furnish and Install Football Safety Netting System for the Tom Landry Stadium Renovations Project.

Football Safety Net System Allowance:	\$10,000.00
AEA#03 Football Safety Net System:	<u>(\$ 7,500.00)</u>
Balance:	\$ 2,500.00

Consideration and Approval of CPR #08 to Construct a Riser Room / Fire Pump for the Tom Landry Stadium Renovations Project.

Fire Suppression Pump Allowance Balance:	\$ 50,000.00
CPR # 08 Riser Room:	<u>\$ 110,428.53</u>
Balance:	(\$ 60,428.53)
Contingency Balance:	\$40,208.00
CPR #8 Riser Room:	(\$60,428.53)
Plus, Overhead and Profit	<u>(\$2730.47)</u>
Contingency Balance:	(\$22,951.00)

Due to inclement weather in the month of April and MCISD testing, Holchemont Construction requested additional delay days, thus, they presented Consideration and Approval of CPR #09 for Eight (8) Additional Delay Days for the Tom Landry Stadium Renovations Project. The new substantial completion date is September 05, 2017.

Note: The first scheduled football game is for Friday, September 01, 2017, with VMHS vs Harlingen. Substantial completion is granted when the facility can be utilized for its intended use. The City of Mission Fire Marshal must approve the facility to include all fire systems inspected and tagged "approved" along with all ADA inspections and approvals and to include the inspection and approval of the elevator system and to include any other inspections required. Coaches are working on a Plan "B" should the stadium not be completed on time.

Administration recommended Consideration and Approval of Re-naming for the Tom Landry Stadium Renovations Project as “Tom Landry Hall of Fame Stadium”.

Administration recommended Consideration and Approval of Selection of Color for Reserved Seating on the Home Side for the Tom Landry Stadium Renovations Project.

The recommendation is based on the colors selected by Coach Detmer, Coach Gilpin, Athletic Director Joe Sanchez, and Athletic Director Leticia Ibarra.

Royal Blue
Texas A&M – Maroon

After a lengthy discussion on the possible color discoloration of the royal blue and maroon seats, the Board approved “grey” for the reserved seating.

Alvarado Architects presented a “pose” selection on the statue. At the Facilities Committee meeting held on Wednesday, May 03, 2017, the Committee along with members of the Campus Construction Over-Sight Committee members reviewed and discussed the five (5) options of poses brought forward by Mr. Alvarado. By virtue of the discussion and by show of hands, options #1 and #4 were selected for presentation to the Board. The Board approved Consideration and Approval of Tom Landry Statue Pose for the Tom Landry Stadium Renovations Project Option #1.

At the Facilities/Environment Committee meeting held on Wednesday, June 07, 2017, several CPR’s were presented and discussed. These CPR’s may become change orders should currently available allowances not cover the over-budget of the project when it is finalized. MCISD Administration stressed to Alvarado Architects and Holchemont Construction the discontent of change orders and requests for additional construction time. The administration stressed the importance of having the project completed as per the original substantial completion date.

At a Special Board of Trustees meeting held on Wednesday, June 07, 2017, the Board granted Superintendent Dr. Ricardo Lopez authority to approve change orders/change proposal requests for the Tom Landry Stadium Renovations Project in the amount not to exceed a total of \$250,000.00. This action was to facilitate the change order/CPR process and not delay the general contractor waiting for a decision.

The following Change Orders/CPR’s were approved by Superintendent Dr. Ricardo Lopez on Wednesday, June 07, 2017:

Supt. Approval Balance:	\$250,000.00
CPR#05R Structural Steel:	\$ 31,824.00
CPR#06R Bronze Statue Foundation:	\$ 12,161.00
CPR#11 for MEP changes at the Press Box:	\$ 8,674.00
CPR#14 for HVAC at the Gift Shop:	\$ 12,268.00
CPR#19 for Additional Gates for Eagle Drive:	<u>\$ 1,816.00</u>
Supt. Approval Balance:	\$183,257.00

Consideration and Approval of CPR#05R for Structural Steel between Grandstands and Custom Press Box for the Tom Landry Stadium Renovations Project.

Contingency Balance: (\$22,951.00)
Structural Steel Additions Cost: \$31,824.00
Contingency Balance: (\$54,775.00)

Consideration and Approval of CPR#06R for Bronze Statue Foundation and Base for the Tom Landry Stadium Renovations Project.

Contingency Balance: (\$54,775.00)
Bronze Statue Base Foundation Cost: \$12,131.00
Contingency Balance: (\$66,906.00)

Consideration and Approval of CPR#11 for MEP changes at the Press Box for the Elevator for the Tom Landry Stadium Renovations Project. Holchemont, LTD is requesting eight (8) additional days, if approved, the new substantial completion date is September 13, 2017. As per Alvarado Architects, additional days will not be submitted.

Contingency Balance: (\$66,906.00)
Electrical at press box Cost: \$ 8,674.00
Contingency Balance: (\$75,580.00)

Consideration and Approval of CPR#14 for HVAC at the Gift Shop for the Tom Landry Stadium Renovations Project.

Contingency Balance: (\$75,580.00)
HVAC at gift shop Cost: \$12,268.00
Contingency Balance: (\$87,848.00)

Consideration and Approval of CPR#19 for Additional Gates for Eagle Drive for the Tom Landry Stadium Renovations Project

Contingency Balance: (\$87,848.00)
Gates at Eagle Drive Cost: \$ 1,816.00
Contingency Balance: (\$89,664.00)

At the Regular Board of Trustees meeting held on Wednesday, June 21, 2017, The Board did not approve Consideration and Approval of CPR#20 for an Additional Four (4) Rain Days for the Month of May for the Tom Landry Stadium Renovations Project.

*Note: After meeting with Alvarado Architects and Holchemont LTD, they were advised that Administration will be questioning any further delay days submitted and that Holchemont should continue working on a recovery schedule plan to attempt to bring this project to the initial substantial completion date of August 21, 2017.

The following Change Orders/CPR's were approved by Superintendent Dr. Ricardo Lopez on Thursday, June 29, 2017, in order to have the project continue without contractor delays:

Supt. Approval Balance Granted:	\$183,257.00
CPR#12 Track Timing System:	<u>\$ 45,322.00</u>
Supt. Approval Balance:	\$137,935.00

Change Order Amount to Date: (\$134,986.00)

Note: General Contractor has added 12% overhead and profit and 1.5% for project bonding on all change order amounts.

Soil Stabilization Allowance:	\$10,000.00
CPR #16 Soil Stabilization:	<u>\$10,000.00</u>
Balance:	\$ 0.00

Utility Allowance:	\$20,000.00
CPR #21 Boring & Trenching:	<u>\$16,830.00</u>
Balance:	\$3,170.00

At the Special Board of Trustees Meeting to be held on Thursday, July 27, 2017, Administration presented to the Board Consideration and Approval of CPR#15 for Graphics for the Tom Landry Stadium Renovations Project. This amount is to be taken from the graphics allowance already included in the original contract.

Graphics Allowance Balance:	\$100,000.00
Banner system:	(\$ 51,148.50)
Identification signage:	(\$ 26,815.00)
Bleacher section signage:	(\$ 13,625.00)
Traffic signage:	(\$ 2,136.00)
Fire lane striping:	<u>(\$ 3,700.00)</u>
Balance:	\$ 2,575.50

At the Regular Board of Trustees meeting held on Wednesday, August 09, 2017, the Board considered and approved some of the following items:

As per our Legal Counsel, the Board did not need to vote on an agenda item, Consideration and Approval of Additional Seven (7) Delay Days for AEA#11 for CPR #21 for the Tom Landry Stadium Renovations Project which was previously denied but being brought forward by Holchemont, LTD. once again for consideration. The Board had stated it would possibly revisit this request and no action was taken.

Consideration and Approval of AEA#12 for CPR #22 for Landscaping and Irrigation for the Tom Landry Stadium Renovations Project.

Landscape/Irrigation Allowance:	\$20,000.00
CPR#22 Landscape & Irrigation:	<u>\$17,383.00</u>
Balance:	\$ 2,617.00

Consideration and Approval of AEA#13 for CPR #24 to Upgrade the Scoreboard System for the Tom Landry Stadium Renovations Project.

Scoreboard Sound System Allowance:	\$55,000.00
CPR#24 Scoreboard System:	<u>\$34,934.00</u>
Balance:	\$20,066.00

Consideration and Approval of CPR #23 for Speaker System for the Tom Landry Stadium Renovations Project. This agenda item was pulled.

At the Regular Board of Trustees meeting held on Wednesday, September 13, 2017, the Board revisited and approved Consideration and Approval of Additional Seven (7) Delay Days for AEA#11 for CPR #21 for the Tom Landry Stadium Renovations Project. As of the date of this Board of Trustees meeting Holchemont LTD will be into possible liquidated damages as per the contract of \$1,500.00 per day for not meeting the substantial completion date. The administration brought forward this request, the new substantial completion date is September 12, 2017.

At the Regular Board of Trustees meeting held on Wednesday, October 11, 2017, the Board took the following actions for the following items:

Consideration and Approval of CPR #12R3 for Additional Power for the Tom Landry Stadium Renovations Project. Please note that Holchemont, LTD will require an extra four (4) days. If approved, the new substantial completion date is September 16, 2017. This item was pulled until further review.

Note: MCISD does not agree with this pricing, however, there will be a cost associated with installing conduits within the concrete slab which was done earlier. If the revised pricing is not approved MCISD Maintenance will complete the electrical connections.

Contingency Balance:	(\$134,986.00)
CPR#12R3 for Additional Power:	<u>\$ 0.00</u> (Org. price \$10,134.42)
Change Order Amount to Date:	(\$134,986.00)

Consideration and Approval of CPR #12R5 for Additional Cabling for Track Timing System for the Tom Landry Stadium Renovations Project. Please note that Holchemont, LTD will require an extra fourteen (14) days. If approved, the new substantial completion date is September 30, 2017. This item was pulled until further review.

Contingency Balance:	(\$134,986.00)
CPR#12R5 Additional Cabling:	<u>\$ 0.00</u> (Org. price \$54,468.65)
Change Order Amount to Date:	(\$134,986.00)

Consideration and Approval of CPR #17 to "Credit" Two (2) Wireless Access Points, Shortel Phone, and Video Server for the Tom Landry Stadium Renovations Project. This item was approved.

Contingency Balance:	(\$134,956.00)
CPR#17 "Credit" on Technology:	<u>\$ 5,000.00</u> "Credit"

Change Order Amount to Date: (\$129,986.00)

Consideration and Approval of CPR #18 to "Credit" Fire Alarm and Intrusion Systems for the Tom Landry Stadium Renovations Project. This item was approved.

Contingency Balance: (\$129,986.00)
CPR#18 "Credit" Fire Alarm System: \$ 2,800.00 "Credit"
Change Order Amount to Date: (\$127,186.00)

Consideration and Approval of CPR #25 to Relocate Cross Bracing at Concession Stands for the Tom Landry Stadium Renovations Project. This item was approved with the cost change to \$5,221.00

Contingency Balance: (\$127,186.00)
CPR #25 to Relocate Cross Bracing: (\$ 5,221.00) (Org. price \$10,442.00)
Change Order Amount to Date: (\$132,407.00)

Consideration and Approval of CPR #26 to Remove and Replace Concrete from the Ramp for the Tom Landry Stadium Renovations Project. Please note that Holchemont, LTD will require an extra two (2) days. If approved, the new substantial completion date is October 2, 2017. This item was pulled, and Javier Hinojosa Civil Engineer will take care of this item.

Contingency Balance: (\$132,407.00)
CPR #26 to Remove and Replace Concrete: \$ 0.00 (Org. price \$4,483.25)
Change Order Amount to Date: (\$132,407.00)

Consideration and Approval of CPR #27 to Add IDF Rack, Quad Receptacles, and Data Drops on the Visitor's Side Bleachers for the Tom Landry Stadium Renovations Project. Please note that Holchemont, LTD will require an extra three (3) days. If approved, the new substantial completion date is October 5, 2017. This item was pulled, MCISD will take care of this item.

Contingency Balance: (\$132,407.00)
CPR #27 to Add IDF Rack: \$ 0.00 (Org. price \$18,357.49)
Change Order Amount to Date (\$132,407.00)

Consideration and Approval of CPR #29 for Additional Eleven (11) Delay Days for the Tom Landry Stadium Renovations Project. If approved, the new substantial completion date is October 16, 2017, pending all other CPR's being submitted. The Board took no action on this item.

Consideration and Approval to Grant Administration Authority to Approve Substantial Completion for the Tom Landry Stadium Renovations Project. Dr. Lopez, Superintendent will have the authorization. This item was approved.

Note: No additional delay days were approved at this meeting. Substantial completion continues to be approximately September 12, 2017.

At the Regular Board of Trustees meeting held on Wednesday, November 08, 2017, the Board took the following actions for the following items:

Consideration and Approval of CCD#01 for CPR#30 for Modifications to the Elevator Equipment Room for the Tom Landry Stadium Renovations Project. No additional days were approved.

Contingency Balance:	(\$132,407.00)
CCD#01/CPR#30 Elevator Equipment Room:	<u>\$ 3,957.00</u>
Change Order Amount to Date	(\$136,364.00)

Consideration and Approval of CPR#31 to "Credit" for Use of Owners Utilities for the Tom Landry Stadium Renovations Project. MCISD presented a "credit" for \$5,900.00, however, Holchemont offered only a credit amount of \$900.00.

Contingency Balance:	(\$136,364.00)
CPR#31 Use of Owners utilities:	<u>\$ 5,900.00 "Credit"</u>
Change Order Amount to Date:	(\$130,464.00)

Consideration and Approval of CPR#32 for HVAC Test and Balance for the Tom Landry Stadium Renovations Project.

Test and Balance Allowance:	\$5,000.00
CPR#32 HVAC Test & Balance:	<u>\$2,500.00</u>
Balance:	\$2,500.00

Consideration and Approval of CPR#33 for Two (2) Additional Fire Extinguishers for the Tom Landry Stadium Renovations Project.

Contingency Balance:	(\$130,464.00)
CPR#33 Fire Extinguishers:	<u>\$ 268.00</u>
Change Order Amount to Date	(\$130,732.00)

At the Regular Board of Trustees meeting held on Wednesday, December 13, 2017, the Board took the following actions for the following items:

Consideration and Approval of CPR #12R3 for Additional Power for the Tom Landry Stadium Renovations Project. This item was approved.

Contingency Balance:	(\$130,732.00)
CPR#12R3 additional power:	<u>\$ 6,327.00</u>
Balance:	(\$137,059.00)

Consideration and Approval of CPR#34 for "Credit" for the VIP Chair Allowance for the Tom Landry Stadium Renovations Project. VIP Chair Allowance "Credit" is \$5000.00. This item was approved.

Discussion and Possible Action on Paving Repair Schedule for the Tom Landry Stadium Renovations Project.

Consideration and Approval for Final Completion, Less Betterment Fund Allowance, and Final Payment, Less Liquidated Damages for the Tom Landry Stadium Renovations Project. This item was pulled due to punch list items and other contractual obligations were noncompliance.

At the Regular Board of Trustees meeting held on Wednesday, April 11, 2018, the Board took the following actions for the following items:

Consideration and Approval of CPR#23 for Sound System Raceways for the Tom Landry Stadium Renovations Project. Holchemont LTD is requesting fourteen (14) additional delay days for this work, if approved the new substantial completion date is September 26, 2017.

Contingency Balance:	(\$137,059.00)
CPR#23 for Sound System:	<u>\$ 39,839.37</u>
Balance:	(\$176,898.37)

Consideration and Approval of Grievance Agreement for Use of Owners Utilities for the Tom Landry Stadium Renovations Project. As per the November approved CPR #31, MCISD approved an owner’s credit for utility use of \$5,900.00. As per the grievance agreement, the amount was reduced to \$2,350.00, thus an adjustment needed to be made.

Previous:	\$5,900.00
Final approved as per Grievance:	\$2,350.00
Adjustment:	\$3,550.00

Contingency Balance:	(\$180,448.37)
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Discussion and Possible Legal Action Regarding Parking Lot Repairs for the Tom Landry Stadium Renovations Project. At this time the Board invoked the “Self Help Provision” of the contract authorizing the Administration to make necessary parking lot repairs utilizing a different contractor.

2GS and Earthworks re-paving Cost: \$24,700.00 – The parking Lot Re-paving completion date was achieved on August 06, 2018.

Fall 2017 - Spring 2019 items continued to be repaired and discussed.

After conducting field reviews and inspections Mission CISD contracted with Rick Hinojosa Structural Engineering to conduct a third-party Visual Cursory Observation on the bleachers for the visitor’s side of Tom Landry Stadium. On September 06, 2018, the observation report with conclusions and recommendations was submitted. In brief, Hinojosa stated that the cracked piers did not affect the immediate load-carrying capacity of the structure and that the stadium could be used. However, the recommendations were to conduct a complete assessment of all piers and repair all necessary items addressed in the complete assessment.

On February 12, 2019 MCISD and Rick Hinojosa Structural Engineering entered into a contract for a full stadium assessment.

At the Regular Board of Trustees meeting held on Wednesday, May 08, 2019, the Board took no action on the following item: Consideration and Approval for Final Completion, Less Betterment Fund Allowance and Final Payment, Less Liquidated Damages for the Tom Landry Stadium Renovations Project. At this meeting Administration also recommended authorizing Administration and Dr. Perez to approve the final completion at a later time, this was rejected with direction from the Board that they wanted this brought forward when the time came for consideration and approval.

At the Regular Board of Trustees meeting held on Tuesday, June 11, 2019, the Board took the following actions

Administration, Mr. Eli Alvarado, Architect, and Mr. Michael Montalvo, General Contractor have met six times since April 25, 2019, with the latest meeting held on Tuesday, June 04, 2019, to discuss what is required from all parties to bring this project for final recommendation and to possibly come to a mutual agreement and present to the Board of Trustees Consideration and Approval for Final Completion, Less Betterment Fund Allowance and Final Payment, Less Liquidated Damages for the Tom Landry Stadium Renovations Project. At the latest meeting, Mr. Montalvo was not able to attend and for many of these meetings Dr. Perez, Superintendent was present. A 1 ½ year warranty project walk-through was conducted as per contract specifications on Friday, May 03, 2019, with Mr. Alvarado, his design staff, Mr. Montalvo, his sub-contractors, and MCISD personnel present to identify any warranty items that are still pending and need correction. The meetings that are being conducted are to balance and agree on all financial/accounting matters and pending correction of work if applicable. Any matters that concern additional requests for time or matters that may concern any deduction from the remaining balance owed to the contractor such as additional fees/costs or possible liquidated damages incurred the general contractor will need to follow the process as written in his contract.

As noted, Administration and Alvarado Architects believe it has tried, with due diligence, to work on all pending accounting/fiscal matters with Mr. Montalvo, however, we continue to not agree on a mutual amount. Administration presents Discussion with Legal Counsel Regarding Closeout for the Tom Landry Stadium Renovations Project with MCISD processing any possible pay applications to Holchemont Construction with monies being withheld that are not in contention.

Note: Additional structural assessment is continuing by Rick Hinojosa, Structural Engineering, and is pending completion. They are pending additional concrete test results.

Tom Landry Stadium Project Timeline:

Notice to Proceed (NTP) – 02/01/2017

Original Substantial Completion Date – 08/21/2017

36 delay days Board approved due to testing, weather, change orders

New substantial completion date – 09/26/2017

Approved substantial completion date – 11/10/2017 (45 days late)

Original Final Completion Date – 12/10/2017

New Final Completion Due Date – 04/20/2018 (131 days late) **NEVER APPROVED**

Possible LD's for not meeting Subst. Completion: 45 days X \$1,500.00 = \$67,500.00
Possible LD's for not meeting Final Completion: 131 days X \$500.00 = \$65,500.00
Possible LD's for the delay in re-paving the parking lot: 7 days x\$500.00 per day = \$3,500.00

Possible LD's Incurred: \$136,500.00

Other Possible Fees/Costs:

Re-paving of parking lot = \$24,700.00

Structural Engineering cursory inspection = \$5,000.00 (Rick Hinojosa, Structural Engineering)

Hinojosa full structural assessment = \$30,000.00 (if applicable)

TDLR re-inspections = \$285.00

Terracon Structural additional services = \$15,000.00

Pending "credit" for three (3) parking lot poles not installed = \$53,489.08

Approximate Possible Total Amount of addtl. fees/costs: \$128,474.08

Additional Architect Fees: \$85,695.00 (if applicable/pending)

Balance on contract:	\$416,406.11
Possible LD's:	\$136,500.00 Possible
addtl. Costs:	\$128,474.08
Possible addtl. Arch. Fees:	\$ 85,695.00
Paid Holchemont:	\$ 43,189.25 (07/24/19 Pay App. #10 rev.3)

Est. Current Balance on Contract: ~~\$380,251.23~~ as of 04/21/2021 \$347,206.23

Est. Construction Costs:	\$6,000,000.00
Est. Total Construction w/Soft Costs:	\$8,000,000.00

BAFO Const. Cost:	\$7,463,000.00
Change Orders:	<u>\$ 142,020.37</u>
Final Const. Cost:	\$7,605,020.37

Architect Fees:	\$485,095.00 6.5% of Construction Cost
Addtl. Arch. Fees for C/O's:	<u>\$9,231.32</u>
Architect Fees:	\$494,326.32 (excluding addtl. Fees pending)

At the Regular Board of Trustees meeting held on Wednesday, August 14, 2019, the Board took the following actions.

At this meeting the Mr. Rick Hinojosa Structural Engineering Assessment report was not available for the Board of Trustees to review, however, Administration had preliminary verbal discussions with Hinojosa on what he was to submit, the report was to be finalized on Friday, August 16, 2019. Should the report state that repairs were required Administration presented Consideration and Possible Action Regarding Procurement of Design and Construction Services for the Tom Landry Stadium Repairs in advance.

The administration was approved to contract with Hinojosa to conduct a full stadium assessment to include not only concrete piers but to inspect the entire structure of the stadium. On August 08, 2019, Hinojosa Engineering submitted a preliminary assessment letter for our review noting possible reinforcement required.

On August 16, 2019, Hinojosa Structural Engineering submitted their Visual Structural Condition Assessment of Tom Landry Stadium for our review.

On September 11, 2019, during the Regular Board of Trustees meeting and based on Mr. Hinojosa's report, Administration presented Consideration and Approval of Design and Construction Services for the Tom Landry Stadium Repairs.

The Board of Trustees must take the necessary action in accordance with Texas Education Code 44.035 which consisted of the selection/designation of an architect and/or engineer to prepare construction documents for this project. The engineer and/or architect selected or designated will have full responsibility for complying with the Texas Engineering Practice Act (Article 3271a, Vernon's Texas Civil Statutes) or Chapter 478, Acts of the 45th Legislature, Regular Session, 1937 (Article 249a, Vernon's Texas Civil Statutes) as applicable.

If the engineer or architect is not a full-time employee of the District, the Board must select the engineer or architect on the basis of demonstrated competence and qualifications as provided by Section 2254.004, Government Code. The selected architect/engineer along with preparing construction documents will be required to provide MCISD with an estimated project budget.

Current and/or past structural engineers that have worked with MCISD are listed below, the Board of Trustees may select from one of these engineers on the basis of demonstrated competence and qualifications or may direct the Administration to seek Request for Qualifications (RFQ's) on an engineer or architect.

Rick Hinojosa Structural Engineering (conducted assessments)
Chanin Structural Engineering (original project structural engineer)

The Board of Trustees selected Mr. Rick Hinojosa Structural Engineering to conduct a thorough third-party structural assessment of the Tom Landry Stadium Project.

On or about January 27, 2020, Mr. Hinojosa submitted to Administration a proposal for forensic engineering services from MEG Engineers. The Forensic Engineering Services will include Ground Penetrating Radar (GPR) Scans of one-hundred and fifty-six (156) piers by scanning four (4) grids at each pier location. A grid will consist of a three (3) foot by two (2) foot rectangle made up of thirty-five (35) gridlines spaced at six (6) inches on center. The total linear footage of scanning will be eighteen thousand and ninety-six (18,096) feet. The report will include detailed rebar locations of the piers. The proposal cost for this service was \$56,000.00.

At the Facilities/Environment Committee Meeting of February 05, 2020, this proposal and engineering service were presented and discussed. At this time the decision was made for Administration to proceed with Hinojosa Structural Engineering and MEG Engineers to

conduct only seventy-eight (78) GPR Scans on the stadium. These scans would be divided between the home and visitors' side piers at a proposed cost of \$34,988.00.

At the Regular Board of Trustees meeting held on April 08, 2020, the Board approved the following, Preliminary reports from both engineering firms indicate that a complete GPR Scan of all piers would be advisable to have a complete pier assessment on the stadium. Thus, Administration recommends Consideration and Approval of Additional Ground Penetrating Radar (GPR) Scans for Piers at the Tom Landry Stadium Bleacher Project. The estimated proposal cost would be the difference from the original proposal to what has been approved for the first phase. Estimated proposal \$21,012.00.

At the Regular Board of Trustees meeting held on September 09, 2020, as an informational Board Item, a presentation was given by Rick Hinojosa Structural Engineering, Mr. Albert Trevino, on the Tom Landry Stadium Renovation Project status. Mr. Trevino reported on the findings of the GPR scans conducted and has stated, "the scans in the report indicate that the majority of the piers do not have pier reinforcement per the shop/erection drawings provided by Sturdy Steel who provided the bleachers".

At the meeting of September 09, 2020, Hinojosa Structural Engineering was to provide a final and complete comprehensive report on the findings and recommendations for correction on all items indicated on the assessment. Findings and recommendations were to include and not be limited to the disciplines of Structural, Mechanical, Electrical, Plumbing (MEP), and Civil. At this meeting, Hinojosa Structural Engineering was directed to provide this comprehensive report and not only the GPR scans report.

Since this initial directive, Hinojosa Structural Engineering has been contacted both in October and December 2020 for the final report and we continue to have no response. The administration will continue to utilize all avenues to request the final report so that we may move forward with the repairs required.

On January 14, 2021, Rick Hinojosa Structural Engineering was sent both email correspondence and a certified letter requesting his personal appearance at the Wednesday, January 20, 2021 Board of Trustees Work Shop to present the final project findings. At 4:01 p.m. on that day Mr. Hinojosa contacted us that he had a family emergency and would try to attend. With this correspondence, he attached "Mission CISD Tom Landry Stadium Ground Penetration Radar (GPR) Scanning Findings Letter". This letter referenced the GPR scanning done at the stadium.

In a discussion at the Work Shop on January 14, 2021, the Board instructed our legal counsel to draft a letter to request Mr. Hinojosa's presence and to once again present his findings at the Board Work Shop on Wednesday, February 03, 2021. Legal counsel sent a certified letter and emailed the letter to Mr. Hinojosa's attention on Tuesday, January 26, 2021. My office then proceeded to re-send this letter to Mr. Hinojosa the following day. A "read receipt" message was received from his office on Friday, January 29, 2021, at approximately 12:10 p.m. acknowledging receipt of our request to be present.

At this Work Shop on Wednesday, February 03, 2021, the Board will hear the presentation and may have a question and answer session with Mr. Hinojosa on the findings and recommendations. At this time the Work Shop may have a Discussion and Possible Action

to Procure Engineering Services for Analysis and Remediation for the Tom Landry Stadium Project and to Grant Administration Authorization to Procure Services. The presentation was not held at the Work Shop and was presented at a Special Board of Trustees Meeting after.

At the Special Board of Trustees meeting on Wednesday, February 03, 2021, Mr. Rick Hinojosa presented his "Mission CISD Tom Landry Structural Comprehensive Assessment Report". After discussion with the Board of Trustees and Administration, Mr. Hinojosa was directed to once again present at the Regular Board of Trustees meeting on Wednesday, February 10, 2021. This presentation is to mainly address all the viable options on how to correct the issue of the piers found to be not safe and not constructed as per code as noted in the report and reported by Mr. Hinojosa at the meeting. He is to also present a scope of work and a phasing plan of repairs beginning with the most safety-critical items. What will also need to be addressed is if any other areas will be damaged while repairing the piers, such as the flatwork. Each option(s) will need to satisfy all building and structural codes along with satisfying all safety compliance codes. At this meeting, Mr. Hinojosa was advised that time was critical for the usage of the stadium since graduation ceremonies have already been scheduled. Mr. Hinojosa stated that plans and specifications should be finalized soon and we may be able to advertise for competitive sealed proposals (CSP's) within the next couple of weeks and possibly have a contractor begin repairs as quickly as the procurement process allows, that is the goal.

The procurement process will be Competitive Sealed Proposals (CSP's) which the Board adopted as the method of delivery. The Board approved the Hidalgo County Prevailing Wage Rate which is an exhibit and was attached. The Board also adopted the selection criteria for which proposals are evaluated and ranked. The administration also recommended that the Board authorized the Superintendent to rank the proposals and negotiate an agreement with the highest-ranked contractor.

On February 10, 2021, the Board approved Consideration and Possible Action Regarding Permanent and Emergency Repairs for the Tom Landry Stadium to Include the Wage Rate, Selection Criteria, and Authorization to Dr. Perez as mentioned under the Administrative considerations.

Advertisements in the local newspapers for Competitive Sealed Proposals (CSP's) were posted on March 24, 2021, and March 31, 2021. Proposals were to be opened on April 08, 2021, and firms would be able to view them remotely. The virtual pre-proposal meeting was Thursday, April 01, 2021, at 2:00 p.m. to allow all prospective contractors the opportunity to ask questions concerning the project plans and specifications.

CSP's were to be submitted on April 8, 2021, and were to be reviewed and ranked by the Administration Committee. This Administrative review was to be presented at the Regular Board of Trustees Meeting on Wednesday, April 14, 2021.

On Wednesday, April 06, 2021, Hinojosa Structural Engineering submitted a recommendation to extend the bid date by two weeks to allow contractors and sub-contractors more time to bid on the project. He also stated that a second pre-bid conference is held followed by a walk-through of the stadium facility. This recommendation was due also to no contractors attending the initial pre-bid conference. This recommendation was presented at the Board of Trustees Work Shop on Wednesday, April 08, 2021.

A second pre-proposal meeting was held on Thursday, April 15, 2021. The two-week extension proposals were due and publicly opened on Thursday, April 22, 2021, at 2:00 p.m. at the Central Office Board Room. Proposals were reviewed, evaluated, and ranked on Monday, April 26, 2021, at 2:00 p.m. by Ms. Rumalda Ruiz, Ms. Dora Garcia, Ms. Lorena Garcia, Mr. Joel Garcia, and Mr. Ricardo Rivera with Ms. Daisy Cuevas assisting.

Due to the timeline to begin permanent repairs Administration requested a Special Board of Trustees meeting on Tuesday, April 27, 2021, at 12:00 p.m. at the Central Office Board Room. At this meeting Administration presented and the Board approved Consideration and Approval to Accept Administrations Rankings and Enter Into Negotiations in the Order of Ranking for the Tom Landry Stadium Repairs Project.

G & G Construction

Base Bid: \$1,024,850.00 with 210 construction days
Alternate Bird Screen: \$127,000.00 with an additional 45 construction days
TOTAL: \$1,151,850.00 with 255 days from notice to proceed (approx. 8.5 months)

Terra Fuerte Const.

Base Bid: \$1,141,000.00 with 180 construction days
Alternate Bird Screen: \$30,000.00 with an additional 30 construction days
TOTAL: \$1,171,000.00 with 210 days from notice to proceed (approx. 7 months)

Project negotiations were scheduled for Wednesday, May 05, 2021, at 10:00 a.m. as per G & G Construction's earliest available meeting date and time. Administration presented Consideration and Approval to Accept the Best and Final Offer (BAFO) and to Enter Into Contract for the Tom Landry Stadium Repairs Project and requested for a Special Board of Trustees meeting following the Board Work Shop to consider action on this item.

The Board of Trustees has the option to accept this BAFO, the initial base proposal, to decline the offer and direct the Administration to enter into negotiations with the next contractor, or to reject all offers and re-advertise the project using the same specifications and design or direct the engineer to re-design the project.

At the Special Board meeting held on May 5, 2021, the Board approved G & G Contractors Best and final offer Base Bid: \$1,024,850.00 with 210 construction days. Notice to proceed was effective July 28, 2021, with substantial completion will be February 23, 2022.

At the Regular Board meeting held on November 10, 2021, the Board approved the following items:

Consideration and Approval of Allowance Expenditure Authorization (AEA) #01 for Structural Repairs on Various Piers for the Tom Landry Stadium Repairs.

Contingency Allowance:	\$20,000.00
AEA #1 Various Piers:	<u>\$ 8,241.88</u>
Balance:	\$11,758.12

Consideration and Approval of Change Order #1 for Forty-four (44) Delay Days due to the structural repairs on various piers for the Tom Landry Stadium Repairs. If approved the new substantial completion will be April 08, 2022.

On Friday, December 10, 2021, a letter was sent by MCISD to Mr. Rick Hinojosa, Hinojosa Structural Engineering, and Mr. Rene Garza, RG Enterprises LLC. referencing the Tom Landry Stadium Repair Project.

At the request of Mr. Garza, a project meeting was held on Wednesday morning, December 15, 2021, to discuss items referenced in the letter. Present at the meeting were staff members of R. Hinojosa Structural Engineering, Raba Kistner, Geo-tech Testing, G&G Const. and MCISD Staff.

At the Regular Board of Trustees meeting held on December 15, 2021, Mr. Albert Trevino. Hinojosa Structural Engineering and Mr. Rene Garza, RG Enterprises LLC presented an update on the project. During the presentation, at least five (5) possible change orders which consist of additional costs and time were mentioned as forthcoming.

The Board expressed concern that the project needed to move forward and that requests for special meetings would be acceptable in order to expedite change orders needed to not delay the project further.

A Special Board of Trustees Meeting has been requested for Wednesday, January 05, 2022, for Consideration and Approval of Change Order(s) for the Tom Landry Stadium Repairs Project.

At the Regular Board of Trustees meeting on December 15, 2021, both firms were instructed to work on change proposals to be submitted at the special called meeting on Wednesday, January 5, 2022. During the presentation by both Mr. Albert Trevino – Hinojosa Structural Engineering and Mr. Rene Garza – RG Enterprises, LLC they presented seven (7) possible construction proposal requests (CPR's). They were directed to present to the Administration and Board of Trustees detailed explanations for each CPR on why these were required, if by Code or other reasons. They were also directed to ensure that these CPR costs were the only option(s). It was also directed that they needed to specify if any of the CPR's would either delete or offset any of the work already included in their original scope of work and that the adjustment of all time and materials associated needed to be reflected as a "credit" to the district. As per Mr. Trevino, he would only inform the Administration and the Board of receipt of these CPR's and at this time would not formally present them for consideration since he had not yet reviewed them with RG Enterprises, LLC and did have some questions for them. Both firms were made aware that legally the project could not exceed 25% of the total cost of the project in change orders. The administration and the Board once again reiterated the need to resume work at the stadium and were very receptive to having meetings to review and possibly approve items to have the project progress. The Board asked which CPR's were critical at this time so that the project would continue and items #3, #5, and #6 that were presented that evening were noted. Both firms were directed to work on submitting these CPR's using the required AIA Document G701 - 2017 which specifically is designed to submit the change orders to the project and present them at a Special Board of Trustees meeting on Wednesday, January 12, 2022.

At the Special Board of Trustees meeting held on Wednesday, January 12, 2022, R. Hinojosa Structural Engineering and RG Enterprises, LLC presented possible change orders #2, #3, and #4. Change order #4 was the combination of Change Proposal Requests (CPR's) #5 and #6 that were presented at the previous meeting of January 05, 2022. Along with cost information were additional days requested. In consultation with Mr. David Hansen - Legal Counsel, it was asked that the change orders be reviewed once again and that the costs and days all be incorporated into one single change order document. The change order was to be sent to our legal office to be incorporated into our required change order document. Both firms were asked to create a work schedule separating time from the home side versus the visitor side. A presentation is scheduled to be made once again at the Regular Board of Trustees meeting on Wednesday, January 19, 2022.

At the Regular Board of Trustees meeting held on Wednesday, January 19, 2022, R. Hinojosa Structural Engineering and RG Enterprises, LLC once again presented possible costs and change orders with a substantial completion date of early November 2022. This item was taken into Executive Session for consultation with our legal counsel.

After consultation and review, the decision and directive to both R. Hinojosa and RG Enterprises were to split the project between the home side repairs and the visitor repairs. Each side was to be a separate project with RG Enterprises submitting a change order for credit to work being separated from the visitor side and an updated schedule of values for completing the home side as this was the priority. A brief meeting was held after the Board of Trustees meeting with the design team, the general contractor, and MCISD staff to ensure that they understood the directive issued, which they acknowledged that they understood. The directive was to have the change order with newly updated costs, credits, and timeline by the regularly scheduled Board Workshop on Wednesday, February 02, 2022.

Correspondences continued this past week with uncertainty from RG Enterprises about what was required and expecting a written authorization from Dr. Perez, MCISD Superintendent concerning what was directed at the previous Board meeting. A Zoom meeting was held on Thursday, January 27, 2022, with R. Hinojosa Staff, Mr. Manuel Leal, G & G Construction Superintendent, Mr. Adrian Hernandez, Mr. Adan Rivera, Ms. Lorena Garcia, and Mr. Rick Rivera to clarify the directive and expectations and the urgency for submitting the required change orders. It was presented that there would be no written authorization from Dr. Perez and that the directive issued at the Board meeting would suffice. It was also discussed that the general contractor was directed in an email by R. Hinojosa and Mr. Adrian Hernandez of what was required, and Mr. Leal acknowledged the direction. A Zoom meeting was once again scheduled for Friday, January 28, 2022, to review the status of the change order. Once again both the general contractor and design team were directed to submit all change orders in a timely manner and not at the last minute when the Administration does not have time to review them before the presentations to Dr. Perez and the Board of Trustees. It was also noted that for all meetings we needed to have either Mr. Adrian Hernandez or Mr. Adan Rivera present.

At the Special Board of Trustees meeting held on February 02, 2022, the Board, approved to separate the Tom Landry Stadium Repairs into two separate projects, the home side and the visitor's side. The home side will be a priority with the current contract. Currently, RG

Enterprises, LLC, the general contractor, is to submit a new schedule of values, credits, and a new timeline for them to continue and complete the home side as scheduled.

Questions were asked about why the credit was minimal compared to the overall project cost. As per both firms they had a difference of opinions on their calculations. Due to these differences and R. Hinojosa Structural Engineering not supporting the change orders in the best interest of the District the Board and Administration directed both firms to once again meet and come to a mutually agreeable change order to present at the Regular Board of Trustees meeting on Wednesday, February 09, 2022.

The Board approved at the same meeting, the visitor's side as a new project, procurement, and proposed budget for supplemental repairs (Visitor's Side) for the Tom Landry Stadium Project.

The administration does anticipate work by outside contracting firms for the Supplemental Repairs (Visitors Side) for the Tom Landry Stadium Project, thus, before soliciting bids or proposals for this project, Texas Education Code 44.031(a) requires the board of a school district, considering a construction project to take the following action.

1. The board must consider the method of delivery that provides the best value for this project. The administration recommends competitive sealed proposals as the method of delivery due to the nature of the project.
2. Selection criteria for the project must also be considered. Attached is a copy of the recommended selection criteria used for previous District large-scale projects.
3. The Board must designate the selection committee to evaluate and rank the proposals.

(This was reviewed and approved by the Purchasing Department)

At the Regular Board of Trustees meeting held on Wednesday, February 09, 2022, Administration presented the items that were discussed at the Special Board of Trustees meeting held on Wednesday, February 02, 2022, and copies of proposed change orders were distributed. Change orders consisted of credits for eliminating the south side visitor part of the project, owner contingency allowance changes, pricing per pier work on the home side, a substantial completion date of August 08, 2020, and a new construction cost for the north side home part. This information was presented by Mr. Albert Trevino – R. Hinojosa Structural Engineering and Mr. Manuel Leal – RG Enterprises, LLC (Job Superintendent for General Contractor). Again, the importance of having this project begin construction and completed was highly stressed by Dr. Perez, MCISD Superintendent, and the Board of Trustees. Change Order #2 for deletion of work and credit was presented and approved for the amount of \$166,235.09. Change Order #3 for additional repairs, re-routing of existing storm drain, repairs on piers, and amounts added to the Owners contingency plus additional 122 days added and the new substantial completion date is August 08, 2022, and others were presented and approved.

Note: Construction documents and schematic designs were not available for presentation at the Board Workshop on Wednesday, March 02, 2022, and are being presented at the

Board Meeting. As per Mr. Albert Trevino, the construction timeline is scheduled to be approximately four months. If an approved advertisement for proposals will follow.

Schematic Design:

Rough sketches that develop a feasible conceptual design of the project.

Construction Documents:

Communicating the design intent through further refinement of the written and graphic representation of all building materials, components, and equipment that can be quantified and useful to contractors.

At the Regular Board of Trustees Meeting held on March 09, 2022, the Board approved Construction Documents for the Supplemental Repairs (Visitors Side) for the Tom Landry Stadium Repairs Project – R. Hinojosa Engineering, Inc.

Advertisements in the local newspapers were posted on March 16, 2022, and March 23, 2022. The process is for the submittals to be reviewed by the Purchasing Department Staff and the Administration Ranking Team to assure that firms meet the criteria based on demonstrated expertise, competence, and qualifications. Pre-proposal was scheduled for Thursday, March 24, 2022, and Bid Opening for March 31, 2022. After the review Administration will then recommend those firms to be reviewed and ranked in order of selection. The recommendations were presented for approval at the Wednesday, April 06, 2022, Special Board of Trustees Meeting, and Administration will then enter into negotiations in the order of selection.

<u>Company</u>	<u>Total Base Bid</u>	<u>Days of Completion</u>	<u>Points</u>
Terra Fuerte	\$489,000.00	150	88.0

Project negotiations are currently being scheduled prior to the Regular Board of Trustees meeting to be held on April 13, 2022, with Terra Fuerte. Administration presented Consideration and Approval to Accept the Best and Final Offer (BAFO) and to Enter Into a Contract for the Tom Landry Stadium Repairs Project

At the Regular Board of Trustees meeting held on April 13, 2022, the Board approved the Best and Final offer base bid: Terra Fuerte \$489,000.00 with 143 construction days. Notice to Proceed was effective April 21, 2021, with a substantial completion date of September 11, 2022.

At the Regular Board of Trustees meeting held on June 08, 2022, the Board approved the following Consideration and Approval of Allowance Expenditure Authorization (AEA) #1 & # 2 and Change Order #1 to Reroute Electrical Conduits and Replace Damage Columns for the Tom Landry Stadium Repairs Project (Visitors side).

Contingency Balance:	\$50,000.00
AEA #1 Electrical Conduit:	<u>\$23,400.00</u>
Contingency Balance:	\$26,600.00
Sign Contingency:	<u>\$ 2,500.00</u>
Contingency Balance:	\$29,100.00
AEA #2 Damage Columns:	25 36,591.00

Overhead & Profit/ Ins. Fees: \$632.72
Contingency Balance: (\$8,123.72)

At the Regular Board of Trustees meeting held on August 10, 2022, the Board approved Change Order #4 for the Tom Landry Stadium Repairs Project (Home side) with additional 10 days with the new substantial completion date of August 18, 2022.

Change Order #4: \$47,555.71

ADMINISTRATIVE CONSIDERATIONS

As Per R. Hinojosa Structural Engineering and Terra Fuerte work on the visitor's side may be ready to be reviewed, inspected, and determined to be substantially completed as per contract documents by Wednesday, August 24, 2022. Thus R. Hinojosa Structural Engineering may be ready to present Consideration and Approval for Substantial Completion for the Tom Landry Stadium Repairs Project (Visitors Side) – Ricardo Hinojosa Engineering, Inc. If presented and approved punch list items for corrections will be addressed and the contractor has 30 days from substantial completion to complete these items. Original Substantial Completion date for the visitor's side is September 11, 2022.

Note: Substantial Completion is the stage in the progress of the Work when the Work or designated portion thereof is sufficiently complete in accordance with Contract Documents so that the Owner can occupy or utilize the Work for its intended use.

FUNDING SOURCE

General Funds and Possible other funding sources to be determined by the Finance Dept. (TBD)

RECOMMENDATION (If applicable)

Administration presents Consideration and Approval for Substantial Completion for the Tom Landry Stadium Repairs Project (Visitors Side) – Ricardo Hinojosa Engineering, Inc.

EXHIBIT

Substantial Completion Form (to be distributed at meeting)

CONTACT PERSONS

Ricardo Rivera, Assistant Superintendent for Operations
Adrian Hernandez, Coordinator for Project & Energy Management

SUBJECT: Consideration and Approval for Substantial Completion for the Tom Landry Stadium Repairs Project (Home Side) – Ricardo Hinojosa Engineering, Inc.

PRESENTER: Ricardo Rivera, Assistant Superintendent for Operations

BACKGROUND INFORMATION

STADIUM:

Tom Landry Stadium was built in approximately 1976 and additional seating was installed in approximately 1989. It currently has only four (4) handicap seating spaces on both the home and visitors' sides. The home side has a seating capacity of 5000 persons and the visitor's side has a seating capacity of 4000 persons.

At the Regular Board of Trustees meeting held on Wednesday, August 11, 2010, the Board approved a structural assessment to be conducted by Rick Hinojosa Structural Engineering. A report was completed on August 27, 2010. No further action was taken.

At a football game on September 26, 2013, and at the Regular Board of Trustees meeting on Wednesday, October 09, 2013, a concerned citizen brought to attention the fact that Tom Landry Stadium was not in compliance with the American Disabilities Act (ADA) current code concerning the required handicap seating spaces. As per ADA the breakdown for seating is 6 spaces for 1 – 500 seats than 1 seat for every 150 additional seats. As per calculations required additional seating on the home side will be 36 ADA seats and, on the visitors, the side will be an additional 30.

On October 08, 2013, I contacted Mr. Tim Petty, Program Specialist V with the Texas Education Agency (TEA) to discuss this issue and he confirmed that we were not in compliance with current codes and standards concerning stadium seating.

At the Regular Board of Trustees meeting held on Wednesday, December 11, 2013, and after consultation with our legal counsel, the Board approved renovations to the Tom Landry Stadium Press Box and the additional required ADA stadium seating.

The current press box is approximately 30 years old and has never been renovated. When new bleacher seating was installed the press was moved by crane to its current location. With the installation of a new scoreboard, additional staff will need to be placed in the press box to operate the system. Currently, approximately nine persons are in the box, however, it is now estimated that up to twenty-two persons may be in the box at any given time. This added weight along with the additional weight of chairs and equipment may cause stress on the structure. As per our legal counsel, there is no legal law that states that the structure needs to be evaluated, however, for safety precautions

The administration is considering a structural assessment study to be conducted on the press box to ensure that the structure is capable of sustaining the additional weight.

At the Regular Board of Trustees meeting held on Wednesday, March 20, 2013, Administration presented and the Board approved Consideration and Approval to Contract with Rick Hinojosa Engineering for a Re-Assessment of the Tom Landry Stadium Press Box.

At the Regular Board of Trustees meeting held on Wednesday, April 10, 2013, the Board was advised that due to concerns and possible code regulations requiring an elevator to be installed for the press box, inquiries were made to Mr. David Hansen, Legal Counsel. As per building code, an elevator is required should the square footage of a press box be larger than 500 sq. ft. Our current press box is approximately 40' X 8' which is 320 sq. ft. However, should only renovations be required without the addition of sq. footage the initial structural assessment will need to be considered? Furthermore, it is the responsibility of the structural engineer to make the decisions on what is currently within building codes and regulations even if it is only renovations. The possible recommendation of constructing adjacent press boxes may still require an elevator to be installed. The sq. footage requirement applies to the "aggregate" total sq. footage of all press boxes. Again, it will be the responsibility of the structural engineer to make that determination. Renovations to include floor support, the construction of an interior wall, countertops, and sand sliding windows.

At the February 05, 2014 Facilities Committee meeting, a presentation by Rick Hinojosa Structural Engineering stated that current plans to improve the press box must include the installation of an elevator or ramp access to the press box as per the State of Texas current code. At this meeting, the committee decided to cancel the press box renovation project.

At the Special Board of Trustees Meeting held on Wednesday, April 20, 2016, the Board approved the following:

The administration is again exploring the possibility of a stadium renovation to include a new press box, new reserve section seating with backrests, new concession stands, new concrete base under the bleachers along with new bleachers to meet current ADA rules and regulations. New bleachers to also include those at Leo Najo Baseball Park.

The administration is requesting approval to advertise for Request for Qualifications (RFQ's) for architectural/civil engineer services as the recommended process for the selection.

The ranking of Request for Qualifications responses must be on the basis of demonstrated competence, qualifications, capability to perform, the past performance of the firm and members of the firm, and other appropriate factors submitted by the firm in response to the request for qualifications, except that cost-related or price-related evaluation factors are not permitted as provided by Section 2254.004, Government Code.

If approved, Administration will begin advertising for architects and then begin the process of reviewing the firms as per the RFQ's and schedule presentations for the Board to review and possibly select a firm.

Advertisements for Request for Qualifications (RFQ's) for architects were advertised in the local newspaper on Wednesday, June 1st, and June 8th, 2016 along with being posted on the MCISD website. RFQ's were due at Central Office on Thursday, June 23, 2016, at 2:00 p.m...

Three (3) architectural firms submitted an RFQ and they were reviewed for completeness and adherence to the instructions of the request by Mr. Roosevelt Rios, Purchasing

Coordinator, and Ms. Tammy Tijerina, Project Manager on Thursday, July 28, 2016. The firms are listed below:

PBK Architects GIGNAC &
Assoc.
Alvarado Architects

This agenda item and presentation(s) were originally scheduled for Wednesday, August 03, 2016, however, they were postponed to a later date and time.

At the Facilities/Environment Committee held on Wednesday, August 24, 2016, the three ranked firms were invited to make a presentation to a Special Facilities/Environment Committee meeting and those Board members in attendance. The Committee allowed the firms a 15-minute presentation session along with a 15-minute question and answer session. The Committee along with Mr. Ricardo Rivera evaluated and ranked the firms on the basis of demonstrated competence and qualifications pursuant to the Professional Services Procurement Act as per the presentations. The rankings were then presented at the Special Board of Trustees meeting for consideration and approval for the selection of services.

At the Special Board Meeting held on Wednesday, August 24, 2016, the Board approved the rankings and selection of Alvarado Architects for services for the Tom Landry Stadium Renovations Project.

At the Regular Board Meeting held on Wednesday, September 14, 2016, the Board approved the contract for Alvarado Architects for the Tom Landry Stadium Renovations Project.

At the Regular Board Meeting held on Wednesday, November 09, 2016, the Board approved the project and budget, the procurement method, and Alvarado Architects' request for Schematic Design and Design Development for the Tom Landry Stadium Renovations Project. Alvarado Architects, District Staff, and Coaches have been working on the design due to the extremely tight timeline, this project has to be completed by late July 2017. The current design will have new concession stands, new parking, new parking over-lay where needed, the concrete area below the home side, new stadium fascia, new complete seating bleachers at both home and visitor side, home side reserved seating to have backrests, seating, and ramps to be ADA compliant, new ticket booths, press box with an elevator as recommended design, new stadium lighting as required along with other required items needed for the project.

At the Regular Board meeting held on Wednesday, December 14, 2016, the Board approved Alvarado & Associates final design and Approval for 24-inch-Wide Seats in the Reserved Section for the Tom Landry Stadium Renovations Project.

Advertisements in the local newspapers and at the Association of General Contractors Office (AGC) were posted on December 18, 2016, and December 25, 2016, for the new design. A pre-proposal meeting was held on Tuesday, January 10, 2017, at 2:00 P.M. at Central Office.

Proposals were publicly opened on Tuesday, January 17, 2017, at 4:00 P.M. at Central Office. Pre-ranking of the proposals was conducted by Mr. Roosevelt Rios, Mr. Albert Rodriguez, and Mr. Adrian Hernandez, Project Manager on Tuesday, January 17, and Wednesday, January 18, 2017.

At the Facilities Committee meeting, the Committee reviewed the pre-ranking of firms and then proceeded to officially rank the firm’s proposals. These rankings will then be presented to the Board of Trustees for consideration and approval for entering into negotiations in the order of ranking recommended at a special called meeting on Monday, January 23, 2017, at 7:30 a.m.

Pre-ranking of proposals by the Administration is merely a district process to pre-check if all requested documents and information in the Request for Proposals (RFP) were submitted prior to the Evaluation and Selection Committee’s formal evaluation. The pre-ranking of proposals is strictly unofficial. The Request for Proposal (RFP) package includes document CSP – 00350 Evaluation and Selection Criteria for Competitive Sealed Proposals which defines this portion of the procurement process. The District Evaluation and Selection Committee is comprised of three (3) Board of Trustees Facilities Committee Members and one (1) appointed Administration Staff. The Evaluation and Selection Committee will evaluate, rank, and publish all proposals. The Evaluation and Selection criteria have been approved by the Mission C. I. S. D.’s Board. Once the M. C. I. S. D. Board of Trustees approves the ranking, the District Evaluation and Selection Committee will then proceed to negotiate a contract with the highest-ranking Proposer.

The Finance department in conjunction with the district’s finance consultants has been designing a funding package for this project. In order to ensure this project under this funding source is securely financed Administration is recommending adjusting the contingency budget by an increase of \$2 million. Thus, the total construction budget including all soft costs will not exceed \$10 million.

Three proposals were submitted for this project and were ranked by the Facilities Committee as per MCISD guidelines and procedures. The Board must now consider the rankings and approve to enter into negotiations with the top-ranked firms in the order selected. Rankings are listed below:

<u>Company</u>	<u>Base Proposal</u>	<u>Alt. #1</u>	<u>Days</u>
Holchemont Const. (291)	\$7,463,000.00	(\$287,000.00)	235
E-Con Const. (287.6)	\$7,450,000.00	\$210,000.00	180
Central Builders (260.2)	\$8,000,000.00	\$500,000.00	180

Note:
Alternate #1 is for a larger custom-built press box which Administration recommends approving. Both E-Con Construction and Central Builders have an additional cost for this alternate, as per Holchemont Construction their base bid includes the larger custom press box. Should MCISD select the smaller pre-fabricated press box Holchemont has a

\$287,000.00 deduct from their base bid. The intention is for a notice to proceed (NTP) to be issued on or before February 01, 2017, with a substantial completion date of July 31, 2017, which is 180 days, Holchemont has a substantial completion date of September 24, 2017. Proposals and days are all prior to negotiations.

At a Special Board of Trustees meeting to be held on Monday, January 23, 2017, the Board will consider and possibly approve the rankings to allow negotiations to begin. It is the administration's intent to bring forward at the Regular Board of Trustees meeting to be held on Wednesday, January 25, 2017, and approval and recommendation for a best and final offer (BAFO) and to enter into a contract with the selected general contractor. It is MCISD's construction procurement process to present all items for Facilities Committee discussion prior to presenting to the Board of Trustees for final approval.

At the Regular Board of Trustees meeting held on Wednesday, January 25, 2017, the board approved the best and final offer (BAFO) from Holchemont in the amount of \$7,463,000.00 with an alternate #01 custom press box included as part of the contract. Notice to Proceed (NTP) was issued on February 02, 2017, with a substantial completion date of August 21, 2017.

At the Regular Board of Trustees meeting held on Wednesday, April 12, 2017, the board approved and pulled the following items:

Consideration and Approval of AEA #01 for CPR #02 to Furnish and Install Sports Lighting for the Tom Landry Stadium Renovations Project.

Sports Lighting Allowance:	\$600,000.00
AEA#01 Sports Lighting:	<u>\$580,392.00</u>
Balance:	\$ 19,608.00

Consideration and Approval of AEA #02 for CPR #03 to Furnish and Install a Scoreboard Sound System for the Tom Landry Stadium Renovations Project. Item was pulled for further pricing on additional speakers throughout the stadium.

Consideration and Approval of AEA #03 for CPR #04 to Furnish and Install Football Safety Netting System for the Tom Landry Stadium Renovations Project. Item was pulled due to MCISD having the netting and poles and only required pricing for the installation.

Consideration and Approval of AEA #04R to "Credit" the Allowances for the Tom Landry Stadium Renovations Project. Item was pulled due to other items being pulled thus not being able to present an accurate balance total.

Consideration and Approval of CPR #06 to Change the Size of the Bronze Statue for the Tom Landry Stadium Renovations Project.

Bronze Statue Allowance:	\$ 50,000.00
CPR#06 Bronze Statue:	<u>\$129,400.00</u>
Bronze Statue Allowance Balance:	(\$ 79,400.00)

Due to inclement weather in the month of March Holchemont Construction requested additional delay days, thus, they presented Consideration and Approval of CPR #09 for Seven (7) Delay Days for the Tom Landry Stadium Renovations Project. The new substantial completion date is August 28, 2017.

Administration presented Consideration and Approval of Selection of Color and Pattern for the Reserved Seating on Home Side for the Tom Landry Stadium Renovations Project. The Board approved option #1 alternating colors.

At the Regular Board of Trustees meeting held on Wednesday, May 10, 2017, the Board approved and pulled the following items:

Contingency Allowance:	\$100,000.00
AEA #01 Sports Lighting:	\$ 19,608.00
CPR #6 Bronze Statue:	<u>\$ (79,400.00)</u>
Contingency Balance:	\$ 40,208.00

Consideration and Approval of AEA #03R for CPR #04 to Furnish and Install Football Safety Netting System for the Tom Landry Stadium Renovations Project.

Football Safety Net System Allowance:	\$10,000.00
AEA#03 Football Safety Net System:	<u>(\$ 7,500.00)</u>
Balance:	\$ 2,500.00

Consideration and Approval of CPR #08 to Construct a Riser Room / Fire Pump for the Tom Landry Stadium Renovations Project.

Fire Suppression Pump Allowance Balance:	\$ 50,000.00
CPR # 08 Riser Room:	<u>\$ 110,428.53</u>
Balance:	(\$ 60,428.53)
Contingency Balance:	\$40,208.00
CPR #8 Riser Room:	(\$60,428.53)
Plus, Overhead and Profit	<u>(\$2730.47)</u>
Contingency Balance:	(\$22,951.00)

Due to inclement weather in the month of April and MCISD testing, Holchemont Construction requested additional delay days, thus, they presented Consideration and Approval of CPR #09 for Eight (8) Additional Delay Days for the Tom Landry Stadium Renovations Project. The new substantial completion date is September 05, 2017.

Note: The first scheduled football game is for Friday, September 01, 2017, with VMHS vs Harlingen. Substantial completion is granted when the facility can be utilized for its intended use. The City of Mission Fire Marshal must approve the facility to include all fire systems inspected and tagged “approved” along with all ADA inspections and approvals and to include the inspection and approval of the elevator system and to include any other inspections required. Coaches are working on a Plan “B” should the stadium not be completed on time.

Administration recommended Consideration and Approval of Re-naming for the Tom Landry Stadium Renovations Project as “Tom Landry Hall of Fame Stadium”.

Administration recommended Consideration and Approval of Selection of Color for Reserved Seating on the Home Side for the Tom Landry Stadium Renovations Project.

The recommendation is based on the colors selected by Coach Detmer, Coach Gilpin, Athletic Director Joe Sanchez, and Athletic Director Leticia Ibarra.

Royal Blue
Texas A&M – Maroon

After a lengthy discussion on the possible color discoloration of the royal blue and maroon seats, the Board approved “grey” for the reserved seating.

Alvarado Architects presented a “pose” selection on the statue. At the Facilities Committee meeting held on Wednesday, May 03, 2017, the Committee along with members of the Campus Construction Over-Sight Committee members reviewed and discussed the five (5) options of poses brought forward by Mr. Alvarado. By virtue of the discussion and by show of hands, options #1 and #4 were selected for presentation to the Board. The Board approved Consideration and Approval of Tom Landry Statue Pose for the Tom Landry Stadium Renovations Project Option #1.

At the Facilities/Environment Committee meeting held on Wednesday, June 07, 2017, several CPR’s were presented and discussed. These CPR’s may become change orders should currently available allowances not cover the over-budget of the project when it is finalized. MCISD Administration stressed to Alvarado Architects and Holchemont Construction the discontent of change orders and requests for additional construction time. The administration stressed the importance of having the project completed as per the original substantial completion date.

At a Special Board of Trustees meeting held on Wednesday, June 07, 2017, the Board granted Superintendent Dr. Ricardo Lopez authority to approve change orders/change proposal requests for the Tom Landry Stadium Renovations Project in the amount not to exceed a total of \$250,000.00. This action was to facilitate the change order/CPR process and not delay the general contractor waiting for a decision.

The following Change Orders/CPR’s were approved by Superintendent Dr. Ricardo Lopez on Wednesday, June 07, 2017:

Supt. Approval Balance:	\$250,000.00
CPR#05R Structural Steel:	\$ 31,824.00
CPR#06R Bronze Statue Foundation:	\$ 12,161.00
CPR#11 for MEP changes at the Press Box:	\$ 8,674.00
CPR#14 for HVAC at the Gift Shop:	\$ 12,268.00
CPR#19 for Additional Gates for Eagle Drive:	<u>\$ 1,816.00</u>
Supt. Approval Balance:	\$183,257.00

Consideration and Approval of CPR#05R for Structural Steel between Grandstands and Custom Press Box for the Tom Landry Stadium Renovations Project.

Contingency Balance:	(\$22,951.00)
Structural Steel Additions Cost:	<u>\$31,824.00</u>
Contingency Balance:	(\$54,775.00)

Consideration and Approval of CPR#06R for Bronze Statue Foundation and Base for the Tom Landry Stadium Renovations Project.

Contingency Balance:	(\$54,775.00)
Bronze Statue Base Foundation Cost:	<u>\$12,131.00</u>
Contingency Balance:	(\$66,906.00)

Consideration and Approval of CPR#11 for MEP changes at the Press Box for the Elevator for the Tom Landry Stadium Renovations Project. Holchemont, LTD is requesting eight (8) additional days, if approved, the new substantial completion date is September 13, 2017. As per Alvarado Architects, additional days will not be submitted.

Contingency Balance:	(\$66,906.00)
Electrical at press box Cost:	<u>\$ 8,674.00</u>
Contingency Balance:	(\$75,580.00)

Consideration and Approval of CPR#14 for HVAC at the Gift Shop for the Tom Landry Stadium Renovations Project.

Contingency Balance:	(\$75,580.00)
HVAC at gift shop Cost:	<u>\$12,268.00</u>
Contingency Balance:	(\$87,848.00)

Consideration and Approval of CPR#19 for Additional Gates for Eagle Drive for the Tom Landry Stadium Renovations Project

Contingency Balance:	(\$87,848.00)
Gates at Eagle Drive Cost:	<u>\$ 1,816.00</u>
Contingency Balance:	(\$89,664.00)

At the Regular Board of Trustees meeting held on Wednesday, June 21, 2017, The Board did not approve Consideration and Approval of CPR#20 for an Additional Four (4) Rain Days for the Month of May for the Tom Landry Stadium Renovations Project.

*Note: After meeting with Alvarado Architects and Holchemont LTD, they were advised that Administration will be questioning any further delay days submitted and that Holchemont should continue working on a recovery schedule plan to attempt to bring this project to the initial substantial completion date of August 21, 2017.

The following Change Orders/CPR's were approved by Superintendent Dr. Ricardo Lopez on Thursday, June 29, 2017, in order to have the project continue without contractor delays:

Supt. Approval Balance Granted:	\$183,257.00
CPR#12 Track Timing System:	<u>\$ 45,322.00</u>
Supt. Approval Balance:	\$137,935.00

Change Order Amount to Date: (\$134,986.00)

Note: General Contractor has added 12% overhead and profit and 1.5% for project bonding on all change order amounts.

Soil Stabilization Allowance:	\$10,000.00
CPR #16 Soil Stabilization:	<u>\$10,000.00</u>
Balance:	\$ 0.00

Utility Allowance:	\$20,000.00
CPR #21 Boring & Trenching:	<u>\$16,830.00</u>
Balance:	\$3,170.00

At the Special Board of Trustees Meeting to be held on Thursday, July 27, 2017, Administration presented to the Board Consideration and Approval of CPR#15 for Graphics for the Tom Landry Stadium Renovations Project. This amount is to be taken from the graphics allowance already included in the original contract.

Graphics Allowance Balance:	\$100,000.00
Banner system:	(\$ 51,148.50)
Identification signage:	(\$ 26,815.00)
Bleacher section signage:	(\$ 13,625.00)
Traffic signage:	(\$ 2,136.00)
Fire lane striping:	<u>(\$ 3,700.00)</u>
Balance:	\$ 2,575.50

At the Regular Board of Trustees meeting held on Wednesday, August 09, 2017, the Board considered and approved some of the following items:

As per our Legal Counsel, the Board did not need to vote on an agenda item, Consideration and Approval of Additional Seven (7) Delay Days for AEA#11 for CPR #21 for the Tom Landry Stadium Renovations Project which was previously denied but being brought forward by Holchemont, LTD. once again for consideration. The Board had stated it would possibly revisit this request and no action was taken.

Consideration and Approval of AEA#12 for CPR #22 for Landscaping and Irrigation for the Tom Landry Stadium Renovations Project.

Landscape/Irrigation Allowance:	\$20,000.00
CPR#22 Landscape & Irrigation:	<u>\$17,383.00</u>
Balance:	\$ 2,617.00

Consideration and Approval of AEA#13 for CPR #24 to Upgrade the Scoreboard System for the Tom Landry Stadium Renovations Project.

Scoreboard Sound System Allowance:	\$55,000.00
CPR#24 Scoreboard System:	<u>\$34,934.00</u>
Balance:	\$20,066.00

Consideration and Approval of CPR #23 for Speaker System for the Tom Landry Stadium Renovations Project. This agenda item was pulled.

At the Regular Board of Trustees meeting held on Wednesday, September 13, 2017, the Board revisited and approved Consideration and Approval of Additional Seven (7) Delay Days for AEA#11 for CPR #21 for the Tom Landry Stadium Renovations Project. As of the date of this Board of Trustees meeting Holchemont LTD will be into possible liquidated damages as per the contract of \$1,500.00 per day for not meeting the substantial completion date. The administration brought forward this request, the new substantial completion date is September 12, 2017.

At the Regular Board of Trustees meeting held on Wednesday, October 11, 2017, the Board took the following actions for the following items:

Consideration and Approval of CPR #12R3 for Additional Power for the Tom Landry Stadium Renovations Project. Please note that Holchemont, LTD will require an extra four (4) days. If approved, the new substantial completion date is September 16, 2017. This item was pulled until further review.

Note: MCISD does not agree with this pricing, however, there will be a cost associated with installing conduits within the concrete slab which was done earlier. If the revised pricing is not approved MCISD Maintenance will complete the electrical connections.

Contingency Balance:	(\$134,986.00)
CPR#12R3 for Additional Power:	<u>\$ 0.00</u> (Org. price \$10,134.42)
Change Order Amount to Date:	(\$134,986.00)

Consideration and Approval of CPR #12R5 for Additional Cabling for Track Timing System for the Tom Landry Stadium Renovations Project. Please note that Holchemont, LTD will require an extra fourteen (14) days. If approved, the new substantial completion date is September 30, 2017. This item was pulled until further review.

Contingency Balance:	(\$134,986.00)
CPR#12R5 Additional Cabling:	<u>\$ 0.00</u> (Org. price \$54,468.65)
Change Order Amount to Date:	(\$134,986.00)

Consideration and Approval of CPR #17 to "Credit" Two (2) Wireless Access Points, Shortel Phone, and Video Server for the Tom Landry Stadium Renovations Project. This item was approved.

Contingency Balance:	(\$134,956.00)
CPR#17 "Credit" on Technology:	<u>\$ 5,000.00</u> "Credit"

Change Order Amount to Date: (\$129,986.00)

Consideration and Approval of CPR #18 to "Credit" Fire Alarm and Intrusion Systems for the Tom Landry Stadium Renovations Project. This item was approved.

Contingency Balance: (\$129,986.00)
CPR#18 "Credit" Fire Alarm System: \$ 2,800.00 "Credit"
Change Order Amount to Date: (\$127,186.00)

Consideration and Approval of CPR #25 to Relocate Cross Bracing at Concession Stands for the Tom Landry Stadium Renovations Project. This item was approved with the cost change to \$5,221.00

Contingency Balance: (\$127,186.00)
CPR #25 to Relocate Cross Bracing: (\$ 5,221.00) (Org. price \$10,442.00)
Change Order Amount to Date: (\$132,407.00)

Consideration and Approval of CPR #26 to Remove and Replace Concrete from the Ramp for the Tom Landry Stadium Renovations Project. Please note that Holchemont, LTD will require an extra two (2) days. If approved, the new substantial completion date is October 2, 2017. This item was pulled, and Javier Hinojosa Civil Engineer will take care of this item.

Contingency Balance: (\$132,407.00)
CPR #26 to Remove and Replace Concrete: \$ 0.00 (Org. price \$4,483.25)
Change Order Amount to Date: (\$132,407.00)

Consideration and Approval of CPR #27 to Add IDF Rack, Quad Receptacles, and Data Drops on the Visitor's Side Bleachers for the Tom Landry Stadium Renovations Project. Please note that Holchemont, LTD will require an extra three (3) days. If approved, the new substantial completion date is October 5, 2017. This item was pulled, MCISD will take care of this item.

Contingency Balance: (\$132,407.00)
CPR #27 to Add IDF Rack: \$ 0.00 (Org. price \$18,357.49)
Change Order Amount to Date (\$132,407.00)

Consideration and Approval of CPR #29 for Additional Eleven (11) Delay Days for the Tom Landry Stadium Renovations Project. If approved, the new substantial completion date is October 16, 2017, pending all other CPR's being submitted. The Board took no action on this item.

Consideration and Approval to Grant Administration Authority to Approve Substantial Completion for the Tom Landry Stadium Renovations Project. Dr. Lopez, Superintendent will have the authorization. This item was approved.

Note: No additional delay days were approved at this meeting. Substantial completion continues to be approximately September 12, 2017.

At the Regular Board of Trustees meeting held on Wednesday, November 08, 2017, the Board took the following actions for the following items:

Consideration and Approval of CCD#01 for CPR#30 for Modifications to the Elevator Equipment Room for the Tom Landry Stadium Renovations Project. No additional days were approved.

Contingency Balance:	(\$132,407.00)
CCD#01/CPR#30 Elevator Equipment Room:	<u>\$ 3,957.00</u>
Change Order Amount to Date	(\$136,364.00)

Consideration and Approval of CPR#31 to "Credit" for Use of Owners Utilities for the Tom Landry Stadium Renovations Project. MCISD presented a "credit" for \$5,900.00, however, Holchemont offered only a credit amount of \$900.00.

Contingency Balance:	(\$136,364.00)
CPR#31 Use of Owners utilities:	<u>\$ 5,900.00 "Credit"</u>
Change Order Amount to Date:	(\$130,464.00)

Consideration and Approval of CPR#32 for HVAC Test and Balance for the Tom Landry Stadium Renovations Project.

Test and Balance Allowance:	\$5,000.00
CPR#32 HVAC Test & Balance:	<u>\$2,500.00</u>
Balance:	\$2,500.00

Consideration and Approval of CPR#33 for Two (2) Additional Fire Extinguishers for the Tom Landry Stadium Renovations Project.

Contingency Balance:	(\$130,464.00)
CPR#33 Fire Extinguishers:	<u>\$ 268.00</u>
Change Order Amount to Date	(\$130,732.00)

At the Regular Board of Trustees meeting held on Wednesday, December 13, 2017, the Board took the following actions for the following items:

Consideration and Approval of CPR #12R3 for Additional Power for the Tom Landry Stadium Renovations Project. This item was approved.

Contingency Balance:	(\$130,732.00)
CPR#12R3 additional power:	<u>\$ 6,327.00</u>
Balance:	(\$137,059.00)

Consideration and Approval of CPR#34 for "Credit" for the VIP Chair Allowance for the Tom Landry Stadium Renovations Project. VIP Chair Allowance "Credit" is \$5000.00. This item was approved.

Discussion and Possible Action on Paving Repair Schedule for the Tom Landry Stadium Renovations Project.

Consideration and Approval for Final Completion, Less Betterment Fund Allowance, and Final Payment, Less Liquidated Damages for the Tom Landry Stadium Renovations Project. This item was pulled due to punch list items and other contractual obligations were noncompliance.

At the Regular Board of Trustees meeting held on Wednesday, April 11, 2018, the Board took the following actions for the following items:

Consideration and Approval of CPR#23 for Sound System Raceways for the Tom Landry Stadium Renovations Project. Holchemont LTD is requesting fourteen (14) additional delay days for this work, if approved the new substantial completion date is September 26, 2017.

Contingency Balance:	(\$137,059.00)
CPR#23 for Sound System:	<u>\$ 39,839.37</u>
Balance:	(\$176,898.37)

Consideration and Approval of Grievance Agreement for Use of Owners Utilities for the Tom Landry Stadium Renovations Project. As per the November approved CPR #31, MCISD approved an owner’s credit for utility use of \$5,900.00. As per the grievance agreement, the amount was reduced to \$2,350.00, thus an adjustment needed to be made.

Previous:	\$5,900.00
Final approved as per Grievance:	\$2,350.00
Adjustment:	\$3,550.00

Contingency Balance:	(\$180,448.37)
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Discussion and Possible Legal Action Regarding Parking Lot Repairs for the Tom Landry Stadium Renovations Project. At this time the Board invoked the “Self Help Provision” of the contract authorizing the Administration to make necessary parking lot repairs utilizing a different contractor.

2GS and Earthworks re-paving Cost: \$24,700.00 – The parking Lot Re-paving completion date was achieved on August 06, 2018.

Fall 2017 - Spring 2019 items continued to be repaired and discussed.

After conducting field reviews and inspections Mission CISD contracted with Rick Hinojosa Structural Engineering to conduct a third-party Visual Cursory Observation on the bleachers for the visitor’s side of Tom Landry Stadium. On September 06, 2018, the observation report with conclusions and recommendations was submitted. In brief, Hinojosa stated that the cracked piers did not affect the immediate load-carrying capacity of the structure and that the stadium could be used. However, the recommendations were to conduct a complete assessment of all piers and repair all necessary items addressed in the complete assessment.

On February 12, 2019 MCISD and Rick Hinojosa Structural Engineering entered into a contract for a full stadium assessment.

At the Regular Board of Trustees meeting held on Wednesday, May 08, 2019, the Board took no action on the following item: Consideration and Approval for Final Completion, Less Betterment Fund Allowance and Final Payment, Less Liquidated Damages for the Tom Landry Stadium Renovations Project. At this meeting Administration also recommended authorizing Administration and Dr. Perez to approve the final completion at a later time, this was rejected with direction from the Board that they wanted this brought forward when the time came for consideration and approval.

At the Regular Board of Trustees meeting held on Tuesday, June 11, 2019, the Board took the following actions

Administration, Mr. Eli Alvarado, Architect, and Mr. Michael Montalvo, General Contractor have met six times since April 25, 2019, with the latest meeting held on Tuesday, June 04, 2019, to discuss what is required from all parties to bring this project for final recommendation and to possibly come to a mutual agreement and present to the Board of Trustees Consideration and Approval for Final Completion, Less Betterment Fund Allowance and Final Payment, Less Liquidated Damages for the Tom Landry Stadium Renovations Project. At the latest meeting, Mr. Montalvo was not able to attend and for many of these meetings Dr. Perez, Superintendent was present. A 1 ½ year warranty project walk-through was conducted as per contract specifications on Friday, May 03, 2019, with Mr. Alvarado, his design staff, Mr. Montalvo, his sub-contractors, and MCISD personnel present to identify any warranty items that are still pending and need correction. The meetings that are being conducted are to balance and agree on all financial/accounting matters and pending correction of work if applicable. Any matters that concern additional requests for time or matters that may concern any deduction from the remaining balance owed to the contractor such as additional fees/costs or possible liquidated damages incurred the general contractor will need to follow the process as written in his contract.

As noted, Administration and Alvarado Architects believe it has tried, with due diligence, to work on all pending accounting/fiscal matters with Mr. Montalvo, however, we continue to not agree on a mutual amount. Administration presents Discussion with Legal Counsel Regarding Closeout for the Tom Landry Stadium Renovations Project with MCISD processing any possible pay applications to Holchemont Construction with monies being withheld that are not in contention.

Note: Additional structural assessment is continuing by Rick Hinojosa, Structural Engineering, and is pending completion. They are pending additional concrete test results.

Tom Landry Stadium Project Timeline:

Notice to Proceed (NTP) – 02/01/2017

Original Substantial Completion Date – 08/21/2017

36 delay days Board approved due to testing, weather, change orders

New substantial completion date – 09/26/2017

Approved substantial completion date – 11/10/2017 (45 days late)

Original Final Completion Date – 12/10/2017

New Final Completion Due Date – 04/20/2018 (131 days late) **NEVER APPROVED**

Possible LD's for not meeting Subst. Completion: 45 days X \$1,500.00 = \$67,500.00
Possible LD's for not meeting Final Completion: 131 days X \$500.00 = \$65,500.00
Possible LD's for the delay in re-paving the parking lot: 7 days x\$500.00 per day = \$3,500.00

Possible LD's Incurred: \$136,500.00

Other Possible Fees/Costs:

Re-paving of parking lot = \$24,700.00

Structural Engineering cursory inspection = \$5,000.00 (Rick Hinojosa, Structural Engineering)

Hinojosa full structural assessment = \$30,000.00 (if applicable)

TDLR re-inspections = \$285.00

Terracon Structural additional services = \$15,000.00

Pending "credit" for three (3) parking lot poles not installed = \$53,489.08

Approximate Possible Total Amount of addtl. fees/costs: \$128,474.08

Additional Architect Fees: \$85,695.00 (if applicable/pending)

Balance on contract:	\$416,406.11
Possible LD's:	\$136,500.00 Possible
addtl. Costs:	\$128,474.08
Possible addtl. Arch. Fees:	\$ 85,695.00
Paid Holchemont:	\$ 43,189.25 (07/24/19 Pay App. #10 rev.3)

Est. Current Balance on Contract: ~~\$380,251.23~~ as of 04/21/2021 \$347,206.23

Est. Construction Costs:	\$6,000,000.00
Est. Total Construction w/Soft Costs:	\$8,000,000.00

BAFO Const. Cost:	\$7,463,000.00
Change Orders:	<u>\$ 142,020.37</u>
Final Const. Cost:	\$7,605,020.37

Architect Fees:	\$485,095.00 6.5% of Construction Cost
Addtl. Arch. Fees for C/O's:	<u>\$9,231.32</u>
Architect Fees:	\$494,326.32 (excluding addtl. Fees pending)

At the Regular Board of Trustees meeting held on Wednesday, August 14, 2019, the Board took the following actions.

At this meeting the Mr. Rick Hinojosa Structural Engineering Assessment report was not available for the Board of Trustees to review, however, Administration had preliminary verbal discussions with Hinojosa on what he was to submit, the report was to be finalized on Friday, August 16, 2019. Should the report state that repairs were required Administration presented Consideration and Possible Action Regarding Procurement of Design and Construction Services for the Tom Landry Stadium Repairs in advance.

The administration was approved to contract with Hinojosa to conduct a full stadium assessment to include not only concrete piers but to inspect the entire structure of the stadium. On August 08, 2019, Hinojosa Engineering submitted a preliminary assessment letter for our review noting possible reinforcement required.

On August 16, 2019, Hinojosa Structural Engineering submitted their Visual Structural Condition Assessment of Tom Landry Stadium for our review.

On September 11, 2019, during the Regular Board of Trustees meeting and based on Mr. Hinojosa's report, Administration presented Consideration and Approval of Design and Construction Services for the Tom Landry Stadium Repairs.

The Board of Trustees must take the necessary action in accordance with Texas Education Code 44.035 which consisted of the selection/designation of an architect and/or engineer to prepare construction documents for this project. The engineer and/or architect selected or designated will have full responsibility for complying with the Texas Engineering Practice Act (Article 3271a, Vernon's Texas Civil Statutes) or Chapter 478, Acts of the 45th Legislature, Regular Session, 1937 (Article 249a, Vernon's Texas Civil Statutes) as applicable.

If the engineer or architect is not a full-time employee of the District, the Board must select the engineer or architect on the basis of demonstrated competence and qualifications as provided by Section 2254.004, Government Code. The selected architect/engineer along with preparing construction documents will be required to provide MCISD with an estimated project budget.

Current and/or past structural engineers that have worked with MCISD are listed below, the Board of Trustees may select from one of these engineers on the basis of demonstrated competence and qualifications or may direct the Administration to seek Request for Qualifications (RFQ's) on an engineer or architect.

Rick Hinojosa Structural Engineering (conducted assessments)
Chanin Structural Engineering (original project structural engineer)

The Board of Trustees selected Mr. Rick Hinojosa Structural Engineering to conduct a thorough third-party structural assessment of the Tom Landry Stadium Project.

On or about January 27, 2020, Mr. Hinojosa submitted to Administration a proposal for forensic engineering services from MEG Engineers. The Forensic Engineering Services will include Ground Penetrating Radar (GPR) Scans of one-hundred and fifty-six (156) piers by scanning four (4) grids at each pier location. A grid will consist of a three (3) foot by two (2) foot rectangle made up of thirty-five (35) gridlines spaced at six (6) inches on center. The total linear footage of scanning will be eighteen thousand and ninety-six (18,096) feet. The report will include detailed rebar locations of the piers. The proposal cost for this service was \$56,000.00.

At the Facilities/Environment Committee Meeting of February 05, 2020, this proposal and engineering service were presented and discussed. At this time the decision was made for Administration to proceed with Hinojosa Structural Engineering and MEG Engineers to

conduct only seventy-eight (78) GPR Scans on the stadium. These scans would be divided between the home and visitors' side piers at a proposed cost of \$34,988.00.

At the Regular Board of Trustees meeting held on April 08, 2020, the Board approved the following, Preliminary reports from both engineering firms indicate that a complete GPR Scan of all piers would be advisable to have a complete pier assessment on the stadium. Thus, Administration recommends Consideration and Approval of Additional Ground Penetrating Radar (GPR) Scans for Piers at the Tom Landry Stadium Bleacher Project. The estimated proposal cost would be the difference from the original proposal to what has been approved for the first phase. Estimated proposal \$21,012.00.

At the Regular Board of Trustees meeting held on September 09, 2020, as an informational Board Item, a presentation was given by Rick Hinojosa Structural Engineering, Mr. Albert Trevino, on the Tom Landry Stadium Renovation Project status. Mr. Trevino reported on the findings of the GPR scans conducted and has stated, "the scans in the report indicate that the majority of the piers do not have pier reinforcement per the shop/erection drawings provided by Sturdy Steel who provided the bleachers".

At the meeting of September 09, 2020, Hinojosa Structural Engineering was to provide a final and complete comprehensive report on the findings and recommendations for correction on all items indicated on the assessment. Findings and recommendations were to include and not be limited to the disciplines of Structural, Mechanical, Electrical, Plumbing (MEP), and Civil. At this meeting, Hinojosa Structural Engineering was directed to provide this comprehensive report and not only the GPR scans report.

Since this initial directive, Hinojosa Structural Engineering has been contacted both in October and December 2020 for the final report and we continue to have no response. The administration will continue to utilize all avenues to request the final report so that we may move forward with the repairs required.

On January 14, 2021, Rick Hinojosa Structural Engineering was sent both email correspondence and a certified letter requesting his personal appearance at the Wednesday, January 20, 2021 Board of Trustees Work Shop to present the final project findings. At 4:01 p.m. on that day Mr. Hinojosa contacted us that he had a family emergency and would try to attend. With this correspondence, he attached "Mission CISD Tom Landry Stadium Ground Penetration Radar (GPR) Scanning Findings Letter". This letter referenced the GPR scanning done at the stadium.

In a discussion at the Work Shop on January 14, 2021, the Board instructed our legal counsel to draft a letter to request Mr. Hinojosa's presence and to once again present his findings at the Board Work Shop on Wednesday, February 03, 2021. Legal counsel sent a certified letter and emailed the letter to Mr. Hinojosa's attention on Tuesday, January 26, 2021. My office then proceeded to re-send this letter to Mr. Hinojosa the following day. A "read receipt" message was received from his office on Friday, January 29, 2021, at approximately 12:10 p.m. acknowledging receipt of our request to be present.

At this Work Shop on Wednesday, February 03, 2021, the Board will hear the presentation and may have a question and answer session with Mr. Hinojosa on the findings and recommendations. At this time the Work Shop may have a Discussion and Possible Action

to Procure Engineering Services for Analysis and Remediation for the Tom Landry Stadium Project and to Grant Administration Authorization to Procure Services. The presentation was not held at the Work Shop and was presented at a Special Board of Trustees Meeting after.

At the Special Board of Trustees meeting on Wednesday, February 03, 2021, Mr. Rick Hinojosa presented his "Mission CISD Tom Landry Structural Comprehensive Assessment Report". After discussion with the Board of Trustees and Administration, Mr. Hinojosa was directed to once again present at the Regular Board of Trustees meeting on Wednesday, February 10, 2021. This presentation is to mainly address all the viable options on how to correct the issue of the piers found to be not safe and not constructed as per code as noted in the report and reported by Mr. Hinojosa at the meeting. He is to also present a scope of work and a phasing plan of repairs beginning with the most safety-critical items. What will also need to be addressed is if any other areas will be damaged while repairing the piers, such as the flatwork. Each option(s) will need to satisfy all building and structural codes along with satisfying all safety compliance codes. At this meeting, Mr. Hinojosa was advised that time was critical for the usage of the stadium since graduation ceremonies have already been scheduled. Mr. Hinojosa stated that plans and specifications should be finalized soon and we may be able to advertise for competitive sealed proposals (CSP's) within the next couple of weeks and possibly have a contractor begin repairs as quickly as the procurement process allows, that is the goal.

The procurement process will be Competitive Sealed Proposals (CSP's) which the Board adopted as the method of delivery. The Board approved the Hidalgo County Prevailing Wage Rate which is an exhibit and was attached. The Board also adopted the selection criteria for which proposals are evaluated and ranked. The administration also recommended that the Board authorized the Superintendent to rank the proposals and negotiate an agreement with the highest-ranked contractor.

On February 10, 2021, the Board approved Consideration and Possible Action Regarding Permanent and Emergency Repairs for the Tom Landry Stadium to Include the Wage Rate, Selection Criteria, and Authorization to Dr. Perez as mentioned under the Administrative considerations.

Advertisements in the local newspapers for Competitive Sealed Proposals (CSP's) were posted on March 24, 2021, and March 31, 2021. Proposals were to be opened on April 08, 2021, and firms would be able to view them remotely. The virtual pre-proposal meeting was Thursday, April 01, 2021, at 2:00 p.m. to allow all prospective contractors the opportunity to ask questions concerning the project plans and specifications.

CSP's were to be submitted on April 8, 2021, and were to be reviewed and ranked by the Administration Committee. This Administrative review was to be presented at the Regular Board of Trustees Meeting on Wednesday, April 14, 2021.

On Wednesday, April 06, 2021, Hinojosa Structural Engineering submitted a recommendation to extend the bid date by two weeks to allow contractors and sub-contractors more time to bid on the project. He also stated that a second pre-bid conference is held followed by a walk-through of the stadium facility. This recommendation was due also to no contractors attending the initial pre-bid conference. This recommendation was presented at the Board of Trustees Work⁴⁴ Shop on Wednesday, April 08, 2021.

A second pre-proposal meeting was held on Thursday, April 15, 2021. The two-week extension proposals were due and publicly opened on Thursday, April 22, 2021, at 2:00 p.m. at the Central Office Board Room. Proposals were reviewed, evaluated, and ranked on Monday, April 26, 2021, at 2:00 p.m. by Ms. Rumalda Ruiz, Ms. Dora Garcia, Ms. Lorena Garcia, Mr. Joel Garcia, and Mr. Ricardo Rivera with Ms. Daisy Cuevas assisting.

Due to the timeline to begin permanent repairs Administration requested a Special Board of Trustees meeting on Tuesday, April 27, 2021, at 12:00 p.m. at the Central Office Board Room. At this meeting Administration presented and the Board approved Consideration and Approval to Accept Administrations Rankings and Enter Into Negotiations in the Order of Ranking for the Tom Landry Stadium Repairs Project.

G & G Construction

Base Bid: \$1,024,850.00 with 210 construction days

Alternate Bird Screen: \$127,000.00 with an additional 45 construction days

TOTAL: \$1,151,850.00 with 255 days from notice to proceed (approx. 8.5 months)

Terra Fuerte Const.

Base Bid: \$1,141,000.00 with 180 construction days

Alternate Bird Screen: \$30,000.00 with an additional 30 construction days

TOTAL: \$1,171,000.00 with 210 days from notice to proceed (approx. 7 months)

Project negotiations were scheduled for Wednesday, May 05, 2021, at 10:00 a.m. as per G & G Construction's earliest available meeting date and time. Administration presented Consideration and Approval to Accept the Best and Final Offer (BAFO) and to Enter Into Contract for the Tom Landry Stadium Repairs Project and requested for a Special Board of Trustees meeting following the Board Work Shop to consider action on this item.

The Board of Trustees has the option to accept this BAFO, the initial base proposal, to decline the offer and direct the Administration to enter into negotiations with the next contractor, or to reject all offers and re-advertise the project using the same specifications and design or direct the engineer to re-design the project.

At the Special Board meeting held on May 5, 2021, the Board approved G & G Contractors Best and final offer Base Bid: \$1,024,850.00 with 210 construction days. Notice to proceed was effective July 28, 2021, with substantial completion will be February 23, 2022.

At the Regular Board meeting held on November 10, 2021, the Board approved the following items:

Consideration and Approval of Allowance Expenditure Authorization (AEA) #01 for Structural Repairs on Various Piers for the Tom Landry Stadium Repairs.

Contingency Allowance:	\$20,000.00
AEA #1 Various Piers:	<u>\$ 8,241.88</u>
Balance:	\$11,758.12

Consideration and Approval of Change Order #1 for Forty-four (44) Delay Days due to the structural repairs on various piers for the Tom Landry Stadium Repairs. If approved the new substantial completion will be April 08, 2022.

On Friday, December 10, 2021, a letter was sent by MCISD to Mr. Rick Hinojosa, Hinojosa Structural Engineering, and Mr. Rene Garza, RG Enterprises LLC. referencing the Tom Landry Stadium Repair Project.

At the request of Mr. Garza, a project meeting was held on Wednesday morning, December 15, 2021, to discuss items referenced in the letter. Present at the meeting were staff members of R. Hinojosa Structural Engineering, Raba Kistner, Geo-tech Testing, G&G Const. and MCISD Staff.

At the Regular Board of Trustees meeting held on December 15, 2021, Mr. Albert Trevino. Hinojosa Structural Engineering and Mr. Rene Garza, RG Enterprises LLC presented an update on the project. During the presentation, at least five (5) possible change orders which consist of additional costs and time were mentioned as forthcoming.

The Board expressed concern that the project needed to move forward and that requests for special meetings would be acceptable in order to expedite change orders needed to not delay the project further.

A Special Board of Trustees Meeting has been requested for Wednesday, January 05, 2022, for Consideration and Approval of Change Order(s) for the Tom Landry Stadium Repairs Project.

At the Regular Board of Trustees meeting on December 15, 2021, both firms were instructed to work on change proposals to be submitted at the special called meeting on Wednesday, January 5, 2022. During the presentation by both Mr. Albert Trevino – Hinojosa Structural Engineering and Mr. Rene Garza – RG Enterprises, LLC they presented seven (7) possible construction proposal requests (CPR's). They were directed to present to the Administration and Board of Trustees detailed explanations for each CPR on why these were required, if by Code or other reasons. They were also directed to ensure that these CPR costs were the only option(s). It was also directed that they needed to specify if any of the CPR's would either delete or offset any of the work already included in their original scope of work and that the adjustment of all time and materials associated needed to be reflected as a "credit" to the district. As per Mr. Trevino, he would only inform the Administration and the Board of receipt of these CPR's and at this time would not formally present them for consideration since he had not yet reviewed them with RG Enterprises, LLC and did have some questions for them. Both firms were made aware that legally the project could not exceed 25% of the total cost of the project in change orders. The administration and the Board once again reiterated the need to resume work at the stadium and were very receptive to having meetings to review and possibly approve items to have the project progress. The Board asked which CPR's were critical at this time so that the project would continue and items #3, #5, and #6 that were presented that evening were noted. Both firms were directed to work on submitting these CPR's using the required AIA Document G701 - 2017 which specifically is designed to submit the change orders to the project and present them at a Special Board of Trustees meeting on Wednesday, January 12, 2022.

At the Special Board of Trustees meeting held on Wednesday, January 12, 2022, R. Hinojosa Structural Engineering and RG Enterprises, LLC presented possible change orders #2, #3, and #4. Change order #4 was the combination of Change Proposal Requests (CPR's) #5 and #6 that were presented at the previous meeting of January 05, 2022. Along with cost information were additional days requested. In consultation with Mr. David Hansen - Legal Counsel, it was asked that the change orders be reviewed once again and that the costs and days all be incorporated into one single change order document. The change order was to be sent to our legal office to be incorporated into our required change order document. Both firms were asked to create a work schedule separating time from the home side versus the visitor side. A presentation is scheduled to be made once again at the Regular Board of Trustees meeting on Wednesday, January 19, 2022.

At the Regular Board of Trustees meeting held on Wednesday, January 19, 2022, R. Hinojosa Structural Engineering and RG Enterprises, LLC once again presented possible costs and change orders with a substantial completion date of early November 2022. This item was taken into Executive Session for consultation with our legal counsel.

After consultation and review, the decision and directive to both R. Hinojosa and RG Enterprises were to split the project between the home side repairs and the visitor repairs. Each side was to be a separate project with RG Enterprises submitting a change order for credit to work being separated from the visitor side and an updated schedule of values for completing the home side as this was the priority. A brief meeting was held after the Board of Trustees meeting with the design team, the general contractor, and MCISD staff to ensure that they understood the directive issued, which they acknowledged that they understood. The directive was to have the change order with newly updated costs, credits, and timeline by the regularly scheduled Board Workshop on Wednesday, February 02, 2022.

Correspondences continued this past week with uncertainty from RG Enterprises about what was required and expecting a written authorization from Dr. Perez, MCISD Superintendent concerning what was directed at the previous Board meeting. A Zoom meeting was held on Thursday, January 27, 2022, with R. Hinojosa Staff, Mr. Manuel Leal, G & G Construction Superintendent, Mr. Adrian Hernandez, Mr. Adan Rivera, Ms. Lorena Garcia, and Mr. Rick Rivera to clarify the directive and expectations and the urgency for submitting the required change orders. It was presented that there would be no written authorization from Dr. Perez and that the directive issued at the Board meeting would suffice. It was also discussed that the general contractor was directed in an email by R. Hinojosa and Mr. Adrian Hernandez of what was required, and Mr. Leal acknowledged the direction. A Zoom meeting was once again scheduled for Friday, January 28, 2022, to review the status of the change order. Once again both the general contractor and design team were directed to submit all change orders in a timely manner and not at the last minute when the Administration does not have time to review them before the presentations to Dr. Perez and the Board of Trustees. It was also noted that for all meetings we needed to have either Mr. Adrian Hernandez or Mr. Adan Rivera present.

At the Special Board of Trustees meeting held on February 02, 2022, the Board, approved to separate the Tom Landry Stadium Repairs into two separate projects, the home side and the visitor's side. The home side will be a priority with the current contract. Currently, RG

Enterprises, LLC, the general contractor, is to submit a new schedule of values, credits, and a new timeline for them to continue and complete the home side as scheduled.

Questions were asked about why the credit was minimal compared to the overall project cost. As per both firms they had a difference of opinions on their calculations. Due to these differences and R. Hinojosa Structural Engineering not supporting the change orders in the best interest of the District the Board and Administration directed both firms to once again meet and come to a mutually agreeable change order to present at the Regular Board of Trustees meeting on Wednesday, February 09, 2022.

The Board approved at the same meeting, the visitor's side as a new project, procurement, and proposed budget for supplemental repairs (Visitor's Side) for the Tom Landry Stadium Project.

The administration does anticipate work by outside contracting firms for the Supplemental Repairs (Visitors Side) for the Tom Landry Stadium Project, thus, before soliciting bids or proposals for this project, Texas Education Code 44.031(a) requires the board of a school district, considering a construction project to take the following action.

1. The board must consider the method of delivery that provides the best value for this project. The administration recommends competitive sealed proposals as the method of delivery due to the nature of the project.
2. Selection criteria for the project must also be considered. Attached is a copy of the recommended selection criteria used for previous District large-scale projects.
3. The Board must designate the selection committee to evaluate and rank the proposals.

(This was reviewed and approved by the Purchasing Department)

At the Regular Board of Trustees meeting held on Wednesday, February 09, 2022, Administration presented the items that were discussed at the Special Board of Trustees meeting held on Wednesday, February 02, 2022, and copies of proposed change orders were distributed. Change orders consisted of credits for eliminating the south side visitor part of the project, owner contingency allowance changes, pricing per pier work on the home side, a substantial completion date of August 08, 2020, and a new construction cost for the north side home part. This information was presented by Mr. Albert Trevino – R. Hinojosa Structural Engineering and Mr. Manuel Leal – RG Enterprises, LLC (Job Superintendent for General Contractor). Again, the importance of having this project begin construction and completed was highly stressed by Dr. Perez, MCISD Superintendent, and the Board of Trustees. Change Order #2 for deletion of work and credit was presented and approved for the amount of \$166,235.09. Change Order #3 for additional repairs, re-routing of existing storm drain, repairs on piers, and amounts added to the Owners contingency plus additional 122 days added and the new substantial completion date is August 08, 2022, and others were presented and approved.

Note: Construction documents and schematic designs were not available for presentation at the Board Workshop on Wednesday, ⁴8 March 02, 2022, and are being presented at the

Board Meeting. As per Mr. Albert Trevino, the construction timeline is scheduled to be approximately four months. If an approved advertisement for proposals will follow.

Schematic Design:

Rough sketches that develop a feasible conceptual design of the project.

Construction Documents:

Communicating the design intent through further refinement of the written and graphic representation of all building materials, components, and equipment that can be quantified and useful to contractors.

At the Regular Board of Trustees Meeting held on March 09, 2022, the Board approved Construction Documents for the Supplemental Repairs (Visitors Side) for the Tom Landry Stadium Repairs Project – R. Hinojosa Engineering, Inc.

Advertisements in the local newspapers were posted on March 16, 2022, and March 23, 2022. The process is for the submittals to be reviewed by the Purchasing Department Staff and the Administration Ranking Team to assure that firms meet the criteria based on demonstrated expertise, competence, and qualifications. Pre-proposal was scheduled for Thursday, March 24, 2022, and Bid Opening for March 31, 2022. After the review Administration will then recommend those firms to be reviewed and ranked in order of selection. The recommendations were presented for approval at the Wednesday, April 06, 2022, Special Board of Trustees Meeting, and Administration will then enter into negotiations in the order of selection.

<u>Company</u>	<u>Total Base Bid</u>	<u>Days of Completion</u>	<u>Points</u>
Terra Fuerte	\$489,000.00	150	88.0

Project negotiations are currently being scheduled prior to the Regular Board of Trustees meeting to be held on April 13, 2022, with Terra Fuerte. Administration presented Consideration and Approval to Accept the Best and Final Offer (BAFO) and to Enter Into a Contract for the Tom Landry Stadium Repairs Project

At the Regular Board of Trustees meeting held on April 13, 2022, the Board approved the Best and Final offer base bid: Terra Fuerte \$489,000.00 with 143 construction days. Notice to Proceed was effective April 21, 2021, with a substantial completion date of September 11, 2022.

At the Regular Board of Trustees meeting held on June 08, 2022, the Board approved the following Consideration and Approval of Allowance Expenditure Authorization (AEA) #1 & # 2 and Change Order #1 to Reroute Electrical Conduits and Replace Damage Columns for the Tom Landry Stadium Repairs Project (Visitors side).

Contingency Balance:	\$50,000.00
AEA #1 Electrical Conduit:	<u>\$23,400.00</u>
Contingency Balance:	\$26,600.00
Sign Contingency:	<u>\$ 2,500.00</u>
Contingency Balance:	\$29,100.00
AEA #2 Damage Columns:	436,591.00

Overhead & Profit/ Ins. Fees: \$632.72
Contingency Balance: (\$8,123.72)

At the Regular Board of Trustees meeting held on August 10, 2022, the Board approved Change Order #4 for the Tom Landry Stadium Repairs Project (Home side) with additional 10 days with the new substantial completion date of August 18, 2022.

Change Order #4: \$47,555.71

ADMINISTRATIVE CONSIDERATIONS

As Per R. Hinojosa Structural Engineering and G&G Construction work on the home side may be ready to be reviewed, inspected, and determined to be substantially completed as per contract documents by Wednesday, August 24, 2022. Thus R. Hinojosa Structural Engineering may be ready to present Consideration and Approval for Substantial Completion for the Tom Landry Stadium Repairs Project (Home Side) – Ricardo Hinojosa Engineering, Inc. If presented and approved punch list items for corrections will be addressed and the contractor has 30 days from substantial completion to complete these items. Original Substantial Completion date for the home side was August 18, 2022.

Note: Substantial Completion is the stage in the progress of the Work when the Work or designated portion thereof is sufficiently complete in accordance with Contract Documents so that the Owner can occupy or utilize the Work for its intended use.

FUNDING SOURCE

General Funds and Possible other funding sources to be determined by the Finance Dept. (TBD)

RECOMMENDATION (If applicable)

Administration presents Consideration and Approval for Substantial Completion for the Tom Landry Stadium Repairs Project (Home Side) – Ricardo Hinojosa Engineering, Inc.

EXHIBIT

Substantial Completion Form (to be distributed at meeting)

CONTACT PERSONS

Ricardo Rivera, Assistant Superintendent for Operations
Adrian Hernandez, Coordinator for Project & Energy Management

SECTION II

STUDENT CODE OF CONDUCT

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Purpose of a Student Code of Conduct

The Student Code of Conduct that follows is the District's response to the requirements of Chapter 37 of the Texas Education Code. The law requires the District to establish standards of student conduct and to identify the circumstances under which a student may be removed from a classroom, campus, or disciplinary alternative education program, transferred to a disciplinary alternative education program, suspended, or expelled. The Code provides information to parents and students regarding expectations for behavior, consequences of misconduct, and procedures for administering discipline.

We provide you a copy of the Code annually; a copy is also available for review in the principal's office of each campus in the District. This Code is not a contract and can be amended by the District at any time. However, any change or amendment to the Code will be approved by the Board of Trustees.

Violations of the Code of Conduct are documented by teachers and other professional employees using campus discipline referral forms. Teachers and principals may impose campus or classroom rules in addition to those found in the Student Code of Conduct. These rules may be posted in classrooms or given to the student and may or may not also constitute violations of the Student Code of Conduct.

Expectations for Student Behavior

Each student is expected to:

- Demonstrate courtesy and respect for others.
- Behave in a responsible manner.
- Attend all classes, regularly and on time.
- Be prepared for each class; take appropriate materials and assignments to class.
- Be well groomed and dressed appropriately, as articulated in the MCISD Student Handbook.
- Obey all campus and classroom rules.
- Respect the rights and privileges of other students and of teachers and other District staff.
- Respect the property of others, including District property and facilities.
- Cooperate with or assist the school staff in maintaining safety, order and discipline.
- Pay required fees and fines, unless they are waived.
- Avoid violations of the Student Code of Conduct.

Dress Code for Students

The District's dress code is established to teach grooming and hygiene, instill discipline, prevent disruption, avoid safety hazards, and teach respect for authority.

Students shall be dressed and groomed in a manner that is clean and neat and that will not be a health or safety hazard to themselves or others.

The District prohibits any clothing or grooming that in the principal's judgment may reasonably be expected to cause disruption of or interference with normal school operations.

The District prohibits:

1. Students from wearing make-up that is distracting or draws attention to the student that, at the discretion of the principal or his/her designee, is inappropriate.
2. Pictures, emblems, or writing on clothing and personal items that:
 - a. Is lewd, offensive, vulgar, obscene, or violent.
 - b. Advertises or depicts tobacco products, alcoholic beverages, drugs, or any other prohibited substance.
 - c. **Is distracting or draws attention to the student that, at the discretion of the principal or his/her designee, is inappropriate.**
3. The wearing of see-through shirts or blouses, sleeveless undershirts, muscle shirts, vests, cutoff T-shirts, tube tops, tank tops and any blouse or shirt that does not cover the stomach or waist, even if covered by another piece of clothing such as a sweater or jacket.
4. The wearing of low-cut, shoulder less/strapless, spaghetti strap or string tie/halter blouses, shirts or dresses and clothing where undergarments can be seen.
5. Brand name tags and imprints on clothing and personal items that may be depicted as negative and/or offensive (i.e. "Drunken Monkey", "Drunkmunkny", "Homies", etc.). **Discretion by the principal or his/her designee will prevail.**
6. Paraphernalia/accessories, activities, and/or gestures, which symbolize gang and/or group membership, including the following:
 - a. Wearing beads and/or crosses that are all black, embroidered, or are identified with gang and/or group colors.
 - b. Wearing tee shirts, sweat shirts, windbreakers, and jackets that depict the identity of a particular gang and/or group.
 - c. Wearing shoes that identify with a particular gang and/or group, such as tennis shoes or sports shoes altered from their original color with paint or markers, shoe laces depicting a gang and/or group color, etc.
 - d. Wearing gang- and/or group-related clothing combinations such as a shirt/pant combination in a particular color or colors.
 - e. Participating in any gang and/or group fights, and any act of violence against student or school personnel.
 - f. Exhibiting any behavior or gestures that symbolize gang and/or group membership, or are associated with gangs and/or groups.
 - g. Vandalizing school property with gang- and/or group-related signs or literature. All students are also prohibited from possessing folders, book covers, etc., which depict gang- and/or group-related signs or literature.

The outlined code regarding specific modes, paraphernalia/accessories, activities, or gestures of the student body is subject to change at any time when a gang and/or group changes its identifying colors, paraphernalia/accessories, activities, or gestures. The aforementioned code also applies to any new gang and/or group, or any gang and/or group not mentioned herein.

In addition:

1. The District has adopted a standardized dress code for students in grades PK-8. [See page 65 for excerpts from Policy FNCA(LOCAL)]
2. All clothing must be worn in a proper, customary manner.
3. Over-sized, ill-fitting pants and other similar items of clothing are not allowed.
4. Students are prohibited from wearing pants below the waistline that are designed to be worn at the waistline.
5. Students are prohibited from wearing pants that expose skin at the waistline unless a tucked-in shirt/blouse is worn that is long enough to cover skin at all times (i.e. when raising arms, bending over, sitting down, etc.).
6. Capri pants or crop pants that are not tight-fitting will be allowed. Bermuda shorts are not considered to be Capri pants or crop pants. **Discretion by the principal or his/her designee will prevail.**
7. Leggings, jeggings, and form-fitting (stretch, spandex, etc.) pants are not allowed in grades 4-12.
8. All shirts designed to be tucked in must be tucked in correctly. Discretion by the principal or his/her designee will prevail.
9. Students shall wear appropriate undergarments. No pajama-type clothing is allowed. Clothing where undergarments can be seen or that expose skin or underwear is not allowed.
10. **Torn or Tattered Jeans**
 - a. Tattered Jeans with tears three inches or more above the knee are allowed but must be worn with tights/leggings under them (holes may be patched from the inside).
 - b. Tattered Jeans with tears only below the three-inch mark above the knee are allowed to be worn without tights/leggings.
 - c. Excessively torn jeans are not allowed.
11. **Shorts:**
 - a. Students in pre-kindergarten through third grade are allowed to wear shorts.
 - b. Students in 4th through 12th grade shall be allowed to wear walking shorts (Bermuda shorts) that are not shorter than three inches above the knee.
 - c. Basketball and Drawstring shorts are allowed only for ELEMENTARY.
 - d. **Non-acceptable shorts for SECONDARY:**
 1. No terry or fleece shorts
 2. No basketball type shorts
 3. No short shorts
 4. No torn shorts
 5. No drawstring shorts

The discretion of the principal or his/her designee will prevail.

12. **Colored Jeans are allowed.**
13. Dresses and skirts may be no shorter than two inches above the top of the knee, nor may slits in clothing extend more than two inches above the knee.
14. Trench coats, dusters, hooded sweatshirts, and overcoats are not allowed, except in inclement weather. Hoods are not to be worn inside buildings.
15. Students are prohibited from wearing earrings or studs on any part of their bodies other than their ear lobes on school premises and during participation in any extracurricular activity. This includes string, plastic plugs, bandages, gauges, etc., which are used to keep the pierced hole open. Plastic plugs and/or gauges are not permitted.
16. Exposed rosary beads are not allowed.
17. Hats, caps, hoods, beanies, sweatbands, hairnets, and bandanas are not allowed. Headbands must be worn appropriately to restrain hair, and not across the forehead.
18. Sunglasses are prohibited unless prescribed.
19. Appropriate footwear shall be worn at school. Shoes that present a safety concern are not allowed. Sneakers/Tennis shoes should be worn for PE participation. Flip-flops/thongs and/or soccer slides are not allowed. Steel toe footwear is not allowed. All footwear must have a closed heel or have a strap around the rear of the ankle in grades PK - 12. Socks must be worn, when appropriate.
20. Hair must be clean, neatly combed and out of the eyes and face. Mohawks will not be allowed. Hair that is styled in a manner that is extreme, outlandish, distracting or draws attention to the student is not allowed.
21. Hair coloring is limited to only natural hair colors.
22. Tattoos must be covered for all elementary and junior high school students. At the high school level, the covering of tattoos will be at the discretion of the principal or his/her designee.
23. Sideburns shall not extend beyond the bottom of the earlobe. Mustaches, beards and goatees will be allowed at the high school level, but shall be neatly trimmed. Eyebrow(s) shall not be shaved or altered.
24. The wearing of artificial nails and/or nails that are painted or styled in a manner that is distracting or draws attention to the student is prohibited at the elementary level.

25. Grooming, combing hair, and applying make-up or nail polish are not allowed in the classroom.
26. The District has adopted standardized attire for all students assigned to the DAEP at Roosevelt Alternative School. All students assigned to the DAEP will adhere to the standardized dress requirement. The dress code will be discussed with the students and parents during the scheduled in-take conference.
27. **The discretion of the principal or his/her designee will prevail.**

The student and parent may determine the student's personal dress and grooming standards, provided that they comply with the general guidelines set out above in the District's dress code.

If the principal determines that a student's grooming violates the dress code, the student shall be given an opportunity to correct the problem at school. If not corrected, the student shall be assigned to in-school suspension for the remainder of the day.

A student whose clothing violates the dress code shall be assigned to in-school suspension either for the remainder of the day or until a parent or designee brings an acceptable change of clothing to the school

Repeated offenses may result in more serious disciplinary action. Appropriate discipline procedures shall be followed in all cases.

The principal, in cooperation with the sponsor, coach, or other person in charge of an extracurricular activity, recognition ceremony, or Board recognition event, may regulate the dress and grooming of students who participate in the activity. Students who violate those standards may be removed or excluded from the activity for a period determined by the principal or sponsor and may be subject to other disciplinary action. [See policy FNCA(LOCAL)]

General Authority to Impose Discipline

The Texas Legislature has delegated the authority to manage independent school districts and discipline students to the Board of Trustees and its employees. The school has the authority to administer discipline whenever the interest of the school is involved, on or off school property, in conjunction with or independent of classes and school-sponsored activities. The District's disciplinary authority applies:

- during the regular school day and while the student is going to and from school on District transportation;
- within 300 feet of school property;
- while the student is participating in any activity during the school day on school grounds;
- during lunch (whether on or off school campus);
- while the student attends any school-related activity of the District, regardless of time or location;
- while the student is on school property of another Texas school district or attending a school activity of a school in another Texas school district;
- for any school-related misconduct, regardless of time or location;
- when the student retaliates or threatens retaliation against a school employee, regardless of time and location;
- when the District has a reasonable belief that the student has engaged in conduct that would be punishable as a felony, as provided by Texas Education Code § 37.006;
- when the student is involved in criminal mischief on or off school property or at a school-related event;
- when the student makes a false alarm or report of bombing, fire, or other emergency involving a public school, regardless of time or location;
- when the student makes a terrorist threat involving a public school, regardless of time or location; and
- when the student commits aggravated robbery against another student, regardless of time or location.

All District facilities, any other real property that is owned, rented, or leased by the District, and the area within 1,000 feet of any of those facilities is a **gang-free zone** under state law. The penalties from the juvenile or criminal justice systems for certain organized criminal activity occurring within a "gang-free zone" will be enhanced. See "Gang-Free Zones" in the Definitions, page 57, for more complete information.

Discipline of Students with Disabilities

Federal law regarding the education of students with disabilities (IDEA and Section 504) imposes specific procedures and limitations on the discipline of students with disabilities. **[See policy FOF(LEGAL)]** For further information on this topic, please contact the principal, who will direct you to special education staff, or Francisca Cruz, Executive Director at (956) 323-5570. Information is also available to parents of students with disabilities in the "Explanation of Rights and Procedural Safeguards of a Parent with a Child with Disabilities in School," which is provided to parents at the time of admission to special education and at every ARD meeting.

Prohibited Conduct

A significant part of the District's educational mission is to inculcate or instill the habits and manners of civility and to teach students the boundaries of socially appropriate behavior. In furtherance of this mission, students will be subject to disciplinary consequences if they engage in any of the following prohibited conduct while they are subject to the school's jurisdiction as described in this Code of Conduct:

1. Scholastic dishonesty, which includes, but is not limited to, cheating on a test or any other assignment, plagiarism, unauthorized collaboration with another person in preparing written work or any other assignment for which a grade is awarded, falsifying records or school passes
2. Conduct that can cause injury to person or property, which may include dating violence
3. Leaving classroom, school grounds, or school-sponsored events without permission
4. Using profanity, lewd or vulgar language, or obscene gestures
5. Scuffling or fighting or other inappropriate physical contact that does not meet the definition of simple assault
6. Stealing
7. Lying about the conduct of other students or making false accusations about District employees
8. Disobeying school rules about conduct on school buses
9. Failing to comply with lawful directives given by school personnel
10. Failing to comply with campus or District policies, including nutritional policies
11. Selling of food items at school, unless as part of a school-approved activity
12. Bullying, cyberbullying, harassment, and making hit lists, which include the following offenses:
 - a. Committing extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person), or forcing an individual to act through the use of force or threat of force
 - b. Making ethnic, racial, or religious slurs or any other harassment based on race, color, national origin, religion, or disability
 - c. Verbal abuse or derogatory or offensive remarks addressed to others, which may include dating violence
 - d. Damaging or vandalizing property of other students
 - e. Conduct that constitutes sexual harassment or sexual abuse whether the conduct is by word, gesture, or any other sexual conduct, including without limit, requests for sexual favors, which may include dating violence
13. Committing or assisting in a robbery, theft, or burglary
14. Any misbehavior that gives school officials reasonable cause to believe that the conduct will substantially disrupt the school program or incite violence
15. Damaging, defacing, tagging or vandalizing District property – including textbooks, locker, furniture, facilities and other equipment
16. Unless specifically permitted by District- or campus-level administration, using or publicly displaying audio or other entertainment devices
17. Unless specifically permitted by District- or campus-level administration, using or publicly displaying a cellular telephone or other telecommunications device before the last bell at the end of the school day
18. Using or possessing ammunition, mace or pepper spray
19. Using or possessing a pellet gun, BB gun, air-powered rifle, toy gun, or any other instrument that may be perceived by a third party as a firearm
20. Using or possessing a taser, stun-gun, or similar device
21. Using or exhibiting school supplies (i.e., pencils, pens, scissors, etc.), or other items (i.e., razor, box cutter, chain, etc.) in a manner that threatens to inflict or actually inflicts bodily harm to another person or oneself
22. Using or possessing drug paraphernalia (roach clips, rolling papers, needles, baggies with residue, razor blades, pipes, etc.)
23. Using or possessing martial arts objects (i.e., shuriken [throwing stars], nunchakus [“nun-chucks”], tonfa [wooden weapon], staff, baton [short stick], bolo [long cord with weights at end])
24. Using or possessing fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device
25. Using or possessing a laser pointer for other than a classroom related approved activity
26. Inappropriate or offensive physical or sexual contact, whether or not it is consensual
27. Inappropriate exposure of a student’s body parts, including exposure of any portions of the body that are ordinarily covered by clothing or required to be covered by the dress code
28. Behaving in any way that disrupts the school environment or educational process
29. Using, possessing or smoking tobacco products or electronic smoking devices such as e-cigarettes or non-tobacco nicotine-delivery products or accessories and any other substance that is intended to or does result in a student’s being “under the influence” of the substance, as that term is defined in this Student Code of Conduct
30. Using or possessing matches or a lighter
31. Using or possessing a knife with a blade of 5 ½ inches or less
32. Truancy, i.e., skipping school or cutting class without the parent’s or school’s knowledge or permission
33. Using, possessing or distributing any substance represented to be an illegal drug, a dangerous

- drug, a controlled substance, alcohol, or a prescription drug
34. Violating the District's policy on taking prescription drugs and over-the-counter drugs at school
 35. Violating computer use policies, rules, or agreements signed by the student and/or agreements signed by the student's parent or guardian
 36. Gambling of any kind
 37. Violating safety rules
 38. Violating dress or grooming standards
 39. Being a member of, pledging to become a member of, or soliciting another person to join or pledge a public-school fraternity, sorority, secret society, or gang
 40. Gang-related behavior or activity, including tagging of personal property on campus
 41. Assisting, encouraging, promoting, or attempting to assist in the commission of a serious offense
 42. Failing to report the commission of a serious offense by another student to a school official
 43. Hazing
 44. Making a false alarm or report of bombing, fire, or other emergency involving a public school, which includes the following offenses:
 - a. Pulling a fire alarm or discharging a fire extinguisher in a building owned or operated by MCISD, when there is no smoke, fire, or danger that requires evacuation
 - b. Calling 911 when no emergency exists
 45. Making a terroristic threat involving a public school
 46. Retaliating against any school employee or volunteer
 47. Repeatedly violating previously communicated campus or classroom standards of behavior
 48. Violating DAEP rules while assigned to the DAEP
 49. Engaging in any conduct punishable as a felony, which includes the offenses of:
 - c. Causing an employee to be in contact with the blood, bodily fluids, saliva, urine, or feces of any person or animal
 - d. Placing graffiti on any tangible property owned by the District
 - e. Distributing, selling, delivering, or attempting to distribute, sell or deliver any substance represented to be an illegal drug, a dangerous drug, a controlled substance, or alcohol
 - f. Online harassment
 50. Committing an assault of any kind, which may include dating violence
 51. Selling, giving, or delivering to another person or possessing, using or being under the influence of marijuana or a controlled substance or a dangerous drug
 52. Selling, giving, or delivering to another person an alcoholic beverage; committing a serious act or offense while under the influence of alcohol; or possessing, using, or being under the influence of alcohol
 53. Engaging in conduct that contains the elements of an offense relating to an abusable volatile chemical
 54. Engaging in conduct that contains the elements of public lewdness or indecent exposure
 55. Engaging in conduct that contains the elements of improper photography or visual recording
 56. Using, exhibiting, or possessing a firearm, except as permitted for participation or preparation for a school-sanctioned shooting sports educational activity sponsored by Texas Parks & Wildlife and that is not located on school property
 57. Using, exhibiting, or possessing an illegal knife
 58. Using, exhibiting, or possessing a club
 59. Using, exhibiting, or possessing a prohibited weapon
 60. Possessing material that is pornographic
 61. Engaging in conduct that constitutes dating violence, including the intentional use of physical, sexual, verbal or emotional abuse to harm, threaten, intimidate or control another person with whom the student has or has had a dating relationship
 62. Engaging in conduct that contains the elements of aggravated assault, sexual assault, or aggravated sexual assault
 63. Engaging in conduct that contains the elements of arson
 64. Engaging in conduct that contains the elements of murder, capital murder, or criminal attempt to commit murder or capital murder
 65. Engaging in conduct that contains the elements of indecency with a child
 66. Engaging in conduct that contains the elements of aggravated kidnapping
 67. Engaging in conduct that contains the elements of aggravated robbery against another student
 68. Engaging in conduct that contains the elements of manslaughter
 69. Engaging in conduct that contains the elements of criminally negligent homicide

70. Engaging in conduct that contains the elements of continuous sexual abuse of a young child or children

71. Engaging in conduct that contains the elements of deadly conduct

Disciplinary Consequences

In deciding concerning suspension, removal to the DAEP, expulsion, or placement in a JJAEP, regardless of whether the decision concerns mandatory or discretionary disciplinary action, the Campus Behavior Coordinator (CBC) and other administrators shall consider:

1. Self-defense.
2. Intent or lack of intent at the time the student engaged in the conduct.
3. A student's disciplinary history.
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.
5. Student's status in the conservatorship of the Department of Family and Protective Services.
6. Student's status as a student who is homeless.

The following discipline management techniques may be used, alone or in combination, for misbehavior that violates the Student Code of Conduct or campus or classroom rules:

- Oral correction
- Cooling-off time or "time-out" in a setting separate from other students that is not locked and from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object
- Seating changes within the classroom
- Counseling by teachers, counselors, or administrative personnel
- Parent-teacher conferences
- Temporary confiscation of items that disrupt the educational process.

Unless specifically permitted by District- or campus-level administration, any student using or publicly displaying a cellular telephone or other telecommunications device before the last bell at the end of the school day, or using or publicly displaying an audio or other entertainment device, will have the item confiscated. Persistent violation will result in the following consequences:

1st offense – Item(s) will be confiscated and returned to the parent/guardian only after school.

2nd offense – Same or other item(s) will be confiscated and parent/guardian will have to pay a \$15.00 administrative fee before the item is released.

3rd offense – Same or other item(s) will be confiscated and kept by the school until the end of the semester or 60 days, whichever is longer.

Refusal to surrender item, upon request by an administrator, shall result in placement in the Disciplinary Alternative Education Program (DAEP). **Mission CISD is not responsible for any loss, monetary or material, incurred as a result of the confiscation of the cellular phone or other telecommunications device, or audio or other entertainment device.**

Confiscation of food items being sold at school, unless as part of a school-approved activity

Since the Mission CISD Nutrition Policy, approved by the School Health Advisory Council, states that no food may be provided other than by food services during the instructional day, and since Mission CISD follows all state and federal nutritional guidelines, food items may not be sold at school, unless as part of a school-approved activity. Violations of this prohibited conduct will result in the following consequences:

1st offense – Item(s) will be confiscated and returned to parent/guardian at mandatory parent conference

2nd offense – Item(s) will be confiscated, money will be temporarily confiscated and returned to parent at mandatory parent conference; student will be placed in ISS for three days

3rd offense – Item(s) will be confiscated, money will be temporarily confiscated and returned to parent at mandatory parent conference; student will be placed in OSS for three days

4th offense – Student will be placed at DAEP

Refusal to surrender item, upon request by an administrator, shall result in placement in the Disciplinary Alternative Education Program (DAEP):

Grade reductions as permitted by policy

Rewards or demerits

Behavioral contracts

Sending the student to the office or other assigned area

Assigned school duties other than class tasks

Withdrawal of privileges, such as participation in extracurricular activities, participation in graduation exercises, and eligibility for seeking and holding honorary offices, and/or membership in school-sponsored clubs or organizations

Consequences or penalties identified in individual student organizations' codes of conduct bylaws, constitutions, or rules

Withdrawal or restriction of bus privileges

School-assessed and school-administered probation

Citation or ticket from School Resource Officers or school security personnel

Referral to outside agency and/or legal authority for criminal prosecution in addition to disciplinary measures imposed by the District.

The following disciplinary measures may be used, alone or in combination with each other or any of the above techniques, for misbehavior that violates the Student Code of Conduct or campus or classroom rules:

- In-school suspension
- Detention
- Suspension from school, not to exceed three school days at one time
- Formal removal from class by the teacher
- Removal to a disciplinary alternative education program
- Extension of disciplinary alternative education program removal term for additional offenses while in the alternative program
- Expulsion from school

What minimum procedures will be provided each student facing discipline other than detention? Each student will be told what infraction the CBC believes the student to have committed. Each student will then be given the opportunity to tell his or her side of the incident. The student's admission of the offense negates the need for further investigation or procedures, though the CBC may seek further information if desired.

How and when will we contact you about disciplinary action? Parents are responsible to provide to the campus administration each year the address and telephone number(s) at which parents can be reached and to update those numbers as necessary during the school year. School officials will use the information provided by the parent to contact parents about disciplinary matters. Parents will be notified of all code of conduct violations in a reasonable amount of time by telephone or in writing. Campus administrators are not required to notify parents of incidents by telephone on the day of the incident. If the CBC cannot reach you by telephone or in person, written notice will be mailed that day or the following business day to the last address you have provided to the campus.

What consequences will occur when a student is an accomplice in an offense? Any student who assists, encourages, promotes, or attempts to assist in the commission of a serious offense will receive the same punishment as a student who actually engages in the conduct.

What are the expectations for student reporting of offenses? A student who has knowledge that another student or students have committed a serious offense is expected to report that information to a school official. If the administrator learns that a student failed to report the commission of a serious offense, the student will be subject to a lesser disciplinary consequence, either one step lower than that required for the serious offense of which the student had knowledge or a shorter term of discipline.

Physical Restraint

In some circumstances, it may be necessary for a District employee to use force, but not deadly force, to physically restrain a student in order to lead, guide, and direct the student or to protect the student or any other person from physical injury, to obtain possession of a weapon or other dangerous object, to protect property from serious damage, to remove a student who is refusing to comply with a legitimate directive from a school employee from a specific location in order to restore order or to impose disciplinary measures to restrain an irrational student, or to maintain order and discipline in the class or activity.

In-School Suspension

For minor infractions of the Student Code of Conduct or campus or classroom rules, teachers or administrators may assign a student to one or more days of in-school suspension where, under the supervision of a *certified teacher or a paraprofessional*, students will complete assignments given them by their regular teachers. Both the length of the assignment and restrictions on participation in school-sponsored or school-related extracurricular activities during the suspension are left to the discretion of the CBC.

If a student is placed in in-school suspension for an extended period of time, he/she will be offered an opportunity to complete the courses in which he/she was enrolled at the time of the removal before the beginning of the next school year. This opportunity may be by via summer school, correspondence courses, distance learning, or other avenues. The parent/guardian will be assessed the ordinary charges associated with the program.

Detention

For minor infractions of the Student Code of Conduct or campus or classroom rules, teachers or administrators may detain students after school hours or during lunch on one or more days. When detention is used, notice will first be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for the necessary transportation of the student. Except in the case of a student who is 18 years of age or older, the detention will not begin until the parents have been notified. The student's parents, if the student is a minor, may be required to provide transportation when the student has been assigned to detention.

Suspension

When and for how long will a student be suspended? The CBC may suspend a student for a maximum of three school days at a time if the student violates the Code of Conduct by engaging in any prohibited conduct. Both the length of the suspension and restrictions on participation in school-sponsored or school-related extracurricular activities during the suspension are left to the discretion of the CBC.

How many times can a student be suspended? Neither state law nor this Code of Conduct imposes a limit on the number of times a student may be suspended during a semester or school year.

Formal Removal from Class by Teacher

What is the difference between being sent to the office and formal teacher removal? Students may be sent to the CBC's office for committing minor classroom infractions. However, a student who has been documented to repeatedly interfere with a teacher's ability to communicate effectively with the students in the class or with the ability of the students to learn, or who behaves in a manner the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students or with the ability of other students to learn will be formally removed from the teacher's classroom.

What is the process for formally removing a student from a teacher's classroom? Within three class days of the removal, a conference will be held between the CBC or other appropriate administrator, the student's parent or guardian, the teacher removing the student from class, and the student. Pending the conference, the CBC may place the student in another appropriate classroom, in-school suspension, or a disciplinary alternative education program. Following the conference, the CBC will order the placement of the student. The CBC will not return the student to the teacher's class without that teacher's consent, unless the Placement Review Committee determines that such placement is the best or only alternative.

Are there any special limitations associated with formal teacher removal? If a teacher removes a student from class because the student committed any kind of assault against the teacher, the student may not be returned to the teacher's class without the teacher's consent.

Disciplinary Alternative Education Program

General DAEP Information

What is a DAEP? The District operates a Disciplinary Alternative Education Program (DAEP) for students who have committed certain serious offenses (see pages 44-49). The DAEP:

1. is in a setting other than the student's regular classroom;
2. is located apart from the student's regular school campus;
3. separates students in the DAEP from students in the regular program or in another disciplinary setting in the same building as the DAEP;
4. separates elementary school students assigned to DAEP from secondary school students assigned to DAEP;
5. focuses on English language arts, mathematics, science, history, and self-discipline;
6. provides for students' educational and behavioral needs;
7. provides supervision and counseling;
8. is taught by certified teachers; and
9. provides at least a 7-hour school day, including lunch and other breaks, but not longer than 10 hours each day.

No student who has engaged in behavior warranting a DAEP assignment will be placed in an unsupervised setting, other than an out-of-school suspension pending the DAEP conference.

Where is the DAEP? Will it operate during the school day? Is transportation provided? MCISD's disciplinary alternative education program is located at the Roosevelt Alternative School, 407 E. 3rd Street, Mission, TX 78572, and operates between the hours of 7:45 am and 4:15 pm. District transportation is provided, and parents are responsible for making sure students attend while assigned. Failure to attend the DAEP is a violation of compulsory attendance laws. Parents may be prosecuted if their child fails to attend while assigned; students may be referred to Truancy Court for failure to attend while assigned.

What is the DAEP Dress Code? The District has adopted standardized attire for all students assigned to the DAEP at Roosevelt Alternative School. All students assigned to the DAEP will adhere to the standardized dress code. The dress code will be discussed with the students and parents during the scheduled in-take conference.

What kinds of courses are taught at the DAEP? Instruction in the DAEP will focus on English language arts, mathematics, science, history, and self-discipline. The District will provide an opportunity for students who have been placed in the DAEP to complete a foundation curriculum course in which the student was enrolled at the time of removal before the beginning of the next school year, if the term of the student's placement is such that the student is not able to continue enrollment in all his or her courses. The opportunity to complete coursework will be provided through any method available, which may include summer school, distance learning, or correspondence courses. The District will not assess any charge for the student to complete a course under this provision.

TERM OF PLACEMENT: Students are assigned to DAEP with a written removal order that states a specific term of placement that is the number of successful school days that must be served. Students will be credited with a "successful day" of DAEP assignment if the student is present, completes all assigned work, follows all rules of the DAEP, and engages in no additional violations of the Student Code of Conduct. The length of all DAEP assignments is at the discretion of the CBC, within the guidelines stated below.

What are the guidelines for the term of DAEP placement? A removal to DAEP may be from as brief a time as 5 school days up to one full year from the date of the order. The CBC issuing the removal order will use his or her best professional judgment, considering the factors considered in all disciplinary actions, in making a DAEP placement. The duration of the placement will be determined by the sending CBC. In some circumstances, a placement term may be longer than one year if, after a review, the CBC determines that the student is a threat to the safety of other students or to employees or that an extended placement would be in the student's best interest.

Ordinarily a DAEP assignment will not extend beyond the end of a school year. However, if the CBC making the placement determines: 1) that the student's presence in the regular classroom or at the student's regular campus poses a danger of physical harm to the student or another individual; or 2) the student has engaged in serious or persistent misbehavior that violates the District's Student Code of Conduct, then the assignment may be continued to the next school year.

"Serious misbehavior" and "persistent misbehavior" are defined on pages 60-62 of this Code.

The DAEP administrator may extend the original term of removal based on new violations that occur while the student is assigned to the DAEP, including violation of DAEP rules, by following the procedures for initial DAEP placement, i.e., a conference with student and parents.

Are some offenses subject to a different length of assignment? Yes. A student who has received punishment through the criminal justice system for continuously sexually abusing or sexually assaulting another student, regardless of whether the conduct occurred on or off school property, and who cannot be assigned to a campus other than a campus where the victim of the assault is assigned may be assigned to the DAEP for so long as both students are enrolled in the District. Assignment to an alternative education program based on Title 5 or aggravated robbery felony conduct may also be subject to a different length of assignment.

SCHOOL-RELATED ACTIVITIES: Students assigned to the DAEP may not attend or participate in extracurricular activities during the term of their assignment.

STUDENTS YOUNGER THAN TEN: Students younger than ten who commit an expellable offense will be placed in a disciplinary alternative education program for elementary age students.

STUDENTS YOUNGER THAN SIX: Students younger than six will not be placed in a disciplinary alternative education program for any reason other than bringing a firearm to school.

STUDENTS 21 OR OLDER: Students twenty-one years of age or older who have been admitted to the District for the purpose of completing the requirements for a high school diploma will not be placed in the DAEP. If the student engages in conduct that would otherwise require placement in DAEP, the District will revoke the admission of the student.

EFFECT OF WITHDRAWAL: Withdrawing a student from school does not affect the District's authority to schedule and conduct a conference on the conduct and enter an order of removal, regardless of whether the student or parent is present to participate. The order of removal will be included with the records sent to any transferring school, including another public school, a campus charter program, or an open-enrollment charter school, and that district or school will be empowered to exercise its authority to honor the removal. Furthermore, even if we do not complete the removal process and issue a removal order, we will send disciplinary records to the next school, and that school has the authority to complete the removal process and issue a removal order.

Students who transfer out of this District to another public or private school, including students who withdraw from this District for the purpose of home schooling, and students who do not attend MCISD's disciplinary alternative education program for the duration of the placement for any reason (other than reasons which constitute an "excused absence" under District policy), will be required upon return to this District to complete the number of days missed in the disciplinary alternative education program before being allowed to return to the regular campus, unless their records indicate that the term of removal was served in another school district or charter school.

EFFECT OF TRANSFER INTO DISTRICT: If a student transfers into this District from another school district in which the student was placed in a disciplinary alternative education program, MCISD may continue the DAEP placement under the terms of the order provided by the sending school district.

If a student transfers into this District from an open-enrollment charter school or from another state and the District receives a copy of the removal order in the records from the other school, the District may enforce the terms of that removal order, provided the grounds for removal to DAEP in the charter school or other state are grounds for removal in the District.

GRADUATING SENIORS IN THE DAEP: When a student is placed in the DAEP during the 12th grade, the District may allow that student to participate in graduation ceremonies, provided that all prerequisites for graduation are met and provided that the student has successfully completed all of the days that the student was placed in the DAEP. If the student in question has unexcused absences or has not completed his or her days in the DAEP for any other reason, such as withdrawal or transfer to another school district, the student will not be allowed to participate in graduation ceremonies. Any decision concerning participation in graduation ceremonies will be made by the student's home campus principal, whose decision is final.

Conduct That Warrants DAEP Placement

SCHOOL-RELATED CONDUCT: The CBC will place a student in DAEP if the student:

- makes a false report of bombing, fire, or other emergency involving a public school, regardless of when the false report is made or the place from which the false report is made
 - makes a terroristic threat involving a public school, regardless of when the threat is made or the place from which the threat is made.
- The CBC will place a student in DAEP if the student commits any of the following offenses on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
- Conduct punishable as a felony
 - Assault resulting in bodily injury

- Offenses relating to marijuana, controlled substances and dangerous drugs
- Offenses relating to alcohol
- Offenses relating to abusable volatile chemicals
- Indecent exposure
- Public lewdness
- Retaliation against a school employee, regardless of where the conduct takes place
- Serious or persistent misbehavior, subject to administrative discretion as described in the following section

Definitions of the above offenses can be found in the Definition section of the Code of Conduct, pages 52-65.

A student who is charged with an offense warranting expulsion will be suspended for three class days and then placed in the DAEP pending the expulsion hearing.

What is “serious offense” or “persistent misbehavior?” “Serious offense” includes the following offenses, which will always result in DAEP placement:

Conduct punishable as a felony, which includes without limitation:

- Distribution of any substance represented to be an illegal drug, a dangerous drug, a controlled substance, or alcohol
- Placing graffiti on any tangible property owned by the District
- Harassment of any public servant, i.e., causing an employee to be in contact with the blood, bodily fluids, saliva, urine, or feces of any person or animal with the intent to assault, harass, or alarm
- Assault resulting in bodily injury, which may include dating violence
- Making a false report of bombing, fire, or other emergency involving a public school, which includes the following offenses:
 - pulling a fire alarm or discharging a fire extinguisher in a building owned or operated by the District when there is no smoke, fire, or danger that required evacuation
 - calling 9-1-1 when no emergency exists
- Terroristic threat involving a public school
- Offenses relating to marijuana, controlled substances and dangerous drugs
- Offenses relating to alcohol
- Offenses relating to abusable glue, volatile chemicals and aerosol paint
- Indecent exposure
- Public lewdness
- Retaliation against a school employee, regardless of where the conduct takes place
- Online harassment

Serious misbehavior also includes the following offenses. The CBC will exercise discretion in making assignments for the serious offenses listed here and will consider all the facts and circumstances in determining appropriate disciplinary action:

- Using profanity, lewd or vulgar language, or obscene gestures directed at a school employee
- Lying about the conduct of other students or making false accusations about District employees
- Failing to comply with campus or District policies
- Bullying, cyberbullying, harassment, and making hit lists, which include the following offenses:
 - Committing extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person), or forcing an individual to act through the use of force or threat of force
 - Making ethnic, racial, or religious slurs or any other harassment based on race, color, national origin, religion, or disability, against students, employees, or volunteers
 - Verbal abuse or derogatory or offensive remarks addressed to others, which may include dating violence
 - Damaging or vandalizing property of other students
 - Conduct that constitutes sexual harassment or sexual abuse whether the conduct is by word, gesture, or any other sexual conduct, including without limit, requests for sexual favors, which may include dating violence
- Committing or assisting in a robbery, theft, or burglary
- Damaging or vandalizing District property when the value of the damage is less than \$1,500
- Using or possessing a pellet gun, air-powered rifle, toy gun, or any other instrument that may be perceived by a third party as a firearm
- Using or possessing a taser, stun-gun, or similar device
- Possessing or using martial arts objects, unless the conduct amounts to an assault resulting in bodily injury
- Inappropriate physical or sexual contact, whether or not it is consensual
- Inappropriate or indecent exposure of a student’s body parts, including exposure of any portions of the body that are ordinarily covered by clothing or required to be covered by the dress code
- Possessing or using any substance represented to be an illegal drug, a dangerous drug, a controlled substance, or alcohol
- Gambling of any kind

- Hazing
- Improper photography or visual recording
- Repeatedly violating other previously communicated campus or classroom standards of behavior
- Committing an assault of any kind, which may include dating violence
- Committing any act listed as “Prohibited Conduct” in this Code of Conduct

“Persistent misbehavior” consists of two or more separate violations of the Student Code of Conduct in general or repeated violations of the same offense.

CONDUCT UNRELATED TO SCHOOL - TITLE 5 OFFENSES + FELONY AGGRAVATED ROBBERY: A student will be removed from class and placed in a disciplinary alternative education program based on off-campus criminal conduct punishable as a felony under Title 5, Texas Penal Code or felony aggravated robbery. However, if more than a year passes from the date of the off-campus criminal offense to the time that the CBC learns of the offense, the CBC is not required to place the student in the DAEP.

What are Title 5 offenses? Title 5 offenses are crimes against the person, identified in Title 5 of the Texas Penal Code. Specifically, Title 5 offenses include: murder; capital murder; manslaughter; criminally negligent homicide; kidnapping; aggravated kidnapping; continuous sexual abuse of young child or children; indecency with a child; improper photography or visual recording; sexual assault; aggravated assault; aggravated sexual assault; injury to a child, elderly individual, or disabled individual; abandoning or endangering a child; deadly conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product.

CONDUCT UNRELATED TO SCHOOL - NON-TITLE 5 OFFENSES: A student will be removed from class and placed in a disciplinary alternative education program for off-campus criminal conduct punishable as a felony, other than offenses defined by Title 5, Texas Penal Code, or felony aggravated robbery if the administration determines that the student’s continued presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process. However, if more than a year passes from the date of the off-campus criminal offense to the time that the CBC learns of the offense, the CBC is not required to place the student in the DAEP.

RELATIONSHIP OF CRIMINAL JUSTICE SYSTEM AND THE SCHOOL DISTRICT: The school District may place a student in the DAEP regardless of any action or lack of action taken by the criminal justice system. However, in some circumstances, the District may re-assess the punishment based on information from law enforcement authorities.

Does a student have to be arrested or convicted of a felony offense before the District can place the student in a DAEP? No. A student may be removed from class and placed in the DAEP if the CBC determines that the student committed an offense requiring DAEP assignment while he or she was under the school’s jurisdiction. The District will send the required information about the removal to the juvenile authorities.

When the assignment is necessary because of CONDUCT UNRELATED TO SCHOOL, the removal is based on the CBC’s reasonable belief that the student has committed a felony offense. If the out-of-school offense is neither a Title 5 felony nor felony aggravated robbery, before the student is placed in the DAEP, the CBC must also determine that the continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense in the Penal Code, the CBC may consider all information available, including information furnished by law enforcement.

What options does the school have if the student is found guilty of a Title 5 felony offense or felony aggravated robbery? The CBC must place the student in DAEP if the conviction, deferred prosecution, or determination of delinquency occurs during the school year while the student is enrolled in a District school and the student is not otherwise confined under the authority of the criminal justice system. The CBC also has the authority to expel the student to the DAEP or JJAEP in which the District participates. See Permissive Expulsion to JJAEP or DAEP of Students with Criminal Histories in the Expulsion portion of the Code for more complete information.

What happens if the courts say the student did not commit the offense or the student is not prosecuted for other reasons? If, after the placement, the superintendent receives notice from an appropriate law enforcement agency that the student was found not guilty of the felony offense and the case was dismissed with prejudice, or that the student was not prosecuted and no formal proceedings, deferred adjudication, or deferred prosecution was initiated, the superintendent will review the student’s placement in the DAEP. **This review is not necessary if the reason for the removal is an offense that must result in DAEP placement because the conduct occurred on or within 300 feet of school property or at any school-related activity or event, regardless of time or place. The student will ordinarily remain in the DAEP until the term of removal has been completed, regardless of additional information from an appropriate law enforcement agency.**

The student will remain in the DAEP pending the review, which will take place within three class days of the superintendent’s receiving the notice. The parents or guardian will be provided an opportunity for input. However, if after the review the superintendent believes that the presence of the student in the regular classroom threatens the safety of other students or teachers, the superintendent may continue the student’s placement in the DAEP.

If the student is not being prosecuted for the out-of-school offense, but the school wants to continue the DAEP placement, what rights of appeal does the student have? The student or the parent or guardian may appeal the decision of the superintendent to continue the student’s placement in the DAEP to the MCISD Board of Trustees. The appeal will be heard at the next regularly scheduled board meeting, where the board will review the notice letter from law enforcement and receive information from the superintendent and the student or the student’s parent or guardian. The decision of the Board of Trustees is appealable to the Commissioner of Education. The student remains in the DAEP pending all appeals.

JUVENILE COURT-ORDERED PLACEMENT IN DAEP: The juvenile court may order a student to attend the District's DAEP as a condition of probation, regardless of whether the school District has a basis for imposing discipline on the student. When the juvenile court orders a student to attend the DAEP as a condition of probation, the District, after receiving a copy of the order, will immediately transfer the student to the DAEP for the period of time designated by the court. However, state law prohibits the juvenile court from ordering a student who has been expelled from the District to attend the DAEP.

OTHER COURT-ORDERED PLACEMENT IN DAEP: When the District receives a copy of an order from a justice or municipal court indicating that a student must attend the DAEP as a condition of a term of probation under Code of Criminal Procedure 45.051, the CBC will hold a conference as described in Procedures for Removal to an DAEP and determine whether the student should be assigned to the DAEP or should remain in the regular school setting. The CBC will consider the nature of the misdemeanor offense resulting in the order in making this determination.

SEX OFFENDER PLACEMENT IN DAEP: A student who is currently required to register as a sex offender may be removed from the regular classroom and placed in another setting according to the requirements of state law.

A student who is a registered sex offender under any form of court supervision must be placed in the DAEP or a JJAEP in which the District participates, in accordance with the District's agreement with the juvenile board or in accordance with a court order, for at least one semester. If a student who is a registered sex offender under court supervision moves or transfers into the District, the District may require the student to complete an additional semester in the appropriate alternative setting without conducting a review or it may count any time the student has been in an alternative setting toward the mandatory one semester assignment.

A student who is a registered sex offender and who is not under any form of court supervision may be placed in the DAEP or a JJAEP in which the District participates, in accordance with the District's agreement with the juvenile board or in accordance with a court order, for at least one semester or in the regular classroom. However, the District may not place a student in the regular classroom if District officials determine that the student's presence in the regular classroom (1) threatens the safety of other students or teachers, (2) will be detrimental to the educational process, or (3) is not in the best interest of the District's students.

At the end of the first semester of placement in an appropriate alternative setting, the District shall convene a committee to review the student's placement. The committee will be composed of a teacher from the student's home campus, the student's parole, probation, or juvenile probation officer, an instructor from the alternative setting, the principal of the home campus or CBC, and a District counselor. The committee by majority vote will determine a recommendation to be made to the superintendent or designee regarding whether the student should continue placement in the alternative setting or be returned to the regular campus.

The superintendent or designee shall follow the committee's recommendation on placement unless the superintendent or designee determines that the student's presence in the regular classroom (1) threatens the safety of other teachers and students, (2) will be detrimental to the educational process, or (3) is not in the best interest of the District's students. If the superintendent or designee determines that the student should remain in the alternative setting, then before the beginning of the next school year, and any additional school years, the District must convene the committee to review and determine the student's placement, using the same standards set out in this paragraph.

A student who is a registered sex offender not under court supervision who moves or transfers into the District will be placed in the regular classroom or an appropriate alternative setting using the committee recommendation and review process described above.

The student or parent may appeal the District's decision regarding placement by asking for a conference among the superintendent or designee, the parent, and the student. The conference is limited to the factual question of whether the student is or is not a registered sex offender. If the District determines that the student is a registered sex offender, then student will be placed as described above, and that decision is final and cannot be appealed.

An ARD committee will make decisions about placement of a student with disabilities who is a registered sex offender.

Procedures for Removal to DAEP

Will the student have a chance to dispute the allegations? Before a student is placed in a disciplinary alternative education program, the principal or other administrator will tell the student briefly why he or she is being removed to that program and explain that the student will have an opportunity to give his or her version of events at a conference to be scheduled and held within three class days. In most circumstances, the student will be suspended pending the placement conference.

Will parents have an opportunity to provide input? Within three class days after the date the student is charged with the offense, the CBC will contact the parent by telephone or in writing to schedule and hold a conference with the student, the teacher who removed the student from class (if any), and the parents and will make efforts to ensure that all invited parties can attend.

What if the parent cannot attend the conference? The District may proceed with the conference without the parents or student present, so long as the parents and student have been notified of the conference. Whether or not the parents attend the conference, the student will receive oral or written notice at the conference from the CBC of the reason(s) for the removal and the offense the student is charged with violating. The student will have an opportunity at that time to explain or respond to the reasons for removal. The student and parents will receive a written notice no later than two business days after the conference memorializing the conference and stating the length of the removal to the DAEP, if applicable, and any conditions or other requirements related to the DAEP assignment, i.e., a written removal order.

What information will be provided to the juvenile authorities? When a student is placed in the DAEP for a mandatory placement reason, a copy of the removal order, the child and parent's names and address, names and address of any witnesses, and a complete statement of the circumstances surrounding the conduct will be forwarded to the authorized officer of the juvenile court in the county in which the student resides.

Emergency Placement

The CBC may order a student immediately placed in a disciplinary alternative education program if his or her behavior is so unruly, disruptive, or abusive that it seriously interferes with school operations or activities. At the time the student is placed in DAEP under this emergency provision, the student will be told of the reason for the placement, which must be one of the District's reasons for DAEP placement under this Code.

Appeal of DAEP Placement

The student remains in the DAEP during all appeals.

A decision by the CBC to place a student in the DAEP may be appealed to the Superintendent or designee. The appeal must be in writing and filed with the Superintendent or designee within three business days of receipt of the DAEP removal order. The appeal must state all bases for the appeal and what remedy the student or parent is seeking. The Superintendent or designee will review the written appeal and the record of the removal prepared at the campus level. At his or her discretion, the Superintendent or designee may schedule a conference with the student or parent. If a conference is scheduled, it will be held within five business days, after which a written decision will be issued within seven business days.

If no conference is scheduled, the Superintendent or designee will issue a written decision within seven business days after the appeal is received. The Superintendent or designee's decision may be appealed to the Board of Trustees by filing a written appeal with the Superintendent within three business days after receipt of the decision. The written appeal must state all the bases for appeal and the remedy the student or parent is seeking. At the next regular Board meeting after the appeal is received and for which proper notice can be posted, the Board will review the complete record of the disciplinary action, including all written appeals. The Board may choose to take no action after reviewing the record and appeal, which has the effect of sustaining the last administrative decision. The Board may also choose to schedule an appeal at a future meeting at which the parents and administration may make an oral presentation. The Board's decision in either case is final and may not be appealed.

120-Day Review of DAEP Status

What does a review consist of? Who attends? Both the discipline and the academic status of students assigned to the DAEP will be reviewed in 60 school days, but in any event, at least every 120 calendar days. At the review, the parents may make arguments for the student's return to the regular classroom. If the student is in high school and is to remain in the DAEP, the administration, together with the parents, will establish a plan designed to assist the student's progress toward meeting high school graduation requirements. The District is not required to provide all a student's courses necessary for graduation while the student is assigned to the DAEP, but must offer an opportunity for the student to complete courses before the beginning of the next school year without charge to the student.

Assessment of DAEP Students

What does an assessment consist of? Who will be assessed? How often? The District will assess a student who is placed in the DAEP for 90 school days or longer for academic growth in the areas of reading and mathematics. The assessment will be administered initially on placement of the student in the DAEP and subsequently on or near the date of the student's release. This assessment is in addition to the state-mandated TAKS assessment.

Expulsion

STUDENTS YOUNGER THAN TEN: Students younger than ten who commit expellable offenses will be placed in a disciplinary alternative education program.

STUDENTS YOUNGER THAN SIX: Students younger than six will not be expelled or placed in a disciplinary alternative education program for any reason other than bringing a firearm to school.

STUDENTS 21 OR OLDER: Students twenty-one years of age or older who have been admitted to the District for the purpose of completing the requirements for a high school diploma will not be expelled to the JJAEP. If the student engages in conduct that would otherwise require placement in JJAEP, the District will revoke the admission of the student,

Conduct that Warrants Expulsion

MANDATORY EXPULSION: A student will be expelled if the student, on school property or while attending a school-sponsored or school-related activity on or off school property:

1. Intentionally, knowingly, or recklessly carries on or about his person a handgun, illegal knife, or club, or intentionally or knowingly possesses a prohibited weapon, unless pursuant to written regulations or written authorization of the District;
2. Commits aggravated assault, sexual assault, aggravated sexual assault, arson, murder, capital murder, criminal attempt to commit murder or capital murder, indecency with a child, aggravated kidnapping, aggravated robbery, manslaughter, or criminally negligent homicide, or continuous sexual abuse of a young child or children;

3. Sells, gives, or delivers to another person or possesses, uses, or is under the influence of marijuana or a dangerous drug, if the conduct is punishable as a felony.
4. Sells, possesses, gives, or delivers to another person an alcoholic beverage, or commits a serious act or offense while under the influence of alcohol, or uses or is under the influence of an alcoholic beverage, if the conduct is punishable as a felony.

A student will also be expelled if he or she commits any offense listed in items 1-4 above against a District employee or volunteer in retaliation for or as a result of the person's employment or other work in the District, without regard to where the conduct occurs.

Please note that a student **will not** be expelled **solely** because of a firearm offense when the use, possession, or exhibition of the firearm occurs at an approved target range facility that is not located on school property while the student is participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Texas Parks & Wildlife Department or a shooting sports organization working with the TPWD. Furthermore, the exception stated in this paragraph does not by itself authorize a student to bring a firearm on school property.

Definitions of the above offenses can be found in the Definitions section of the Code of Conduct.

PERMISSIVE EXPULSION FOR CONDUCT ON OR IN PROXIMITY TO SCHOOL: A student may be expelled, in the discretion of the superintendent or CBC in view of all the facts and circumstances, for any of the following offenses when they occur on or within 300 feet of school property, as measured from any point on the school's real property boundary line:

1. Drug, alcohol, or abusable volatile chemical offenses, regardless of the amount.
2. Assault resulting in bodily injury against a school employee or volunteer.
3. Deadly conduct.
4. Making a false alarm or report of bombing, fire, or other emergency involving a public school.
5. Making a terroristic threat involving a public school.
6. Committing any offense stated in item 1 and 2 under MANDATORY EXPULSION.
7. Committing documented serious misbehavior while assigned to the DAEP despite documented behavior interventions.

"Serious misbehavior is defined on pages 60-61 of this Code.

PERMISSIVE EXPULSION FOR CONDUCT OUTSIDE OF SCHOOL: A student may be expelled, in the discretion of the superintendent or CBC in view of all the facts and circumstances, for any of the following offenses, regardless of where they occur:

1. Intentionally or knowingly damaging personal property, including real estate and tangible personal property belonging to any public school or institution of higher education, and the amount of loss is greater than \$1,500.
2. Intentionally or knowingly damaging the property of any other person without the person's consent, and the amount of loss is greater than \$1,500.
3. Making a false report or alarm or a terroristic threat involving a public school.
4. Assaulting an employee or volunteer in retaliation for or because of the person's relationship with the school and the assault results in bodily injury.
5. Committing aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, criminal attempt to commit capital murder, or aggravated robbery against another student.
6. Committing any offense listed at items 1-4 under MANDATORY EXPULSION on the school property of another Texas school district or while attending a school-sponsored or school-related activity of another Texas school district.

TITLE 5 FELONIES OR FELONY AGGRAVATED ROBBERY: The administration also has the authority to expel a student to the Juvenile Justice Alternative Education Program (JJAEP) or the DAEP, after an opportunity for a hearing, if it determines that the student's presence in the regular classroom threatens the safety of other students or teachers, is detrimental to the educational process, or is not in the best interest of the District's students. Expulsion to JJAEP or DAEP is not limited in this instance to when the student has received deferred prosecution or has been determined delinquent for a Title 5 felony offense or felony aggravated robbery, but may also be imposed if the student is charged with engaging in conduct defined as a Title 5 felony offense or felony aggravated robbery, has been referred to a juvenile court for allegedly engaging in delinquent conduct for conduct defined as a Title 5 felony offense or felony aggravated robbery, has received probation or deferred adjudication for a Title 5 felony offense or felony aggravated robbery, has been convicted of a Title 5 felony offense or felony aggravated robbery, or has been arrested for or charged with a Title 5 felony offense or felony aggravated robbery if the administration determines that the student's presence in the regular classroom threatens the safety of other students or teachers, is detrimental to the educational process, or is not in the best interest of the District's students.

The administration can order expulsion to JJAEP or DAEP based on Title 5 felony conduct or felony aggravated robbery regardless of the date of the conduct, where the alleged offense occurred, whether the student was enrolled in the District at the time, or whether the student has successfully completed any court disposition requirements. A student expelled and ordered placed in an alternative setting in this circumstance is subject to that placement until: (1) the student graduates from high school; (2) the Title 5 felony or felony aggravated robbery charges are dismissed or reduced to a misdemeanor offense; or (3) the student completes the term of the placement or is assigned to another program, even if the student transfers to another Texas school district.

The decision regarding expulsion placement in this circumstance is final and may not be appealed.

PERMISSIVE EXPULSIONS

The expulsion committee may, instead of sending a student to the JJAEP, send the student to the DAEP and determine the time for the placement. The committee may not send a student to the DAEP in cases where there is a mandatory expulsion.

Procedures for Expulsion

Before a student is expelled, the student will have an opportunity for a due process hearing that will include the following:

1. At least three business days prior written notice of the charges and the proposed sanctions so as to afford a reasonable opportunity for preparation, including a written invitation to the student's parent or guardian to attend the expulsion hearing. The notice will also include the date, time, and location of the hearing and the names of adult witnesses who will present evidence at the hearing;
2. Right to a hearing before the Superintendent or a designee;
3. Opportunity to testify and to present evidence and witnesses in his or her defense; and
4. Opportunity to examine the evidence presented by the school administration and to question the administration's witnesses.

REPRESENTATIVE: At the hearing, the student is entitled to an adult representative or legal counsel who can provide guidance to the student and who is not an employee of the District. The District may hold the hearing regardless of whether the student, the student's parent or guardian, or another adult representing the student attends, provided the District makes a good-faith effort to inform the student and the student's parent or guardian of the time and place of the hearing.

EVIDENCE: In an expulsion hearing, the District may rely on hearsay evidence of school administrators who investigate disciplinary infractions. This means that the school administration may present evidence or statements taken from students without revealing the identity of the student. The decision will be based exclusively on the evidence presented at the hearing. The student may be expelled based on the Superintendent or designee's reasonable belief that the evidence shows it is more likely than not that the student committed the offense(s) with which he or she was charged.

EXPULSION ORDER: The administration will deliver a copy of the order expelling the student to the student's parent or guardian, who is responsible for providing adequate supervision for the student during the period of expulsion.

In addition to notifying the parents, and not later than the second business day after the date an expulsion hearing is held, the administration will deliver a copy of the expulsion order to the authorized officer of the juvenile court in the county in which the student resides. The administration will also provide the child's and parent's names and address, names and addresses of any witnesses, and a complete statement of the circumstances surrounding the conduct to the juvenile board, as required by Family Code § 52.041.

GUIDELINES FOR TERM OF EXPULSION: An expulsion may be for as brief a time as four school days up to one full year from the date of the order. The administrator issuing the expulsion order will use his or her best professional judgment, taking into account the factors considered in all disciplinary actions, in setting a term of expulsion. In some circumstances, an expulsion term may be longer than one year if, after a review, the administrator determines that the student is a threat to the safety of other students or to employees or that an extended expulsion would be in the student's best interest.

EFFECT OF WITHDRAWAL: Withdrawal from school does not affect the District's authority to schedule and conduct a hearing on the conduct and enter an order of expulsion, regardless of whether the student or parent are present to participate. The order of expulsion will be included with the records transferred to the new school district, including another public school, a campus charter program, or an open-enrollment charter school, and that district will be empowered to exercise its authority to honor the expulsion. Furthermore, even if we do not complete the expulsion process and issue an expulsion order, we will send disciplinary records to the next school, and that school has the authority to complete the expulsion process and issue an expulsion order.

Students who transfer out of this District to another public or private school, including students who withdraw from the District for the purpose of home schooling, and students who do not attend the Juvenile Justice Alternative Education Program for the duration of the placement for any reason (other than reasons that constitute an "excused absence" under District policy), will be required upon return to the District, to complete the number of days missed in the JJAEP program before being allowed to return to the regular campus, unless the student's records indicate the student served the days of expulsion in another district.

EFFECT OF TRANSFER INTO DISTRICT: If a student transfers into this District from another school district in which the student was expelled, MCISD may continue the expulsion under the terms of the order provided by the sending school district.

If a student transfers into this District from an open-enrollment charter school or from another state and the District receives a copy of the expulsion order in the records from the other school, the District may enforce the terms of that expulsion order, provided the grounds for expulsion in the open-enrollment charter school or other state are grounds for expulsion in the District.

If a student transfers into this District from another school district in which the student was placed in the juvenile justice alternative education program, this District shall continue the term of expulsion at the juvenile justice alternative education program under the previous school's order.

EFFECT ON CREDITS: Expelled students will not receive credit for courses not completed because of an expulsion. Students may use correspondence courses or credit by examination, within the limits set by District policy, to earn graduation units. Students are responsible for all costs associated with correspondence courses or credit by examination.

GRADUATING SENIORS AND EXPULSION: When a student is expelled during the 12th grade, the District may allow that student to participate in graduation ceremonies, provided that all prerequisites for graduation are met. Any decision concerning participation in graduation ceremonies will be made by the student's home campus principal, whose decision is final.

Appeal of Expulsion to Board of Trustees

A student is expelled during all appeals.

A decision by the superintendent or designee to expel a student may be appealed to the Board by filing a written appeal within three business days receipt of the expulsion order. The written appeal must state all the bases for appeal. At the next regular meeting after the appeal is received and for which proper notice can be given, the Board will review the complete record of the expulsion, including all written appeals. The Board may choose to take no action after reviewing the record and appeal, which has the effect of sustaining the expulsion. The Board may also choose to schedule an appeal at a future meeting at which the parents may make an oral presentation of the appeal. The Board's decision regarding an oral appeal is final and may not be appealed.

If the Board permits an oral presentation, the administration may also be asked to speak. No new evidence or information, including witnesses or documents, will be permitted or considered. The Board may set reasonable time limitations for presentations.

Emergency Expulsion

A CBC or the superintendent may order the immediate expulsion of a student if the administrator reasonably believes that the action is necessary to protect people or property from imminent harm. At the time of the emergency expulsion, the student will be given oral notice of the reasons for the action, which must be a reason for which the student could be expelled on a non-emergency basis. Formal due process as explained on page 48-52 will occur within a reasonable time thereafter.

<h2>Summer School</h2>

Our summer school program is not part of the regular school year program. MCISD students, enrolled during the previous school year, voluntarily and/or by invitation, attend summer school to earn additional credits, to re-take courses they did not pass in the regular school year, to receive intensive instruction in subject areas where they did not demonstrate mastery on the state assessment instruments, or to complete courses necessary for graduation that were incomplete because of the student's placement in DAEP. During summer school, students are expected to abide by the rules of conduct that are in place during the school year. We will handle minor, isolated violations of conduct expectations through parent conferences; however, students who commit serious offenses or who have persistent behavior problems while enrolled in summer school will be withdrawn from the program.

Definitions

ABUSABLE VOLATILE CHEMICAL OFFENSES

No student shall inhale, ingest, apply, use, or possess an abusable volatile chemical with intent to inhale, ingest, apply or use any of these in a manner:

1. Contrary to the directions for use, cautions, or warnings appearing on a label of a container of the chemical;
2. Designed to affect the central nervous system, create or induce a condition of intoxication, hallucination, or elation, or change, distort, or disturb the person's eyesight, thinking process, balance, or coordination.

Health and Safety Code 485.031

No student shall knowingly deliver to a person younger than 18 an abusable volatile chemical that does not contain additive material in accordance with rules adopted by the Commissioner of Health.

Health and Safety Code 485.032

No student shall knowingly use or possess with intent to use inhalant paraphernalia to inhale, ingest, or otherwise introduce into the human body an abusable volatile chemical. No student shall knowingly deliver, sell, or possess with intent to deliver or sell inhalant paraphernalia knowing that that person who receives it intends to use it to inhale, ingest, apply, use, or otherwise introduce into the human body an abusable volatile chemical.

Health and Safety Code 485.033

AGGRAVATED ASSAULT

"Aggravated assault" is defined as causing serious bodily injury to another or using or exhibiting a deadly weapon during the commission of any assault.

Penal Code 22.02(a)

"Serious bodily injury" is defined as bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

"Deadly weapon" is defined as a firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury or anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.

Penal Code 1.07(46), (17)

AGGRAVATED KIDNAPPING

- (a) A person commits an offense if he intentionally or knowingly abducts another person with the intent to:
 - (1) hold him for ransom or reward;
 - (2) use him as a shield or hostage;
 - (3) facilitate the commission of a felony or the flight after the attempt or commission of a felony;
 - (4) inflict bodily injury on him or violate or abuse him sexually;
 - (5) terrorize him or third person; or
 - (6) interfere with the performance of any governmental or political function.
- (b) A person commits an offense if the person intentionally or knowingly abducts another person and uses or exhibits a deadly weapon during the commission of the offense.

Penal Code 20.04

AGGRAVATED ROBBERY

- A person commits an offense if he commits robbery and he:
- (1) causes serious bodily injury to another;
 - (2) uses or exhibits a weapon; or
 - (3) causes bodily injury to a person or threatens or places another person in fear of imminent bodily injury or death if the other person is 65 years of age or older or a disabled person, i.e., an individual with a mental, physical, or developmental disability who is substantially unable to protect himself from harm.

Penal Code 29.031

A person commits robbery if, in the course of committing theft as defined in Chapter 31 and with intent to obtain or maintain control of the property, he

- (1) intentionally, knowingly, or recklessly causes bodily injury to another; or
- (2) intentionally or knowingly threatens or places another in fear of imminent bodily injury or

death. Penal Code 29.02

AGGRAVATED SEXUAL ASSAULT

“Aggravated sexual assault” is defined as sexual assault (see page 61) in which the actor:

- 1. Causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode; or
- 2. By acts or words, places the victim in fear that death, serious bodily injury, or kidnapping will be imminently inflicted on any person; or
- 3. By acts or words occurring in the presence of the victim, threatens to cause death, serious bodily injury, or kidnapping; or
- 4. Uses or exhibits a deadly weapon in the course of the same criminal episode; or
- 5. Acts in concert with another, who commits a sexual assault directed toward the same victim and occurs during the same criminal episode; or
- 6. Assaults a victim who is younger than 14 years of age or is 65 years of age or

older. Penal Code 22.021

ARSON

- (a) A person commits an offense if the person starts a fire, regardless of whether the fire continues after ignition, or causes an explosion with intent to destroy or damage:
 - (1) any vegetation, fence, or structure on open-space land; or
 - (2) any building, habitation, or vehicle:
 - (A) knowing that it is within the limits of an incorporated city or town;
 - (B) knowing that it is insured against damage or destruction
 - (C) knowing that it is subject to a mortgage or other security interest;
 - (D) knowing that it is located on property belonging to another;
 - (E) knowing that it has located within it property belonging to another; or
 - (F) when he is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.
- (b) It is an exception to the application of Subsection (a)(1) that the fire or explosion was a part of the controlled burning of open-spaced land.
- (a-2) A person commits an offense if the person intentionally starts a fire or causes an explosion and in so doing:
 - (1) recklessly damages or destroys a building belonging to another; or
 - (2) recklessly causes another person to suffer bodily injury or death.

Penal Code 28.02

ASSAULT

Assault is defined as:

1. Intentionally, knowingly, or recklessly causing bodily injury to another. Penal Co 22.01(a)(1)
2. Intentionally or knowingly threatening another with imminent bodily injury. Penal Code 22.01(a)(2)
3. Intentionally or knowingly causing physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative. Penal Code 22.01(a)(3)

"Bodily injury" is defined as physical pain, illness, or any impairment of physical condition. Penal Code 1.07(8)

Education Code 25.0341 (a)

BULLYING

Bullying is a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:

1. has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to student's person or of damage to the student's property;
2. is sufficiently severe, persistent, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
3. materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
4. infringes on the rights of the victim at school.

Bullying includes cyberbully. (See page 9) State law (TEC 37.0832) on bullying prevention applies to:

1. Bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
2. Bullying that occurs on a publicly or privately-owned school bus or vehicle being used for transportation of student to or from school or a school-sponsored or school-related activity; and
3. Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

Education Code 37.0832

CAPITAL MURDER, CRIMINAL ATTEMPT TO COMMIT CAPITAL MURDER

- (a) A person commits an offense of capital murder if he commits murder (see page 46) as defined under Section 19.02(b)(1) and:
- (1) the person murders a peace officer or fireman who is acting in the lawful discharge of an official duty and who the person knows is a peace officer or fireman;
 - (2) the person intentionally commits the murder in the course of committing or attempting to commit kidnapping, burglary, robbery, aggravated sexual assault, arson, or obstruction or retaliation;
 - (3) the person commits the murder for remuneration or employs another to commit the murder for remuneration or the promise of remuneration;
 - (4) the person commits the murder while escaping or attempting to escape from a penal institution;
 - (5) the person, while incarcerated in a penal institution, murders another:
 - (A) who is employed in the operation of the penal institution; or
 - (B) with the intent to establish, maintain, or participate in a combination or in the profits of a combination;
 - (6) the person:
 - (A) while incarcerated for an offense under this section or Section 19.02, murders another; or
 - (B) while serving a sentence of life imprisonment or a term of 99 years for an offense under Section 20.04, 22.021, or 29.03, murders another;
 - (7) the person murders more than one person:
 - (A) during the same criminal transaction; or
 - (B) during different criminal transactions but the murders are committed pursuant to the same scheme or course of conduct; or
 - (8) the person murders an individual under six years of age.

Penal Code 19.03

CONTINUOUS SEXUAL ABUSE OF A YOUNG CHILD OR CHILDREN

- (a) In this section, "child" means a person younger than 17 years of age who is not the spouse of the actor.
- (b) A person commits an offense if:
 - (1) during a period that is 30 or more days in duration, the person commits two or more acts of sexual abuse, regardless of whether the acts of sexual abuse are committed against one or more victims; and
 - (2) at the time of the commission of each of the acts of sexual abuse, the actor is 17 years of age or older and the victim is a child younger than 14 years of age.
- (c) For purposes of this section, "act of sexual abuse" means any act that is a violation of one or more of the following penal laws:
 - (1) aggravated kidnapping under Section 20.04(a)(4), if the actor committed the offense with the intent to violate or abuse the victim sexually;
 - (2) indecency with a child under Section 21.11(a)(1), if the actor committed the offense in a manner other than by touching, including touching through clothing, the breast of a child;
 - (3) sexual assault under Section 22.011;
 - (4) aggravated sexual assault under Section 22.021;
 - (5) burglary under Section 30.02, if the offense is punishable under Subsection (d) of that section and the actor committed the offense with the intent to commit an offense listed in Subdivisions (1)-(4); and
 - (6) sexual performance by a child under Section 43.25.
- (g) It is an affirmative defense to prosecution under this section that the actor:
 - (1) was not more than five years older than:
 - (A) the victim of the offense, if the offense is alleged to have been committed against only one victim; or
 - (B) the youngest victim of the offense, if the offense is alleged to have been committed against more than one victim;
 - (2) did not use duress, force, or a threat against a victim at the time of the commission of any of the acts of sexual abuse alleged as an element of the offense; and
 - (3) at the time of the commission of any of the acts of sexual abuse alleged as an element of the offense:
 - (A) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or
 - (B) was not a person who under Chapter 62 had a reportable conviction or adjudication for an offense under this section or an act of sexual abuse as described by Subsection (c).

Penal Code 21.02 (a)-(c), (g)

CONTROLLED SUBSTANCE AND DANGEROUS DRUG

Controlled substances or dangerous drugs include but are not limited to marijuana; any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, barbiturate; synthetic hallucinogens ("bath salts"); synthetic cannabinoids; anabolic steroid; or any prescription medicine provided to any person other than the person for whom the prescription was written.

Health and Safety Code Ch. 481, 482

Policy FNCF Local

CRIMINAL MISCHIEF

- (a) A person commits an offense if, without the effective consent of the owner:
 - (1) he intentionally or knowingly damages or destroys the tangible property of the owner;
 - (2) he intentionally or knowingly tampers with the tangible property of the owner and causes pecuniary loss or substantial inconvenience to the owner or a third person; or
 - (3) he intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings, on the tangible property of the owner.
- (h) An offense under this section is a state jail felony if the amount of the pecuniary loss to real property or to tangible personal property is \$1,500 or more but less than \$20,000 and the damage or destruction is inflicted on a public or private elementary school, a secondary school, or institution of higher education.

Penal Code 28.03

CRIMINALLY NEGLIGENT HOMICIDE

Causing the death of an individual by acting with criminal negligence, i.e., with respect to circumstance surrounding his conduct or the result of his conduct when he ought to be aware of a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's viewpoint.

Penal Code 19.05, 6.03(d)

CYBERBULLYING

Bullying (see page 9) that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool

Education Code 37.0832

DATING VIOLENCE

An act by an individual that is against another individual with whom that person has or has had a dating relationship and that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the individual in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself. "Dating violence" may include the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship.

For purposes of this section, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature, but does not include a casual acquaintanceship or ordinary fraternization.

Family Code 71.0021

DEADLY CONDUCT

A person engages in deadly conduct if he recklessly engages in conduct that places another in imminent danger of serious bodily injury or knowingly discharges a firearm at or in the direction of one or more individuals or a habitation, building, or vehicle and is reckless as to whether it is occupied. Recklessness and danger are presumed if the person knowingly points a firearm at or in the direction of another whether or not the actor believed the firearm to be loaded.

A person acts recklessly, or is reckless, with respect to circumstances surrounding his conduct or the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's viewpoint.

Penal Code 22.05, 6.03(c)

DISRUPTION OF CLASSES AND/OR LAWFUL ASSEMBLY

Conduct by students either in or out of class that for any reason - whether because of time, place, or manner of behavior - materially disrupts class work or involves substantial disorder or invasion of the rights of others is prohibited.

Student demonstrations and similar activities shall be prohibited when there is evidence that may reasonably lead school authorities to forecast substantial disruption of, or material interference with, normal school operations or approved school activities.

No person shall be permitted, on school property or on public property within 500 feet of school property, to willfully disrupt, alone or in concert with others, the conduct of classes or other school activities.

Conduct that disrupts the educational activities of a school includes:

1. Emissions by any means of noise of an intensity which prevents or hinders classroom instruction.
2. Enticement or attempted enticement of students away from classes or other school activities which students are required to attend.
3. Prevention or attempted prevention of students from attending classes or other school activities which students are required to attend.
4. Entrance into a classroom without consent of either the principal or teacher and either through acts of misconduct and/or use of loud or profane language causing disruption of class activities.

For purposes of this provision, "school property" shall include the public-school campuses or school grounds upon which any public school is located, and any grounds or buildings used by District schools for assemblies or other school-sponsored activities.

For purposes of this provision, "public property" shall include any street, highway, alley, public park, or sidewalk.

Education Code 37.124

No person or group of persons acting in concert may intentionally engage in disruptive activity or disrupt a lawful assembly on the campus or property of any school in the District. Disruptive activity means:

1. Obstructing or restraining the passage of persons in an exit, entrance, or hallway or any building without the authorization of the administration of the school.
2. Seizing control of any building or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity.
3. Preventing or attempting to prevent by force or violence or the threat of violence any lawful assembly by the school administration.
4. Disrupting by force or violence or the threat of force or violence a lawful assembly in progress.

5. Obstructing or restraining the passage of any person at any exit or entrance to said campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person to or from said property or campus without the authorization of the administration of the school.

A lawful assembly is disrupted when any person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur.

Education Code 37.123

E-CIGARETTE

An electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device; a component, part, or accessory for the device, regardless whether sold separately from the device.

Health and Safety Code 161.081 (1-a)

GANG ACTIVITY

A “gang” is defined as any group of two or more individuals whose purposes may include the commission of illegal acts. A gang is a prohibited fraternity, sorority, or society as defined by Education Code 37.121.

Gang activities and gang involvement are described as:

1. Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs, graffiti, or other items that are evidence of membership or affiliation in a gang.
2. Committing any act or using any speech, either verbal or non-verbal such as gestures, handshakes, and the like, that indicates membership or affiliation in a gang.
3. Promoting interest in any gang or gang activity, including but not limited to:
 - a. Soliciting others for membership.
 - b. Requesting any person to pay protection or otherwise intimidating or threatening any person.
 - c. Committing any other illegal act or other violation of District policies.
 - d. Inciting other students to act with physical violence toward any other person.
 - e. Engaging in concert with others in intimidating, fighting, assaulting, or threatening to assault others.
 - f. Painting, writing, or otherwise inscribing gang-related graffiti, messages, symbols, or signs, on school property, or on property of students or staff.

GANG-FREE ZONES

All District schools and any other property owned, rented, or leased by the District are “gang-free zones.” Certain criminal offenses that occur in, on, or within 1,000 feet of a school or any other property owned, rented, or leased by the District will be enhanced **in the criminal justice system** to the next highest category of offense if they are determined to be committed by a person who is a member of a criminal street gang, unless the offense is already punishable as a first-degree felony.

Affected offenses include (1) murder, capital murder, arson, aggravated robbery, robbery, aggravated kidnapping, kidnapping, aggravated assault, aggravated sexual assault, sexual assault, forgery, deadly conduct, and assault resulting in bodily injury; (2) unlawful manufacture, transportation, repair, or sale of firearms or prohibited weapons; (3) obscene display or distribution, obscenity, sale, distribution, or display of harmful material to a minor, sexual performance by a child, employment harmful to children, possession or promotion of child pornography when a child younger than 18 years of age is depicted or involved in the offense.

Penal Code 72.028; Subchapter B, Chapter 43; Penal Code

GRAFFITI

A person commits an offense if, without the effective consent of the owner, the person intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings on the tangible property of the owner with (1) aerosol paint; (2) an indelible marker; or (3) an etching or engraving device.

Penal Code 28.08 (a)

The District also defines “tagging” as graffiti.

HARASSMENT

“Harassment” means threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student’s physical or emotional health and safety.

Education Code 37.001 (b) (1)

HARASSMENT OF PUBLIC SERVANT

A person commits an offense if, with the intent to assault, harass, or alarm, the person causes another person the actor knows to be a public servant to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of the actor, any other person, or an animal while the public servant is lawfully discharging an official duty or in retaliation or on account of an exercise of the public servant's official power or performance of an official duty.

Penal Code 22.11 (a)(2)

HAZING

"Hazing" means any intentional, knowing, or reckless act occurring on or off school property directed against a student, by one person alone or acting with others, that endangers the mental or physical health or the safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization whose members are or include other students. The term includes but is not limited to:

1. Any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity.
2. Any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
3. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the student to any unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
4. Any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, or that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described above.
5. Any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code.

Education Code 37.151

A person commits an offense if the person commits any of the following:

1. Engages in hazing.
2. Solicits, encourages, directs, aids, attempts to aid another in an act of hazing.
3. Recklessly permits hazing to occur.
4. Has firsthand knowledge of the planning of a specific hazing incident involving a student, or first-hand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge in writing to the principal, Superintendent or designee.

Education Code 37.152

HIT LIST

"Hit list" means a list of people targeted to be harmed using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

Education Code 37.001(b)(2)

IMPROPER PHOTOGRAPHY OR VISUAL RECORDING

- (a) In this section, "promote" means to manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the same.
- (b) A person commits an offense if the person:
 - (1) photographs or by videotape or other electronic means visually records another:
 - (A) without the other person's consent; and
 - (B) with intent to arouse or gratify the sexual desire of any person; or
 - (2) knowing the character and content of the photograph or recording, promotes a photograph or visual recording described by Subdivision (1).

Penal Code 21.15

INDECENCY WITH A CHILD

- (a) A person commits an offense if, with a child younger than 17 years of age, whether the child is of the same or opposite sex, the person:
 - (1) engages in sexual contact with the child or causes the child to engage in sexual contact; or
 - (2) with intent to arouse or gratify the sexual desire of any person:
 - (A) exposes the person's anus or any part of the person's genitals, knowing the child is present; or
 - (B) causes the child to expose the child's anus or any part of the child's genitals.
- (b) It is an affirmative defense to prosecution under this section that the actor:

- (1) was not more than three years older than the victim and of the opposite sex; and
 - (2) did not use duress, force, or a threat against the victim at the time of the offense; or
 - (3) was the spouse of the child at the time of the offense.
- (c) In this section, "sexual contact" means the following acts, if committed with the intent to arouse or gratify the sexual desire of any person:
- (1) any touching by a person, including touching through clothing, of the anus, breast, or any part of the genitals of a child; or
 - (2) any touching of any part of the body of a child, including touching through clothing, with the anus, breast, or any part of the genitals of a person.

Penal Code 21.11

INDECENT EXPOSURE

A person commits an offense if he exposes his anus or any part of his genitals with intent to arouse or gratify the sexual desire of any person, and he is reckless about whether another is present who will be offended by his act.

Penal Code 21.08

MANSLAUGHTER

Recklessly causing the death of an individual, i.e., acting, with respect to circumstances surrounding his conduct or the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's viewpoint.

Penal Code 19.04, 6.03(c)

MURDER

[Subsections (a) and (b) are not pertinent to school offenses.]

- (c) A person commits an offense of murder if he:
- (1) intentionally or knowingly caused the death of an individual;
 - (2) intends to cause serious bodily injury and commits an act clearly dangerous to human life that caused the death of an individual; or
 - (3) commits or attempts to commit a felony, other than manslaughter, and in the course of and in furtherance of the commission or attempt, or in immediate flight from the commission or attempt, he commits or attempts to commit an act clearly dangerous to human life that causes the death of an individual.

Penal Code 19.02

ONLINE HARASSMENT

- (a) A person commits an offense if the person uses the name or persona of another person to create a web page on or to post one or more messages on a commercial social networking site:
 - (1) without obtaining the other consent; and
 - (2) with the intent to harm, defraud, intimidate, or threaten any person.
- (b) A person commits an offense if the person sends an electronic mail, instant message, text message, or similar communication that references a name, domain address, phone number, or another item of identifying information belonging to any person:
 - (1) without obtaining the other person's consent;
 - (2) with the intent to cause a recipient of the communication to reasonably believe that the other person authorized or transmitted the communication; and
 - (3) with the intent to harm or defraud any person.

Penal Code 33.07

"Identifying information" means (A) name, social security number, date of birth, and government-issued identification number; (B) unique biometric data, including the individual's fingerprint, voice print, and retina or iris image; (C) unique electronic identification number, address, and routing code, financial institution account number; and (D) telecommunication identifying information or access device.

Penal Code 32.51

PAGING DEVICE OR CELLULAR TELEPHONE

A "paging device or cellular telephone" is a telecommunications device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor.

Education Code 37.082

PERSISTENT MISBEHAVIOR

“Persistent misbehavior” consists of two or more separate violations of the Student Code of Conduct in general or repeated violations of the same offense.

POSSESSION

“Possession” means having actual or constructive control of an item either on the student’s person, or in a car, locker, bag, or other article under the actual or constructive control of the student, regardless of the student’s knowledge or intent to possess the item.

PROHIBITED WEAPONS

“Prohibited weapons” are defined as follows:

A firearm (any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use; any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, any firearm muffler or firearm silencer). Penal Code 46.03(a), 46.01(3); 18 U.S.C. § 921(a)(3)

1. A handgun (any firearm that is designed, made, or adapted to be fired with one hand). Penal Code 46.03 (a), 46.01 (5)
2. A destructive device (any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than ¼ ounce, mine, or device similar to any of these devices. The term does not include an antique firearm). 18 U.S.C. § 921(a)(4)
3. An illegal knife as defined by law (knife with a blade over 5 ½ inches, hand instrument designed to cut or stab another by being thrown, dagger, bowie knife, sword, spear). Penal Code 46.01(6), 46.03(a)
4. An explosive weapon (any explosive or incendiary bomb, grenade, rocket, or mine that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror, and includes a device designed, made or adapted for delivery or shooting an explosive weapon). Penal Code 46.01(2)
5. A machine gun (any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger). Penal Code 46.01(9)
6. A short-barrel firearm (rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches). Penal Code 46.01(10)
7. A switchblade knife (any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or by the force of gravity or centrifugal force, but not a knife that has a spring, detent, or other mechanism designed to create a bias toward closure and that requires exertion to the blade by hand, wrist, or arm to overcome the bias toward closure to open the knife). Penal Code 46.01 (11)
8. A firearm silencer (any device designed, made, or adapted to muffle the report of a firearm). Penal Code 46.01 (4)
9. Knuckles (any instrument consisting of finger rings or guards made of a hard substance that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles). Penal Code 46.01(8)
10. Armor-piercing ammunition (handgun ammunition that is designed primarily for the purpose of penetrating metal or body armor and to be used primarily in pistols and revolvers). Penal Code 46.01(12)
11. A chemical dispensing device (device other than a small chemical dispenser sold commercially for personal protection, that is designed, made, or adapted for the purpose of causing an adverse psychological or physiological effect on a human being). Penal Code 46.01(14)
12. A zip gun (a device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance). Penal Code 46.01(16)
13. A tire-deflation device (a device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle’s tires). Penal Code 46.01 (17)
14. A club (an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace and tomahawk). Penal Code 46.01(1), 46.03(a)

A student shall not interfere with normal activities, occupancy, or use of any building or portion of the campus or of any school bus engaged in the transportation of students to and from school-sponsored activities by exhibiting, using, or threatening to exhibit or use a firearm.

Education Code 37.125

PUBLIC LEWDNESS

A person commits an offense if he knowingly engages in any of the following acts in a public place or, if not in a public place, he is reckless about whether another is present who will be offended or alarmed by his:

- (1) act of sexual intercourse;
- (2) act of deviate sexual intercourse;
- (3) act of sexual contact; or
- (4) act involving contact between the person's mouth or genitals and the anus or genitals of an animal or fowl.

Penal Code 21.07

RETALIATION

Intentionally or knowingly harms or threatens to harm another by an unlawful act:

- (1) in retaliation for or on account of the service or status of another as a:
 - (A) public servant
 - (B) person who has reported or who the actor knows intends to report the occurrence of a crime; or
- (2) to prevent or delay the service of another as a:
 - (A) public servant, witness, prospective witness, or informant; or
 - (B) person who has reported or who the actor knows intends to report the occurrence of a crime.

A person commits an offense if the person posts on a publicly accessible website the residence address or telephone number of a person he or she knows is a public servant or a member of a public servant's family or household with the intent to cause harm or threat of harm to the individual or a member of the individual's family or household in retaliation for or on account of the service or status of the individual as a public servant.

"Informant" means a person who has communicated information to the government in connection with any governmental function.

"Harm" means anything reasonably regarded as loss, disadvantage, or injury, including harm to another person in whose welfare the person affected is interested.

Penal Code 1.07 (25), 36.06

SELF-DEFENSE

(a) Except as provided in Subsection (b), a person is justified in using force against another when and to the degree he reasonably believes the force is immediately necessary to protect himself against the other's use or attempted use of unlawful force.

(b) The use of force against another is not justified:

- (1) in response to verbal provocation alone;
- (2) to resist an arrest or search that the actor knows is being made by a peace officer, or by a person acting in a peace officer's presence and at his direction, even though the arrest or search is unlawful, unless the resistance is justified under Subsection (c);
- (3) if the actor consented to the exact force used or attempted by the other;
- (4) if the actor provoked the other's use or attempted use of unlawful force, unless:
 - (A) the actor abandons the encounter, or clearly communicates to the other his intent to do so reasonably believing he cannot safely abandon the encounter; and
 - (B) the other nevertheless continues or attempts to use unlawful force against the actor; or
- (5) if the actor sought an explanation from or discussion with the other person concerning the actor's differences with the other person while the actor was:
 - (A) carrying a weapon in violation of Section 46.02; or
 - (B) possessing or transporting a weapon in violation of Section

46.05. Penal Code 9.31 (a)-(b)

SERIOUS MISBEHAVIOR

"Serious misbehavior" means:

- deliberate violent behavior that poses a direct threat to the health or safety of others
- extortion, meaning the gaining of money or other property by force or threat
- conduct that threatens, however communicated, to commit an offense, inflict bodily injury on someone, to accuse someone of any offense, to expose a person to hatred, contempt, or ridicule, to harm someone financially, or to cause a public servant to take or refuse to take some action
- public lewdness
- indecent exposure
- criminal mischief
- personal hazing
- harassment of students or employees by making obscene communication in writing, by telephone, or electronically

SERIOUS OFFENSE

“Serious offense” includes, but is not limited to, the following offenses:

- Conduct punishable as a felony, which includes without limitation:
 - distribution of any substance represented to be an illegal drug, a dangerous drug, a controlled substance, or alcohol
 - placing graffiti on any tangible property owned by the District
 - harassment of a public servant, i.e., causing an employee to be in contact with the blood, bodily fluids, saliva, urine, or feces of any person or animal with the intent to assault, harass or alarm
- Assault resulting in bodily injury, which may include dating violence
- Making a false report of bombing, fire, or other emergency involving a public school, in which includes the following offenses:
 - Pulling a fire alarm or discharging a fire extinguisher in a building owned or operated by the District when there is no smoke, fire, or danger that requires evacuation
 - Calling 9-1-1 when no emergency exists
- Terroristic threat involving a public school
- Offenses relating to marijuana, controlled substances and dangerous drugs
- Offenses relating to alcohol
- Offenses relating to abusable glue, volatile chemicals and aerosol paint
- Indecent exposure
- Public lewdness
- Retaliation against a school employee, regardless of where the conduct takes place
- Using profanity, lewd or vulgar language, or obscene gestures directed at a school employee
- Lying about the conduct of other students or making false accusations about District employees
- Failing to comply with campus or District policies
- Bullying, cyberbullying, harassment, and making hit lists, which include the following offenses:
 - Committing extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person), or forcing an individual to act through the use of force or threat of force
 - Making ethnic, racial, or religious slurs or any other harassment based on race, color, national origin, religion, or disability, against students, employees, or volunteers
 - Verbal abuse or derogatory or offensive remarks addressed to others, which may include dating violence
 - Damaging or vandalizing property of other students
 - Conduct that constitutes sexual harassment or sexual abuse whether the conduct is by word, gesture, or any other sexual conduct, including without limit, requests for sexual favors, which may include dating violence
- Committing or assisting in a robbery, theft, or burglary
- Damaging or vandalizing District property when the value of the damage is less than \$1,500
- Using or possessing a pellet gun, air-powered rifle, toy gun, or any other instrument that may be perceived by a third party as a firearm
- Possessing or using martial arts objects, unless the conduct amounts to an assault resulting in bodily injury
- Inappropriate physical or sexual contact, whether or not it is consensual
- Inappropriate or indecent exposure of a student's body parts, including exposure of any portions of the body that are ordinarily covered by clothing or required to be covered by the dress code
- Possessing or using any substance represented to be an illegal drug, a dangerous drug, a controlled substance, or alcohol
- Gambling of any kind
- Hazing
- Improper photography or visual recording
- Repeatedly violating other previously communicated campus or classroom standards of behavior
- Committing an assault of any kind, which may include dating violence

SEXUAL ASSAULT

“Sexual assault” is defined as intentionally or knowingly causing physical sexual contact or sexual penetration of another person without that person’s consent. Sexual assault is without the consent of the other person if the actor compels the other person to submit or participate by use of physical force or violence, or threat of force or violence, and the other person believes the actor has the present ability to execute the threat; or the other person cannot consent.

Penal Code 22.011

TERRORISTIC THREAT

A "terroristic threat" is a threat to commit any offense involving violence to any person or property with the intent to:

- (1) cause a reaction of any type to his threat by an official or volunteer agency organized to deal with emergencies
- (2) place any person in fear of imminent serious bodily injury; or
- (3) prevent or interrupt the occupation or use of a building; room; place of assembly; place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place; or
- (4) cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service.

Penal Code 22.07

TITLE 5 FELONY OFFENSE

Chapter	§ and Offense	A felony when:
19	19.02 Murder	always
	19.03 Capital Murder	always
	19.04 Manslaughter	always
	19.05 Criminally Negligent Homicide	state jail felony
20	20.02 Unlawful Restraint	the actor recklessly exposes the victim to substantial risk of serious bodily injury
	20.03 Kidnapping	always
	20.04 Aggravated Kidnapping	always
21	21.02 Continuous Sexual Abuse of a Young Child or Children	always
	21.06 Homosexual Conduct	never
	21.07 Public Lewdness	never
	21.08 Indecent Exposure	never
	21.11 Indecency with a Child	always
	21.15 Improper Photography or Visual Recording	state jail felony
22	22.01 Assault	against a person the actor knows is a public servant while servant lawfully discharging an official duty or in retaliation or on account of an exercise of official power
	22.011 Sexual Assault	always
	22.015 Coercing Gang Membership	always
	22.02 Aggravated Assault	always
	22.021 Aggravated Sexual Assault	always
	22.04 Injury to a Child, Elderly Individual, or Disabled Individual	always
	22.041 Abandoning or Endangering Child	always
	22.05 Deadly Conduct	knowingly discharge a firearm at or in direction one or more individuals or a habitation, building, or vehicle and is reckless as to whether it is occupied
	22.07 Terroristic Threat	cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service
	22.08 Aiding Suicide	causes suicide or attempted suicide that results in serious bodily injury
	22.09 Tampering with Consumer Product	Always
	22.10 Leaving a Child in a Vehicle	Never
	22.11 Harassment of Public Servant	state jail felony

UNDER THE INFLUENCE

“Under the influence” means not having the normal use of mental or physical faculties; however, the student need not be legally intoxicated.

District officials may determine that a student is under the influence based on information from other students, employees, or patrons or the student’s admission that student used a prohibited substance (alcohol, dangerous drug, controlled substance, or any other intoxicant) at school or recently enough prior to being at school or a school activity that the student would experience the effects of using the substance while at school or the school activity.

USE

“Use” means a student has voluntarily introduced into his or her body by any means a prohibited substance recently enough that it is detectable by the student’s physical appearance, actions, breath, or speech.

VOYEURISM

A person commits an offense if the person, with the intent to arouse or gratify the sexual desire of the actor, observes another person without the other person’s consent while the other person is in a dwelling or structure in which the person has a reasonable expectation of privacy.

Penal Code 21.16

Excerpts from Board Policy FNCA(LOCAL) pertaining to standardized dress for students in grades PK – 8:

PreK – Grade 5

1. Shirts: Short- or long-sleeve knit polo style shirts or t-shirts shall be worn tucked in. Shirt styles and colors to be worn shall be determined by the administration at each campus.
2. Pants: Pant styles shall be determined by the campus administration and shall adhere to the guidelines of the approved District student dress code in the student handbook/Student Code of Conduct. Plain pants must fit at the waist and shall not have any designs, logos, or emblems down the length of the pants.
3. Belts: While not required at every campus and grade level, belts must fit properly if worn.
4. Skirts: Skirts shall be permitted as long as they meet the fit and length requirements of the approved District student dress code in the student handbook/Student Code of Conduct.

Grades 6 – 8

1. Shirts: Short- or long-sleeve knit polo style shirts shall be worn tucked in. Each grade level shall be assigned a color specific to its grade based upon the school colors of the campus, as determined by the administration.
2. Pants: Plain blue jeans must fit at the waist and shall not have any designs, logos, or emblems down the length of the pants.
3. Belts: Belts shall be required and must fit appropriately.
4. Skirts: Blue jean skirts shall be permitted as long as they meet the fit and length requirements of the approved District student dress code in the student handbook/Student Code of Conduct.

SUBJECT: Approval of Changes to the Student Code of Conduct for the 2022-2023 School Year

PRESENTERS: Lorena Garcia, Deputy Superintendent for Support Services

BACKGROUND INFORMATION

As per the yearly update, the Student Code of Conduct for the 2022-2023 school year has been reviewed in its entirety.

ADMINISTRATIVE CONSIDERATIONS

The changes to the Student Code of Conduct for the 2022-2023 school year have been proposed and are being presented to the Board of Trustees. A copy of the entire Student Code of Conduct, with proposed changes and proposed deletions highlighted in yellow, is attached.

Any changes passed by the Legislature will be incorporated into the Legal Policy section of the Student Code of Conduct prior to printing.

FUNDING SOURCE:

Local Funds

RECOMMENDATION:

To approve the Changes to the Student Code of Conduct for the 2022-2023 School Year

CONTACT PERSON (S)

Lorena Garcia, Deputy Superintendent for Support Services
Sharon Roberts, Deputy Superintendent for Curriculum & Instruction
Edilberto Flores, Executive Director for PreK-12th MHS Vertical Team
Cynthia Wilson, Executive Director for PreK-12th VMHS Vertical Team
Jesse R. Treviño, Director for Student Services and Guidance/Counseling

SUBJECT: Approval of Amendment to Interlocal Agreement with City of Mission Police Services for the 2022–2023 School Year

PRESENTER: Joel Garcia, Assistant Superintendent for Finance

BACKGROUND INFORMATION

On June 8, 2022, the Mission CISD Board of Trustees approved the Memorandum of Understanding with the City of Mission for Police Services for the 2022 - 2023 School Year.

The parties agree to amend the Agreement to permit the parties to increase the number of Texas Certified Police Officers during the term of the Agreement.

ADMINISTRATIVE CONSIDERATIONS

The original agreement was for seven police officers at approximately \$415,408.

The updated agreement is for eight additional police officers at approximately \$474,752.

Legal Counsel reviewed this MOU.

FUNDING SOURCE AND AMOUNT

General Fund

Updated estimated total \$890,160.

RECOMMENDATION

Approval of Amendment to Interlocal Agreement with City of Mission Police Services for the 2022–2023 School Year

CONTACT PERSON (S)

Carol G. Perez, Ed.D. Superintendent of Schools
Lorena Garcia, Deputy Superintendent for Support Services
Joel Garcia, Assistant Superintendent for Finance
Martin Castañeda, Coordinator for Safety and Security

**AMENDMENT TO INTERLOCAL AGREEMENT
FOR POLICE SERVICES**

Parties: Mission Consolidated Independent School District (“AGENCY”)

The City of Mission, Texas (“CONTRACTOR”)

The parties are parties to an agreement titled “Interlocal Agreement for Police Services” (“Agreement”) that was executed on June 8, 2022. Article 11 of the Agreement allows for written amendment of the Agreement:

ARTICLE 11. MODIFICATION OF AGREEMENT:

This document constitutes the entire agreement between the AGENCY and CONTRACTOR and may be modified only by written agreement executed by both the AGENCY and CONTRACTOR.

The parties agree to amend the Agreement to permit the parties to increase the number of Texas Certified Police Officers during the term of the Agreement as follows:

ARTICLE 1. STATEMENT OF WORK

CONTRACTOR agrees to perform, in a good professional manner to be approved by the AGENCY, the following:

- I. The CONTRACTOR shall assign and provide to AGENCY'S campuses seven (7) Texas Certified Police Officers during the 2022-2023 school year. Specific campus and time assignments will be mutually agreed to by the CONTRACTOR and AGENCY. Upon AGENCY’s written request at any time during the term of this Agreement, CONTRACTOR may provide an additional number of officers to reasonably meet AGENCY’s needs. CONTRACTOR shall have ten (10) calendar days to provide notice to AGENCY regarding whether CONTRACTOR will be able to accommodate AGENCY’S request. In the event that additional officers are required during the term of this Agreement under this section, AGENCY shall provide additional consideration in accordance with Article 7 of this Agreement. In the event that additional officers are provided as described in this section, the same rules regarding their assignment to AGENCY will apply. Time assignments are not limited to any particular time of day. CONTRACTOR agrees that officers may be assigned to sporting events or other extra-curricular activities and coordinated by the AGENCY designee. Any officer assigned under this Agreement will be subject to the approval of the Superintendent, Director of Safety & Security and the campus Principal. The assigned officer(s) will provide services during regular school hours on each and every day classes are in session. The parties acknowledge the importance of having the same officer(s) present at the district on

a day-to-day basis in order to promote continuity and familiarity with the district and students. The parties agree that any substitutions of personnel by the CONTRACTOR will be discussed and mutually agreed upon before the substitution is made.

ARTICLE 6. SUPPLEMENTAL DUTY PAY:

The CONTRACTOR will provide the services of uniformed, sworn law enforcement personnel for the purpose of providing security and crowd control for athletic and special events, including but not limited to the first and last weeks of school, as sponsored by the AGENCY. If AGENCY determines that heightened officer presence is necessary to meet the non-emergency security needs of AGENCY, CONTRACTOR will provide the number of officers reasonably necessary as requested by the AGENCY for any such event. The CONTRACTOR will designate an officer in charge at each such event, and such officer in charge will coordinate the services provided with a representative of the AGENCY.

CITY OF MISSION:

Randy Perez, City Manager

Date: _____

Cesar Torres, Chief of Police

Date: _____

DISTRICT:

Mission Consolidated Independent School District

Carolina "Carol" G. Perez, Ed. D.
Superintendent of Schools

Date: _____

Veronica "Betty" R. Mendoza
Board President

Date: _____

SUBJECT: Approval of Amendment to Interlocal Agreement with City of Alton with Police Services for the 2022-2023 School Year

PRESENTER: Joel Garcia, Assistant Superintendent for Finance

BACKGROUND INFORMATION

On June 8, 2022, the Mission CISD Board of Trustees approved the Memorandum of Understanding with the City of Alton for Police Services for the 2022 - 2023 School Year.

The parties agree to amend the Agreement to permit the parties to increase the number of Texas Certified Police Officers during the term of the Agreement.

ADMINISTRATIVE CONSIDERATIONS

The original agreement was for two police officers at approximately \$91,235.

The updated agreement is for four additional police officers at approximately \$308,374.

Legal Counsel reviewed this MOU.

FUNDING SOURCE AND AMOUNT:

General Fund

Updated estimated total \$399,609.

RECOMMENDATION:

Approval of Amendment to Interlocal Agreement with City of Alton with Police Services for the 2022-2023 School Year

CONTACT PERSON (S)

Carol G. Perez, Ed.D. Superintendent of Schools
Lorena Garcia, Deputy Superintendent for Support Services
Joel Garcia, Assistant Superintendent for Finance
Martin Castañeda, Coordinator for Safety and Security

**AMENDMENT TO INTERLOCAL AGREEMENT
FOR POLICE SERVICES**

Parties: Mission Consolidated Independent School District (“AGENCY”)

The City of Alton, Texas (“CONTRACTOR”)

The parties are parties to an agreement titled “Interlocal Agreement for Police Services” (“Agreement”) that was executed on June 8, 2022. Article 11 of the Agreement allows for written amendment of the Agreement:

ARTICLE 11. MODIFICATION OF AGREEMENT:

This document constitutes the entire agreement between the AGENCY and CONTRACTOR and may be modified only by written agreement executed by both the AGENCY and CONTRACTOR.

The parties agree to amend the Agreement to permit the parties to increase the number of Texas Certified Police Officers during the term of the Agreement as follows:

ARTICLE 1. STATEMENT OF WORK

CONTRACTOR agrees to perform, in a good professional manner to be approved by the AGENCY, the following:

- I. The CONTRACTOR shall assign and provide to AGENCY'S Alton campuses two (2) Texas Certified Police Officers during the 2022/2023 school year. Specific campus and time assignments will be mutually agreed to by the CONTRACTOR and AGENCY. Upon AGENCY’s written request at any time during the term of this Agreement, CONTRACTOR may provide an additional number of officers to reasonably meet AGENCY’s needs. CONTRACTOR shall have ten (10) calendar days to provide notice to AGENCY regarding whether CONTRACTOR will be able to accommodate AGENCY’S request. In the event that additional officers are required during the term of this Agreement under this section, AGENCY shall provide additional consideration in accordance with Article 7 of this Agreement. In the event that additional officers are provided as described in this section, the same rules regarding their assignment to AGENCY will apply. Time assignments are not limited to any particular time of day. CONTRACTOR agrees that officers may be assigned to sporting events or other extra-curricular activities and coordinated by the AGENCY designee. Any officer assigned under this Agreement will be subject to the approval of the Superintendent, Director of Safety & Security and the campus Principal. The assigned officer(s) will provide services during regular school hours on each and every day classes are in session. The parties acknowledge the importance of having the same officer(s) present at the district on a day-to-day basis in order to promote continuity and familiarity with the district and students. The parties agree that any substitutions of personnel by the CONTRACTOR will be discussed and mutually agreed upon before the substitution is made.

ARTICLE 6. SUPPLEMENTAL DUTY PAY:

The CONTRACTOR will provide the services of uniformed, sworn law enforcement personnel for the purpose of providing security and crowd control for athletic and special events, including but not limited to the first and last weeks of school, as sponsored by the AGENCY. If AGENCY determines that heightened officer presence is necessary to meet the non-emergency security needs of AGENCY, CONTRACTOR will provide the number of officers reasonably necessary as requested by the AGENCY for any such event. The CONTRACTOR will designate an officer in charge at each such event, and such officer in charge will coordinate the services provided with a representative of the AGENCY.

ARTICLE 15. MISCELLANEOUS:

There are no third-party beneficiaries to this Agreement.

AGENCY may terminate this Agreement at any time and for any or no reason providing ~~seven~~ thirty (30) days' prior written notice to CONTRACTOR.

CITY OF ALTON:

Jeff Underwood, City Manager

Date: _____

Jonathan B. Flores Ed.D.
Assistant City Manager/Chief of Police

Date: _____

DISTRICT:

Mission Consolidated Independent School District

Carolina "Carol" G. Perez, Ed. D.,
Superintendent of Schools

Date: _____

Veronica "Betty" R. Mendoza,
Board President

Date: _____

SUBJECT: Approval of Amendment to Interlocal Agreement with City of Palmhurst with Police Services for the 2022-2023 School Year

PRESENTER: Joel Garcia, Assistant Superintendent for Finance

BACKGROUND INFORMATION

On June 8, 2022, the Mission CISD Board of Trustees approved the Memorandum of Understanding with the City of Palmhurst for Police Services for the 2022 - 2023 School Year.

The parties agree to amend the Agreement to permit the parties to increase the number of Texas Certified Police Officers during the term of the Agreement.

ADMINISTRATIVE CONSIDERATIONS

The original agreement was for one police officer at approximately \$55,000.

The updated agreement is for one additional police officer at approximately \$55,000.

Legal Counsel reviewed this MOU.

FUNDING SOURCE AND AMOUNT

General Fund

Updated estimated total \$110,000.

RECOMMENDATION

Approval of Amendment to Interlocal Agreement with City of Palmhurst with Police Services for the 2022-2023 School Year

CONTACT PERSON (S)

Carol G. Perez, Ed.D. Superintendent of Schools
Lorena Garcia, Deputy Superintendent for Support Services
Joel Garcia, Assistant Superintendent for Finance
Martin Castañeda, Coordinator for Safety and Security

**AMENDMENT TO INTERLOCAL AGREEMENT
FOR POLICE SERVICES**

Parties: Mission Consolidated Independent School District (“AGENCY”)

The City of Palmhurst, Texas (“CONTRACTOR”)

The parties are parties to an agreement titled “Interlocal Agreement for Police Services” (“Agreement”) that was executed on June 8, 2022. Article 11 of the Agreement allows for written amendment of the Agreement:

ARTICLE 11. MODIFICATION OF AGREEMENT:

This document constitutes the entire agreement between the AGENCY and CONTRACTOR and may be modified only by written agreement executed by both the AGENCY and CONTRACTOR.

The parties agree to amend the Agreement to permit the parties to increase the number of Texas Certified Police Officers during the term of the Agreement as follows:

ARTICLE 1. STATEMENT OF WORK

CONTRACTOR agrees to perform, in a good professional manner to be approved by the AGENCY, the following:

- I. The CONTRACTOR shall assign and provide to AGENCY'S campus one Texas Certified Police Officer during the 2022-2023 school year. Specific campus and time assignments will be mutually agreed to by the CONTRACTOR and AGENCY. Upon AGENCY’s written request at any time during the term of this Agreement, CONTRACTOR may provide an additional number of officers to reasonably meet AGENCY’s needs. CONTRACTOR shall have ten (10) calendar days to provide notice to AGENCY regarding whether CONTRACTOR will be able to accommodate AGENCY’S request. In the event that additional officers are required during the term of this Agreement under this section, AGENCY shall provide additional consideration in accordance with Article 7 of this Agreement. In the event that additional officers are provided as described in this section, the same rules regarding their assignment to AGENCY will apply. Time assignments are not limited to any particular time of day. CONTRACTOR agrees that officers may be assigned to sporting events or other extra-curricular activities and coordinated by the AGENCY designee. Any officer assigned under this Agreement will be subject to the approval of the Superintendent, Director of Safety & Security and the campus Principal. The assigned officer(s) will provide services during regular school hours on each and every day classes are in session. The parties acknowledge the importance of having the same officer(s) present at the district on

a day-to-day basis in order to promote continuity and familiarity with the district and students. The parties agree that any substitutions of personnel by the CONTRACTOR will be discussed and mutually agreed upon before the substitution is made.

ARTICLE 6. SUPPLEMENTAL DUTY PAY:

The CONTRACTOR will provide the services of uniformed, sworn law enforcement personnel for the purpose of providing security and crowd control for athletic and special events, including but not limited to the first and last weeks of school, as sponsored by the AGENCY. If AGENCY determines that heightened officer presence is necessary to meet the non-emergency security needs of AGENCY, CONTRACTOR will provide the number of officers reasonably necessary as requested by the AGENCY for any such event. The CONTRACTOR will designate an officer in charge at each such event, and such officer in charge will coordinate the services provided with a representative of the AGENCY.

CITY OF PALMHURST:

Lorie A. Lopez
City Manager

Date: _____

Michael A. Vela
Chief of Police

Date: _____

DISTRICT:

Mission Consolidated Independent School District

Carolina "Carol" G. Perez, Ed. D.
Superintendent of Schools

Date: _____

Veronica "Betty" R. Mendoza
Board President

Date: _____

SUBJECT: Approval of Amendment to Memorandum of Understanding with Hidalgo County Precinct 3 Constable for the 2022-2023 School Year

PRESENTER: Joel Garcia, Assistant Superintendent for Finance

BACKGROUND INFORMATION

On June 8, 2022, the Mission CISD Board of Trustees approved the Memorandum of Understanding with Hidalgo County Precinct 3 Constable for the 2022-2023 School Year.

The parties agree to amend the Agreement to permit the parties to increase the number of Texas Certified Police Officers during the term of the Agreement.

ADMINISTRATIVE CONSIDERATIONS

The original agreement was for three deputies at approximately \$228,920. The District is not requesting additional deputies at this time.

Legal Counsel reviewed this MOU.

FUNDING SOURCE AND AMOUNT

No additional cost at this time.

RECOMMENDATION:

Approval of Amendment to Memorandum of Understanding with Hidalgo County Precinct 3 Constable for the 2022-2023 School Year

CONTACT PERSON (S)

Carol G. Perez, Ed.D. Superintendent of Schools
Lorena Garcia, Deputy Superintendent for Support Services
Joel Garcia, Assistant Superintendent for Finance
Martin Castañeda, Coordinator for Safety and Security

**AMENDMENT TO MEMORANDUM OF UNDERSTANDING
BETWEEN MISSION CISD AND THE COUNTY OF HIDALGO, TEXAS**

Parties: Mission Consolidated Independent School District (“DISTRICT”)

The County of Hidalgo, Texas (“COUNTY”)

The parties are parties to an agreement titled “Memorandum of Understanding Between Mission CISD and the County of Hidalgo, Texas” (“Agreement”) that was executed on June 8, 2022. Section 15 of the Agreement allows for written amendment of the Agreement:

15. Entire Agreement. ... This Agreement may be modified or amended only by agreement in writing executed by County and District, and not otherwise.

The parties agree to amend the Agreement to permit the parties to increase the number of Texas commissioned peace officers during the term of the Agreement as follows:

1. County by and through the Constable Precinct #3 will, pursuant to its applicable personnel policies, rules, and procedures, hire three (3) commissioned peace officers and the necessary support staff to continue to provide security and support at the District. The County peace officers shall use their best efforts to address crimes committed by juveniles and reduce juvenile delinquency behavior as well as assist the District in its efforts to increase school attendance. Upon District’s written request at any time during the term of this Agreement, County may provide an additional number of officers to reasonably meet District’s needs. County shall have ten (10) calendar days to provide notice to District regarding whether County will be able to accommodate District’s request. In the event that additional officers are required during the term of this Agreement under this section, District shall provide additional consideration in accordance with this Agreement. In the event that additional officers are provided as described in this section, the same rules regarding their assignment to District will apply

Further, the parties agree to amend the Agreement to permit the parties to increase the total amount of the Agreement in the event that additional officers are required under the amended Section 1 described above:

9. Payment. The total amount of this Agreement shall not exceed \$ 228,920.00.00 per year for the Services performed under this Agreement, paid for by the District, and more specifically described in the Salary Worksheet attached hereto and incorporated herein as Exhibit “A” for all purposes. The Districts shall not be responsible for purchasing or supplying any equipment to Participating Law Enforcement Agency related to the Services provided under this Agreement. If at any time the total cost for performance of said work will be greater than above estimated cost due to the provision of requested additional officers as described under Section 1, then County shall notify

District to the effect, giving its revised estimate of the total cost. District is not obligated to pay any amount exceeding the estimated cost indicated in this section unless such amount is approved by District in writing before the cost is incurred.

HIDALGO COUNTY:

Richard Cortez, County Judge

Date

ATTEST:

Arturo Guajardo, Jr., County Clerk

Date

APPROVED AS TO FORM:
Office of Criminal District Attorney, Ricardo Rodriguez, Jr.,

BY: _____
Amanda D. Austin
Assistant District Attorney

Date

DISTRICT:
Mission Consolidated Independent School District

Carolina "Carol" G. Perez, Ed. D., Superintendent of Schools

Date

Veronica "Betty" R. Mendoza, Board President

Date

SUBJECT: Approval of Budget Amendment for August 2022

PRESENTER: Joel Garcia, Assistant Superintendent for Finance

BACKGROUND INFORMATION

In accordance with TEA budget and accounting procedures guidelines, the District's official budget includes the General Fund and Debt Service. The adoption of the budgets associated with these funds, and subsequent amendments, should be approved by the Board of Trustees. The authority to approve a budget or a budget amendment for a grant program, however, lies with the granting agency and not with the District's Board.

The budget amendments are broken down into the following two categories:

1. Programmatic or policy changes – amendments that are necessary because of policy changes or program revisions that increase/decrease the budget.
2. Adjustment of original estimates – amendments that are necessary because the original amounts required adjustments but do not increase/decrease the budget.

ADMINISTRATIVE CONSIDERATIONS

All requests for budget amendments have been reviewed and are justified for the programmatic or policy changes and adjustments of original estimates.

Item/Service	Cost
City of Alton Police Services	\$308,374
City of Palmhurst Police Services	55,000
City of Mission Police Services	474,752
30 Concealable Ballistic Vests	33,300
30 Two-Tone Vest Carrier	3,150
86 Point Blank Go Shield	178,880
26 Breaching Tool Kits	17,108
2 Fine Arts Fleet	75,000
Total	\$1,145,564

FUNDING SOURCE AND AMOUNT

General Fund \$1,145,564 increase in expenditures for additional police services and safety equipment.

RECOMMENDATION:

Approval of Budget Amendment for August 2022

CONTACT PERSONS

Joel Garcia, Assistant Superintendent for Finance
Dora Garcia, Director for Budget and Finance

Mission Consolidated Independent School District
GENERAL FUND
Supplement Budget Amendment for the Month of August 2022
Fiscal Year 2022 - 2023

Description	Amended Budget Aug 10 2022	August Supplement Amendment	Amended Budget Aug 24 2022
Unaudited Beginning Fund Balance	\$ 80,898,169		\$ 80,898,169
Revenues:			
5700 - Local	28,786,444		28,786,444
5800 - State	117,988,061	-	117,988,061
5900 - Federal	19,381,608	-	19,381,608
Total Revenues	\$ 166,156,113	\$ -	\$ 166,156,113
Expenditures:			
11 Instruction	\$ 70,103,295	\$0	\$ 70,103,295
12 Inst. Res. & Media Services	2,559,329	0	2,559,329
13 Curriculum Dev. & Inst. Staff Dev.	1,913,043	0	1,913,043
21 Inst. Leadership	2,583,361	0	2,583,361
23 School Leadership	9,926,495	0	9,926,495
31 Guide., Counseling & Eval. Ser.	6,396,186	0	6,396,186
32 Social Work Services	583,397	0	583,397
33 Health Services	1,737,017	0	1,737,017
34 Student (Pupil) Trans.	5,025,001	0	5,025,001
35 Food Services	13,906,695	0	13,906,695
36 Curricular/Extracurricular Act.	7,300,412	75,000	7,375,412
41 General Administration	6,374,408	0	6,374,408
51 Plant Maint. & Operations	25,082,910	0	25,082,910
52 Security and Monitoring Serv.	5,708,969	1,070,564	6,779,533
53 Data Processing Services	3,329,706	0	3,329,706
61 Community Services	99,284	0	99,284
71 Debt Service	1,350,320	0	1,350,320
81 Fac. Acquisition & Const.	13,629,488	0	13,629,488
95 Pmt. to Juv. Justice Alt. Ed. Prg.	20,000	0	20,000
99 Other Intergovernmental Charges	298,185	0	298,185
Total Expenditures	\$ 177,927,501	\$ 1,145,564	\$ 179,073,065
7900 - Other Sources	19,559,082		19,559,082
8900 - Other Uses	(19,559,082)		(19,559,082)
Total Other Financing Sources & (Uses)	\$ -	\$ -	\$ -
Un-Audited Ending Fund Balance	\$ 69,126,781	\$ (1,145,564)	\$ 67,981,217