

## Uplift Education Board Meeting Minutes

Tuesday, October 17, 2023, at 4:30 p.m.

A meeting of the Board of Uplift Education was held on the date and time listed above.

Called to Order: 4:32 p.m.

Adjourned: 6:02 p.m.

Executive Committee Members Present:

1. Cullum Clark
2. Dr. Lael Melville
3. John Beckert
4. Simon Chen
5. Pilar Davies
6. Ricky Garcia
7. Rusty Jagers
8. John McPherson
9. Harold Montgomery
10. James Stanton
11. Christine VanDeVelde

<i>TOPIC</i>	<i>DISCUSSION/CONCLUSIONS</i>	<i>ACTIONS</i>
I. Call to Order and Announcements	C. Clark welcomed the Board to the meeting and took attendance. A quorum being present, the meeting was called to order at 4:32 p.m.	
II. Community Forum	No community members were present to speak during the Community Forum.	
III. Mission Moment	Y. Bhatia, CEO, presentation on September 19 <sup>th</sup> College and Career Fair. The following was presented: <ul style="list-style-type: none"> <li>• ~1,000 Uplift seniors attended</li> <li>• 126 total organizations participated in the fair- our largest yet!</li> <li>• 114 colleges from around the country (110 were 4-year)</li> <li>• 12 career-based organizations or military branches</li> <li>• Growing every year</li> </ul>	
IV. Annual ESL/Bilingual Overview	Stephanie Aughinbaugh, Managing Director of Academic Strategy & Support, presented on ESL/Bilingual programs and assessments. The following was presented: <ul style="list-style-type: none"> <li>• Annual TELPAS results on English proficiency, regression, retention, and progression <ul style="list-style-type: none"> <li>• Listening and reading progress noted</li> <li>• Room for improvement on speaking progress, partially attributable to pandemic</li> <li>• New curriculum in place</li> <li>• Writing assessments were new this year and will not count towards accountability ratings</li> </ul> </li> <li>• Diploma Program assessment shows 73% passing scores; working and better than comparable ISDs</li> <li>• Strong staff retention</li> <li>• Reorganization to prioritize specialized work in this area</li> <li>• Working to have more staff ESL certified</li> <li>• Increase in newly arrived students new to country</li> <li>• Planning year for dual language instruction in coming years; instruction in English and Spanish beginning next year in selected campus early grades Pre-K and Kindergarten <ul style="list-style-type: none"> <li>• 6 pilot schools excited about program</li> </ul> </li> </ul>	

<p>V. Finance Update</p>	<p>L. Berlin, CFO, presentation of the amended fiscal year 2023 budget. The following was presented:</p> <ul style="list-style-type: none"> <li>• Enrollment number projections are below budget but do not account for active measures to promote enrollment and reflect last year’s trend.</li> <li>• Attendance slightly above the 94% projection which may offset enrollment issue.</li> <li>• Cash liquidity is about 80 days cash on hand and 143 of liquidity.</li> <li>• Budgeted expenses are well managed; no change needed.</li> <li>• Must amend to actual from June amended projections <ul style="list-style-type: none"> <li>• Higher private and local revenue than June projected</li> <li>• Expenses are slightly higher due to accruals, mostly facilities costs</li> <li>• Better debt service ratio at 1.29</li> </ul> </li> </ul> <p><b><u>ACTION ITEM:</u> Consider and take action on approving the amended budget for FY23.</b></p>	<p>Upon a motion to approve the amended FY23 budget, as presented, by H. Montgomery, and seconded by J. McPherson, the Board unanimously approved the motion.</p>
<p>VI. Special Population Update</p>	<p>Annette Enright, Sr. Director of Special Populations, presentation on Special Populations update. The following was presented:</p> <ul style="list-style-type: none"> <li>• Board received updated policies and procedures as well as pre-read</li> <li>• Referral and evaluation process reviewed for Board</li> <li>• FY 24 numbers are lower than expected at present, but these figures are preliminary and expected to climb in coming weeks</li> <li>• Increase in TEA complaints has led to compliance improvement efforts, including: <ul style="list-style-type: none"> <li>• Texas Association of School Boards (TASB) Operating Procedures <ul style="list-style-type: none"> <li>• Uplift has invested in the purchase of TASB Special Education Operating Procedures written by Thompson &amp; Horton. Prior to this school year, Uplift’s procedures were developed by a separate law firm not associated with TASB.</li> </ul> </li> <li>• Service Documentation <ul style="list-style-type: none"> <li>• The central office special education team has developed a centralized platform for maintaining service documentation and revised operating procedures to reflect expectations for campus staff.</li> </ul> </li> <li>• Addressing Non-compliance <ul style="list-style-type: none"> <li>• Uplift has developed a practice for communicating non-compliance with parents in a timely manner and consistently reviewing scholar plans to ensure ARD committees are considering student progress more frequently.</li> </ul> </li> </ul> </li> <li>• Legislative Updates: <ul style="list-style-type: none"> <li>• House Bill 3928: Dyslexia Evaluation, Identification and Instruction <ul style="list-style-type: none"> <li>• HB 3928 prompts changes to how we serve children with Dyslexia. The bill focuses on three aspects of those services: evaluation, identification, and instruction. Below is a brief description of the changes as well as how these changes impact our work at Uplift.</li> </ul> </li> <li>• “Students Who Transfer” Framework <ul style="list-style-type: none"> <li>• Changes with respect to the “Students Who Transfer” Framework defines expectations under IDEA regarding summer enrollees and students who transfer to Uplift within the school year. Below is a brief description of the changes</li> </ul> </li> </ul> </li> </ul>	<p>Upon a motion to approve the annual Special Education Policies and Procedures, as presented, by R. Garcia, and seconded by J. McPherson, the Board unanimously approved the motion.</p>

	<p>as well as how these changes impact our work at Uplift.</p> <ul style="list-style-type: none"> <li>• Enrollment during the Summer</li> <li>• Transfers during the School Year</li> </ul> <p><b><u>ACTION ITEM:</u> Consider and take action on approving annual Special Education Policies and Procedures.</b></p>	
<p>III. Administrative Action Item - Board Minutes</p>	<p>C. Clark introduced the September 22, 2023, minutes for approval. The Board was provided the minutes for review in their pre-read.</p> <p><b><u>ACTION ITEM:</u> Consider and take action on approving minutes from September 22, 2023 board retreat.</b></p>	<p>Upon a motion to approve the September 22, 2023 Board retreat minutes, as presented, by H. Montgomery, and seconded by J. Beckert, the Board unanimously approved the motion.</p>
<p>VI. Hear and Consider the Expulsion Appeal of Scholar Z.S.</p>	<p>The expulsion appeal hearing was heard first by the Board. Derrick Ward, Sr. Director of Legal Affairs, managed this hearing on behalf of the Board.</p> <p>The date, time, and purpose of the hearing was announced.</p> <p>The family of scholar Z.S., having received appropriate notice of the hearing, elected not to attend the hearing before the Board. Noting Section 551.082 of the Texas Government Code, D. Ward announced that the hearing would be held in closed session to protect the privacy of the scholar and family.</p> <p>At 5:13 p.m., the Board retired to closed session pursuant to the Texas Government Code to hear the expulsion appeal. Certified and confidential minutes were maintained of the closed session.</p> <p>At 5:20 p.m., the Board returned to open session. D. Ward notes that no decision was made in closed session.</p> <p><b><u>ACTION ITEM:</u> Consider and take action on the expulsion appeal of Scholar Z.S.</b></p>	<p>Upon a motion to deny the expulsion appeal of Scholar Z.S. by P. Davies, and seconded by J. McPherson, the Board unanimously approved the motion.</p>
<p>VII. Hear and Consider the Level Three Employee Grievance Appeal of Autumn Larbi</p>	<p>Derrick Ward, Sr. Director of Legal Affairs, managed this hearing on behalf of the Board, introduced the hearing, and reviewed the rules and procedures for the hearing at 5:27 p.m. At the request of the Grievant and her counsel, the Grievant and her representative appeared by telephone.</p> <p>In addition to the board members present, those present for the hearing included the following:</p> <ul style="list-style-type: none"> <li>• Autumn Larbi, Grievant (via telephone)</li> <li>• Larry Watts, Attorney for Grievant (via telephone)</li> <li>• David Giddens, Attorney for Administration</li> <li>• Derrick Ward, Sr. Director of Legal Affairs, Attorney for Board</li> <li>• Yasmin Bhatia, CEO</li> <li>• Raquel Galvan, Academic Director, Wisdom High School</li> </ul> <p>Mr. D. Ward asked counsel for Ms. Larbi whether she elected to have the Board hear her appeal in open or closed session. Ms. Larbi elected for the hearing to be heard in open session.</p> <p>Of the ten minutes available to her for her presentation to the board, Ms. Larbi and Mr. Watts elected to use seven minutes for her presentation and reserve three minutes for rebuttal.</p> <p>Of the ten minutes available to Administration for its presentation, Administration asked to be notified when it reached nine minutes.</p>	

Ms. Larbi's presentation included the following points/arguments:

- Mr. Watts discussed rules of evidence, administrative notice, and judicial notice while acknowledging that the rules of evidence do not apply to the hearing.
- Watts refers to p. 3-5 of administration exhibits and requests judicial/administrative notice.
- Watts references p. 140-141, letter to Larbi of written warning, which Watts objects to while acknowledging the rules of evidence do not apply.
- Calls attention to Administration exhibits and claims they violate spirit of rules by failing to include a letter from Larbi from 2021.
- Requests administrative notice of letter dated September 13, 2022 MD Mauricio Dominguez to Ms. Larbi. States that administration failed to include relevant text messages from AD Galvan and a letter from Larbi in which she requested support. Claims these documents show that Galvan and Dominguez intended to "ambush" Ms. Larbi and "deprive her of her career."
- Offers to send additional documents the following day upon request.

Administration's presentation:

- Giddens notes that grievance policy allows her to submit all exhibit materials she wishes to have considered earlier in the grievance process and that all materials submitted by her have been included. Giddens also notes that all exhibits were provided months in advance given that the hearing had been rescheduled twice at Ms. Larbi's request.
- Larbi was Dean and 10<sup>th</sup> grade 504 Coordinator and campus SST Coordinator.
- Larbi had been notified of October 17, 2022 deadline for 504 meetings. Larbi failed to meet deadline but told Galvan that the meetings were complete when Galvan inquired even though the meetings had not been held.
- November 6, 2022 - Larbi contacts families on a Sunday without prior notice to conduct improper 504 meetings.
- Meetings did not include appropriate staff or notice, but Larbi completed paperwork indicating that the meetings had been held with appropriate staff and included notes from previous meetings.
- Staff confirmed that they did not attend the telephone meetings and parents confirmed that they did not have notice.
- Larbi received documented training on 504 requirements and could have relied on available materials or sought guidance but failed to do so.
- Terminated April 20, 2023 for insubordination and failure to fulfill duties in violation of handbook.
- Previous discipline and issues with other staff noted.
- Noted Larbi's claim of retaliation for 2021 report of staff member alcohol use but clarifies that she did not make the report, another staff member did, and even then, nothing was substantiated as a result of the report.
- Ms. Williams's termination was appropriate.

Ms. Larbi's rebuttal:

- Claims that Larbi reported alcohol use and claims Galvan regularly smells of alcohol. Claims Dominguez and Galvan were on PIPs for handling of Larbi.
- Claims Larbi was not trained during 2022-23 school year on assigned 504 duties.
- Again asks for administrative notice of documents previously referenced.

	<ul style="list-style-type: none"> <li>States that teachers may have limited importance in Texas.</li> </ul> <p>Administration's rebuttal:</p> <ul style="list-style-type: none"> <li>Mr. Giddens stated that allegations of Galvan drinking at work do not exist.</li> </ul> <p>In response to request, D. Ward clarified that the Board's role and responsibility is to determine whether Administration violated law or board policy. The board did not have any additional questions for either party.</p> <p>C. Clark next asked if the board had a motion.</p> <p><b><u>ACTION ITEM:</u> Consider and take action on the level three grievance appeal of Autumn Larbi.</b></p>	<p>Upon a motion to deny the level three grievance appeal of Autumn Larbi by L. Melville, and seconded by P. Davies, the Board unanimously approved the motion.</p>
VIII. Closed Session	<p>At 5:53 p.m. the Board moved into closed session to consult with legal counsel pursuant to Texas Government Code 551.071.</p> <p>At 6:01 p.m., the Board returned to open session. No decision or action was made during closed session.</p>	
IX. Adjournment	<p>There being no further business before the Board, C. Clark adjourned the meeting at 6:02 p.m.</p>	

Respectfully submitted by Alexander S. Berk, Secretary.

