



1:00 P.M.

SCHOOL BOARD

JANUARY 28, 2025

BOARD AUDITORIUM AND BOARD SERVICES CONFERENCE ROOM

4400 WEST 18TH STREET

HOUSTON, TEXAS 77092

THE PURPOSE OF THE HOUSTON INDEPENDENT SCHOOL DISTRICT SCHOOL BOARD IS TO REPRESENT THE VISION AND VALUES OF THE COMMUNITY, AND CONSISTENT WITH THAT, GOVERN THE ADMINISTRATION OF THE HOUSTON INDEPENDENT SCHOOL DISTRICT IN A MANNER THAT BEST ALLOWS FOR THE IMPROVEMENT OF ACADEMIC OUTCOMES FOR ALL THE STUDENTS WE SERVE. THE SCHOOL BOARD MUST BE ABLE TO DO ITS WORK OF GOVERNING, INCLUDING DELIBERATIONS AND DECISION-MAKING, IN ORDERLY MEETINGS HELD OPEN TO THE PUBLIC.

IN ORDER TO (I) ENSURE WE CAN EFFICIENTLY ADDRESS THE NEEDS OF OUR STUDENTS, (II) ALLOW FOR NECESSARY DELIBERATIONS AND DISCUSSIONS TO OCCUR, (III) GIVE ALL MEMBERS OF THE PUBLIC AN OPPORTUNITY TO PARTICIPATE AND OBSERVE THE SCHOOL BOARD'S MEETINGS, AND (IV) PROVIDE APPROPRIATE TRANSLATION SERVICES FOR NON-ENGLISH SPEAKING MEMBERS OF THE HISD COMMUNITY, WE WILL ADHERE TO THE FOLLOWING RULES AND NORMS:

- PUBLIC COMMENT DURING SCHOOL BOARD MEETINGS WILL ONLY BE AVAILABLE TO THOSE PERSONS WHO HAVE SIGNED UP TO SPEAK PRIOR TO THE MEETING TIME PER CURRENT PROTOCOL.
- VERBAL AND OTHER DISRUPTIONS BY PERSONS DURING THE SCHOOL BOARD MEETINGS ARE NOT ACCEPTABLE AS THEY INHIBIT THE BOARD'S ABILITY TO CONDUCT BUSINESS AND THE PUBLIC'S ABILITY TO OBSERVE THOSE PROCESSES. PERSONS WHO PARTICIPATE IN SUCH BEHAVIOR WILL BE GIVEN ONE WARNING AND IF THE BEHAVIOR IS REPEATED, THEY WILL BE ASKED TO LEAVE THE MEETING.
- SEATING IN THE BOARD ROOM IS AVAILABLE ON A FIRST COME, FIRST SERVED BASIS FOR ALL PERSONS, INCLUDING THOSE WHO HAVE SIGNED UP TO SPEAK DURING PUBLIC COMMENT. OVERFLOW SEATING MAY BE AVAILABLE, ALSO ON A FIRST COME, FIRST SERVED BASIS.

A MEMBER OF THE COMMUNITY WISHING TO ADDRESS THE BOARD MAY DO SO IN PERSON OR BY LIVE VIDEO VIA ZOOM. FOR EITHER METHOD, A PERSON WHO WISHES TO ADDRESS THE BOARD MUST REGISTER WITH THE BOARD SERVICES OFFICE BY 12:00 P.M. THE DAY BEFORE THE MEETING. ANY SUPPORTING INFORMATION (E.G., HANDOUTS) REGARDING THE COMMUNITY MEMBER'S CONCERN SHALL BE FILED WITH BOARD SERVICES BY 12:00 P.M. THE DAY BEFORE THE MEETING. FURTHER DETAILS AND INSTRUCTIONS FOR REGISTERING TO SPEAK ARE AVAILABLE AT: [HTTPS://WWW.HOUSTONISD.ORG/PAGE/32478](https://www.houstonisd.org/page/32478).

THE AGENDA PACKET FOR THIS MEETING IS AVAILABLE AT [HTTPS://HOUSTONISD.LEGISTAR.COM/CALENDAR.ASPX](https://houstonisd.legistar.com/calendar.aspx).

THE BOARD MEETING MAY BE VIEWED VIA:

- AT&T UVERSE HISD TV CHANNEL 99
- COMCAST HISD TV CHANNEL 18
- WEBSITE [HTTPS://WWW.HOUSTONISD.ORG/LIVETV](https://www.houstonisd.org/livetv)

A RECORDING OF THE MEETING WILL BE MADE AVAILABLE AT: [HTTPS://HOUSTONISD.LEGISTAR.COM/CALENDAR.ASPX](https://houstonisd.legistar.com/calendar.aspx)

THE ITEMS ON THIS AGENDA MAY BE TAKEN IN ANY ORDER.

NO AGENDA OR DISTRICT BUSINESS WILL BE DISCUSSED EXCEPT AS NOTICED BELOW AND ANY ACTION WILL OCCUR IN THE ROOM OPEN TO THE PUBLIC. IT IS THE INTENT OF THE DISTRICT TO HAVE, AND THE MEETING WILL HAVE, A QUORUM PHYSICALLY PRESENT AT THIS LOCATION. THE ABOVE LOCATION WILL BE EQUIPPED WITH VIDEO CONFERENCE EQUIPMENT.

Notice is hereby given that a meeting of the Board of Managers of Houston Independent School District be held on January 28, 2025, for the purpose of considering and taking action on all matters on the agenda for the meeting, including approval of an agreement with the law firms of Thompson & Horton, LLP; Eiland & Bonnin, PC; and O'Hanlon, Demerath & Castillo, PC, as special counsel to perform all legal services necessary to recover damages sustained by the District related to youth social media usage and any other action that may be necessary to pursue the best interests of the District in related litigation on a contingent fee basis.

The purpose of the agreement is to pursue any and all available causes of action in Multi District Litigation 3047 or JCCP 5255 seeking to recover damages due to youth social media usage and addiction sustained by Houston Independent School District. By way of this agreement, Houston Independent School District seeks to recover damages, court costs, penalties, and other relief under applicable law.

Thompson & Horton, LLP, is a full-service school law firm whose mission is to provide the highest quality personalized legal service to public and private schools, institutions of higher education, local governments, and private individuals and companies. Thompson & Horton

attorneys have unique and specialized qualifications based on several hundred years of combined experience. Leaders in the field, their attorneys have been directly involved in many of the most significant court cases, administrative decisions, and public policy developments affecting their clients over the past 40 years. Thompson & Horton has represented the District for over 10 years. Thompson & Horton discussed the social media litigation with the District in January 2025. Thompson & Horton introduced Eiland & Bonnin to the District to consider the social media litigation in January 2025. Thompson & Horton included O'Hanlon, Demerath & Castillo in conversation with the District to consider the social media litigation in January 2025.

Eiland & Bonnin, PC, engages in complex contingent fee litigation which has required the investment of hundreds of thousands to millions of dollars of litigation expenses. Lawyers in the firm have served in past MDL leadership committees. The firm has worked in many high-profile litigations like the MGM Grand Las Vegas Mass Shooting, Syngenta GMO Corn, and BP Texas City Refinery Explosion. After 20 years of service as a member of the Texas House of Representatives for Districts 23 & 24, Craig Eiland has a unique understanding of what elected officials and public entities are confronted with when navigating complex litigation. Mr. Eiland regularly advises multiple Texas school districts in litigation. Thompson & Horton has represented the District for over 10 years. The inception of the relationship between Eiland & Bonnin and the District began when Thompson & Horton introduced Eiland & Bonnin to the District in January 2025 to consider the social media litigation.

O'Hanlon, Demerath & Castillo, PC, regularly serves school districts across the state of Texas in a general counsel capacity and maintains a principal office in Austin, Texas and also offices in Pharr, San Antonio and Fort Worth. The firm has litigated statewide high profile public education related cases such as the No Pass No Play, the A-F litigation and multiple Edgewood decisions related to the school finance system. After serving as General Counsel for the Texas Education Agency and litigating various high-profile issues for the public education system for the Attorney General of Texas, Kevin O'Hanlon founded the firm in 1992 to serve the needs of Public Entity clients. Justin Demerath operates a contingent fee litigation practice within the firm that regularly represents public entities on a contingent fee basis, often in the scope of property insurance disputes. Additionally, his practice has recovered millions of dollars in recovery in high-profile multi-district litigations, including Syngenta GMO Corn, General Motors ignition switch recall, Trans-vaginal mesh, and NFL concussion litigation, as well as serving in leadership of cases that garnered national attention like the Sutherland Springs Mass Shooting. Thompson & Horton has represented the District for over 10 years. O'Hanlon, Demerath & Castillo has previously intermittently represented the District in various areas of practice as external counsel for more than 15 years. Thompson & Horton included O'Hanlon, Demerath & Castillo in conversation with the District in January 2025 to consider the social media litigation.

Thompson & Horton has served as legal counsel to Houston Independent School District for over 10 years. Thompson & Horton has not previously represented Houston Independent School District on a contingency fee arrangement. Eiland & Bonnin has not previously represented Houston Independent School District on a contingency fee arrangement. Eiland & Bonnin has not previously represented Houston ISD in any capacity. O'Hanlon, Demerath and Castillo has previously intermittently represented the District in various areas of practice as external counsel for more than 15 years. O'Hanlon, Demerath and Castillo has not previously

represented Houston Independent School District on a contingency fee arrangement. Thompson & Horton, LLP, Eiland & Bonnin, PC, and O'Hanlon, Demerath & Castillo, PC have, and continue to represent, claimants with competence and professionalism.

The specialized legal services, advancement of significant expenses, and compensation on a contingent fee basis required by this agreement cannot be performed by the attorneys and supporting personnel of Houston Independent School District because the District does not currently employ attorneys who have specialized knowledge and experience regarding Multi-District Litigation and analysis and legal remedies under both Texas and federal law on a contingent fee basis. In addition, the District has not budgeted the financial resources necessary to advance the significant litigation expenses required by this type of litigation nor to compensate competent and experienced attorneys and staff regarding Multi-District Litigation as District employees or to reasonably compensate a firm in private practice with the necessary experience under a contract providing for payment on an hourly basis without contingency.

Due to the complexity of the matter and expected difficulties in performing the legal work for this matter, the risk of no recovery, the expected expenses, including expert witness fees and other litigation costs, a reasonable hourly fee for a firm in private practice to prosecute this matter would exceed the amount for which the District would be able to adequately budget and expend financial resources. The District also does not have the financial resources required to pay the additional, significant costs of implementing appropriate infrastructure and technology necessary to fully and properly perform the needed legal services. The District also does not have the financial resources required to properly pursue its claims and causes of action, including to retain independent experts as testifying witnesses and to finance all costs of litigation through final resolution of the matter. Additionally, many law firms that handle large, complex matters strictly on an hourly basis have institutional clients, including social media corporations, insurance companies, and social media corporations; and it would be difficult to find a firm with experience in this area that does not have a conflict of interest that would hinder the firm's ability to effectively represent the District. The proposed law firms have certified that they have no such conflict of interest in representing Houston ISD.

The legal services cannot be reasonably obtained from attorneys in private practice charging hourly fees without contingency because a contract to pay attorneys on an hourly basis without contingency would represent an additional and significant cost to Houston Independent School District. Furthermore, the District would be responsible for payment of all costs and expenses of the litigation through appeals, including to retain independent experts as testifying witnesses and to finance all discovery expenses and other costs of litigation through final resolution of the matter. The District does not have the financial resources necessary to pay for these additional and significant expenses necessitated by this social media multi-district litigation.

Thompson & Horton, LLP; Eiland & Bonnin, PC; and O'Hanlon, Demerath & Castillo, PC, will be compensated on a contingent fee basis. Entering into the proposed agreement is in the best interests of the residents of Harris County, Texas. The District has sustained significant damages due to youth social media usage and addiction and for which there exists a potential recovery from the perpetrating social media corporations. Thompson & Horton, LLP; Eiland &

Bonnin, PC; and O’Hanlon, Demerath & Castillo, PC, possess the specialized skills, knowledge, experience, financial, and technological resources needed to competently and fully pursue maximum potential recovery of the District's damages. Furthermore, the proposed agreement enables the District to pursue its legal remedies without diverting essential monies and resources from the ongoing needs and operations of its students, staff, and community at large. In addition, the proposed agreement shifts the financial risk and burden of litigation costs and expenses to Thompson & Horton, LLP; Eiland & Bonnin, PC; and O’Hanlon, Demerath & Castillo, PC, with the District owing no such monies to the law firms unless and until it recovers monies. Moreover, Texas statutory and common law provide for penalty damages and for recovery of court costs, and for recovery of attorneys' fees for certain of the District's claims, including for breaches of contract.

Additionally, time is of the essence in the provision of these legal services. Potentially impending legal deadlines require urgent action by counsel.

1:00 P.M. – BOARD AUDITORIUM – OPEN SESSION

- **CALL TO ORDER**
- **SPEAKERS TO AGENDA ITEMS**
- **RECESS TO CLOSED SESSION UNDER SECTIONS 551.004 THROUGH 551.089 OF THE TEXAS GOVERNMENT CODE FOR THE PURPOSES LISTED IN THIS NOTICE**
- **RECONVENE IN OPEN SESSION**
- **CONSIDERATION AND POSSIBLE ACTION ON MATTERS DISCUSSED IN CLOSED SESSION**

HEARING ITEMS

1. Rebecca Williams, Teacher, Navarro Middle School
2. HFT v HISD (Employee Consultation Process Policy)
3. Pondarosia Griggs, employee, Forest Brook Middle School

AGENDA

4. Consideration And Adoption Of Resolution Approving Contingent Fee Legal Services Agreement, Including Findings Needed For Submission Of Contingent Fee Legal Services Agreement And Request For Expedited Review By The Texas Attorney General
5. Consideration And Adoption Of Contingent Fee Legal Services Agreement With Thompson & Horton, LLP; Eiland & Bonnin, PC; And O’Hanlon, Demerath & Castillo, PC

CLOSED SESSION**Personnel**

- a) Deliberate the duties of the superintendent of schools, chief officers, deputy chief officers, executive directors, principals, employees, and board members; evaluations of the superintendent; consideration of compensation, and contractual provisions of same.
- b) Consider and approve proposed appointments, reassignments, proposed terminations, terminations/suspensions, contract lengths, proposed nonrenewals, renewals, and resignations/retirements of personnel including teachers, assistant principals, principals, chiefs, division superintendents, senior executive directors, executive directors, directors, and other administrators, and, if necessary, approve waiver and release and compromise agreements.
- c) Hear complaints against and deliberate the appointment, evaluation, and duties of public officers or employees and resolution of same.
- d) Consideration of Hearing Examiner's Recommendation, Rebecca Williams, Teacher, Navarro Middle School
- e) Dispute Resolution Hearing, HFT v HISD (Employee Consultation Process Policy)
- f) Dispute Resolution Hearing, Pondarosia Griggs, employee, Forest Brook Middle School

Legal

- a) Matters on which the district's attorney's duty to the district under the Code of Professional Responsibility clearly conflicts with the Texas Open Meetings Law, including specifically any matter listed on this agenda and meeting notice.
- b) Pending or contemplated litigation matters and status report.
- c) Update on federal law enforcement activity on February 27, 2020.
- d) Discuss participation in multi-district litigation involving youth social media usage and related litigation and entering into a contingency fee contract with Thompson & Horton, LLP; Eiland & Bonnin, PC; and O'Hanlon, Demerath & Castillo, PC, to represent the District (Texas Government Code §551.071).

District Safety, Emergency Management, And Security Audits

- a) Discussion of district safety concerns, including districtwide intruder detection audit report findings and HB3 compliance.

CLOSED SESSION AUTHORIZATION DURING MEETING

If during the course of the meeting covered by this notice the board should determine that a closed or executive meeting or session of the board should be held or is required, then such closed or executive meeting or session as authorized by Chapter 551 of the Texas Government Code (the Open Meetings Act) will be held by the board at the date, hour, and place given in this notice or as soon after the commencement of the meeting covered by this notice as the board may conveniently meet in such closed or executive session concerning any and all subjects and for any and all purposes permitted by Section 551.071 through Section 551.089 inclusive of said Open Meetings Act.

Should any final action, final decision, or final vote be required in the opinion of the board with regard to any matter considered in such closed or executive session, then such final action, final decision, or final vote shall be at either:

- a) the open meeting covered by this notice upon the reconvening of this public meeting, or
- b) a subsequent public meeting of the board upon notice thereof, as the board shall determine.

ADJOURN

CERTIFICATE AS TO POSTING OR GIVING OF NOTICE

On this 24th day of January 2025 at 5:00 p.m., this notice was posted on a bulletin board located at a place convenient to the public in the HMW Educational Support Center of the Houston Independent School District, the address of which is 4400 West 18th Street, Houston, Texas, as well as on the district's public web portal.



Emily A. Smith, M.Ed.
Executive Director, Board Relations
Houston Independent School District