

BROWNSVILLE The Herald

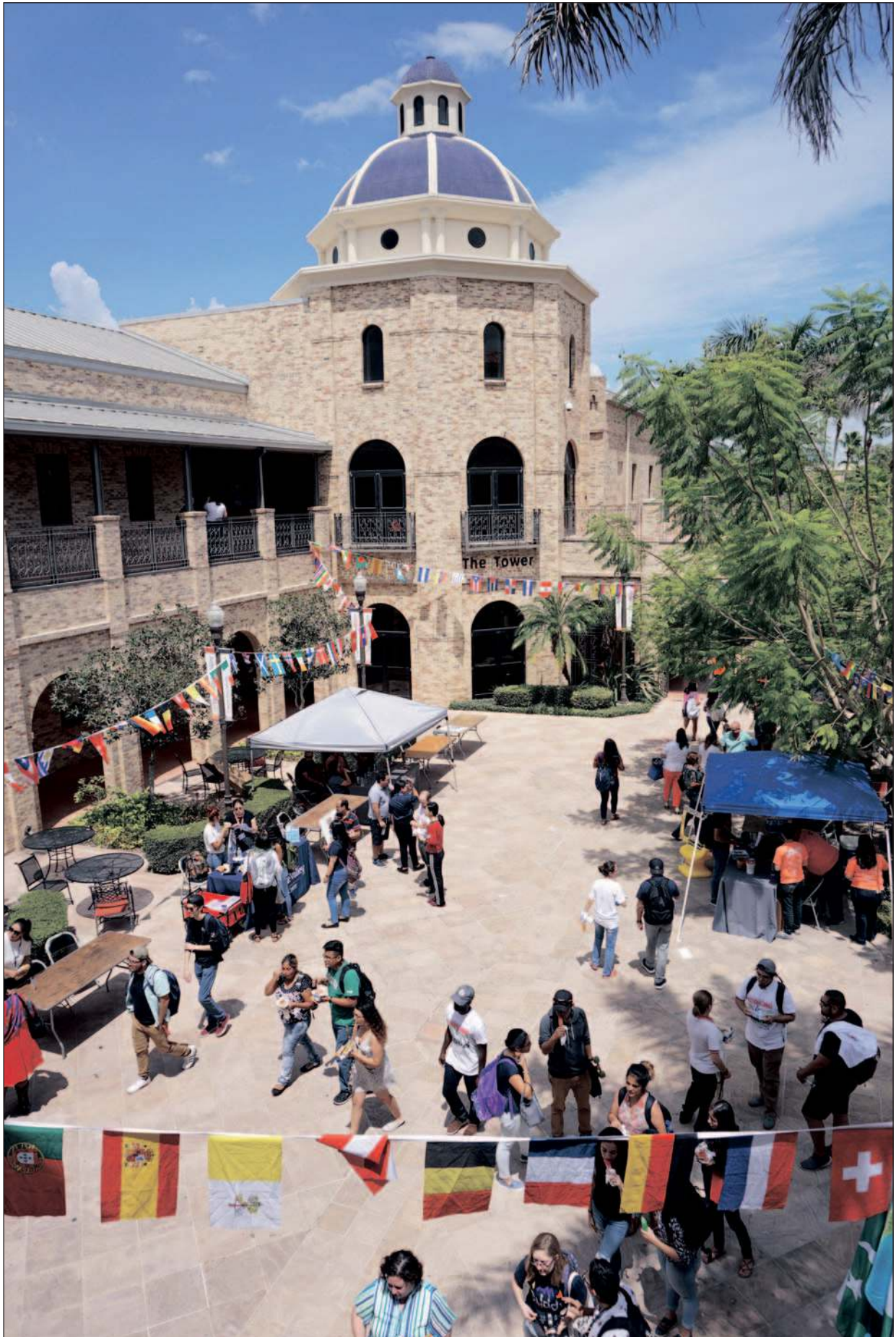
FRIDAY, AUGUST 31, 2018

BORN ON THE FOURTH OF JULY 1892

75 CENTS

SECOND HOME

UTRGV welcomes international students



MIGUEL ROBERTS/THE BROWNSVILLE HERALD

Students attend the University of Texas Rio Grande Valley's International Meet and Greet on Thursday at the Brownsville campus.

BY NADIA TAMEZ-ROBLEDO
STAFF WRITER



MYBROWNSVILLEHERALD.COM

Visit the UTRGV website here.

The University of Texas Rio Grande Valley welcomed its international students back to the Brownsville campus Thursday with a bang. Or rather, a band.

The Office of Global

Engagement invited the marching band and drill team of Preparatoria Ricardo Flores Mason in Matamoros to help kick off the International Meet and Greet, a decision that

Director Samantha Lopez said demonstrates the friendship with Brownsville's sister city. The university will serve 750 international students from 69 countries during

the fall semester, she added, with 75 percent of them coming from Mexico.

"It's the signature event of the Best Week Ever, which is a week full of events for our incoming students, new and returning ones," Lopez said. "We

PLEASE SEE HOME, A8

Texas teacher groups suing TEA

Claim: Official exceeded his authority

BY ALIYYA SWABY
TEXAS TRIBUNE

Two teacher associations sued Texas Education Commissioner Mike Morath and the Texas Education Agency on Wednesday, arguing they rolled out a law incentivizing partnerships with school districts and charter schools in a way that weakened protections for public school employees.

The lawsuit, filed in Travis County District Court, centers on Senate Bill 1882, which lets traditional school districts partner with outside organizations — including

charter schools and nonprofit organizations — to turn around low-performing schools and receive a temporary reprieve from harsh state penalties and gain additional state funding.

The Texas State Teachers Association and the American Federation of Teachers, a national teachers union, argue in the suit that Morath exceeded his authority in releasing schools seeking partnerships from existing state regulations — harming teachers who benefit from those rights.

"Contrary to legislative intent...the Commissioner's rules challenged in this lawsuit reduces the number and type of charter operators that must abide by the rules that were put in place to protect public school employees in SB 1882 charter schools and relaxes the requirements that the school district and charter operator need to satisfy before they can qualify for the benefits available under the law," the lawsuit reads.

The lawsuit is part of a larger Texas debate about whether the state's increasingly tough accountability measures will successfully get schools to meet higher educational standards.

PLEASE SEE TEA, A8



Visit the TEA web page for more information. www.myBrownsvilleHerald.com



KEEP IT FIT

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STATE



CRIME AND PUNISHMENT

A Texas jury gave a white former police officer too lenient of a punishment when sentencing him to 15 years for the shooting death of an unarmed black teenager who was in a car leaving a house party, the victim's family members said.

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WASHINGTON

REMEMBERING A HERO

Sen. John McCain was eulogized as a "true American hero" — and a terrible driver with a wicked sense of humor and love of a good fight — at a crowded church service for the maverick politician Thursday that ended with the playing of Frank Sinatra's "My Way."

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OBITUARIES

Judy (Hartley) Cuellar
Blanca Edith Gonsalez Velasquez

► PAGE A4

POPULAR ON THE WEB

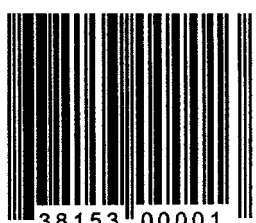
'NEXT LEVEL'

Brownsville leaders celebrated the opening of a downtown police substation with a ribbon-cutting ceremony Wednesday evening at Market Square. The station is part of downtown revitalization efforts to attract visitors and businesses by changing the perception that the area is dangerous.

BrownsvilleHerald.com

AIM Vol. 127 | No. 59

Good Morning!
Thank you for reading today's edition of The Brownsville Herald



Elizondo attorney wants hearing to determine whether sanctions warranted

BY MARK REAGAN
STAFF WRITER

Former Brownsville Fire Chief Carlos Elizondo's defense attorney filed a motion seeking a hearing to find out whether the Cameron County District Attorney's Office has viewed attorney-client

privileged materials.

Attorney Eddie Lucio filed the motion Tuesday after an Aug. 16 hearing challenging a July 11 search of Elizondo's in-law's home where an officer stated that he and other agents already reviewed information obtained from the seized items despite Lucio put-

ting the DA's Office on notice not to do so until attorney-client privilege and attorney work product concerns were addressed.

"Defendant hereby requests a hearing to determine what information has been viewed and who has viewed it. The defendant further

requests the appointment of an independent forensic examiner to assist with said determination. If agents for the State have viewed any attorney-client privileged materials, then severe sanctions are warranted," the motion states.

Elizondo is facing charges of theft by a pub-

lic servant, misapplication of fiduciary property for allegedly stealing from the Brownsville Firefighter's Association and 11 counts of computer security breach in two separate indictments. He has pleaded not guilty to all of the charges.

PLEASE SEE HEARING, A8

Abby..... B4
Amusements..... B4
Calendar..... B7

Classified..... C3
Comics..... B5
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Editorial..... A6
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Horoscope..... B4

Sports..... B1
Weather..... B8

High 94°
Low 78°



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RIO GRANDE VALLEY/STATE



Left: Students at the University of Texas Rio Grande Valley Brownsville campus played games and bonded during International Meet and Greet. **Right:** Escuela Preparatoria Por Cooperacion Ricardo Flores Magon Banda De Musica from Matamoros, Mexico performed as special guest Thursday at the International Meet and Greet event at the University of Texas Rio Grande Valley campus in Brownsville.



PHOTOS BY MIGUEL ROBERTS/THE BROWNSVILLE HERALD

HOME

FROM PAGE A1

want to make them feel like they're home."

She said the university hosts international student outings, provides specialized advising and annually holds over 20 cultural events. Those include celebrations for International Education Week in November, Thanksgiving

and Lunar New Year.

Staff at the International Meet and Greet also hosted games and provided information about study abroad programs.

Attracting international students benefits not only those who come from abroad to attend UTRGV, Lopez said, but domestic students, as well.

"We want our domestic students to learn from other cultures, and the international students enrich the student popula-

tion with their customs, their food and their culture," she said.

Guldauren Bissenbayeva, 21, came to Brownsville from Kazakhstan to work on her master's degree in science. She was interested in the research of a UTRGV professor, and a professor in her undergraduate physics program recommended she study at the campus.

So far, Bissenbayeva said, the people she has

met have been nice and helpful. She was surprised to learn how many people at the university speak Spanish.

"I really like the palms," she said of the campus. "I feel like I'm on vacation. Maybe I will feel more like a student when the classes start tomorrow."

Jing Luo, who recently graduated with his PhD in physics, came to the university from China eight years ago when it was still the University of Texas at

Brownsville/Texas Southmost College. He was interested in the research of a professor he met while still in China and figured he could collaborate via email. Luo said the professor encouraged him to apply to the university.

One of the biggest impacts in time in Brownsville was speaking English, he said, because learning a new language also taught him a new, Western way of thinking. Lou said he had to adjust to

the city's reliance on cars and found there was plenty to explore for people who had the willingness to find local events.

"I think it's the most important eight years of my life," he said. "I came (as) an immature undergraduate student, and I became a very mature adult. Maybe I can say I became part of Texas. I like eating barbecue and fixing cars like a Texan."

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HEARING

FROM PAGE A1

During the Aug. 16 hearing, testimony revealed that someone using Elizondo's fire department username and password accessed the Brownsville Fire Department's Emergency Reporting System and downloaded 26 incident reports from Elizondo's in-law's home. The city suspended Elizondo on Oct. 9 and instructed him not to access that system.

The July 11 search warrant execution is the third time items have been seized by the District Attorney's Office in relation to the case.

After the second search, on May 9, the DA's Office and Lucio entered into an agreement that Adolfo Cordova would act as a special master who would review any seized information and segregate attorney-client privileged material from potential evidence.

During the July 11 search of Elizondo's in-law's home, Lucio said he twice notified the District Attorney's Office that the seized items would likely contain attorney-client privileged information and

attorney-work product information. The District Attorney's Office did not respond, Lucio wrote in the motion.

"At this (Aug. 16) hearing, the Defense called the officer who prepared the warrant affidavit to the stand. This officer revealed under oath that they had in fact already searched the contents of seized computer equipment pursuant to a separate search warrant," the motion states.

What Lucio said he didn't know is that Associate Judge Louis Sorola signed another warrant on July 11 allowing the investigators to search the seized items.

"Unbeknownst to the Defendants, his in-laws and to counsel, the State had obtained a separate warrant signed by Magistrate Judge Sorola back on July 11th to search the seized items. However, the officer further testified that no one mentioned to him Defense counsel's concerns over their viewing of attorney-client privileged information," the motion states. "In other words, though the warrant had a sentence stating not to review the attorney client privileged information, the State apparently did not tell its agents not to view attorney client

privileged information."

Lucio also says in the motion that on Aug. 16 he sent a written request to the DA's office for a copy of the search warrant and affidavit used to view the seized items.

"The State again ignored counsel's request and failed to provide the warrant or even respond. It should be noted that the State failed to provide the Defendant's in-laws with a copy of the warrant signed by Judge Sorola. In doing so, the State effectively hid their search of the seized items from Defense counsel," the motion states.

In an interview, Lucio said the District Attorney's Office is not being honest.

"This is basically the pot calling the kettle back. The District Attorney's Office knew they were not to view information on a computer and they viewed it anyway," Lucio said. "If anyone breached computer security, it's them. They have failed to be open and honest. As citizens of Cameron County, we should all hope they try harder in that regard."

The District Attorney's Office does not comment on pending criminal cases or investigations.

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BOB DAEMMRICH/Texas TRIBUNE

Two teachers groups are suing Texas Education Agency Commissioner Mike Morath in state district court.

TEA

FROM PAGE A1

Educator groups also have consistently criticized Morath for prioritizing the growth of Texas charter schools — privately-managed public schools with fewer state regulations — to the detriment of traditional public schools.

Morath "is an unabashed cheerleader for charter schools," said Texas AFT president Louis Malfaro at a news conference Thursday morning.

The groups are asking the court to find Morath's rules invalid. The TEA declined to comment on the lawsuit Thursday, referring inquiries to the Texas attorney general.

SB 1882 was intended to serve as a lifeline for school districts that needed more resources and more time to get students in chronically failing schools performing better on standardized tests and meeting state standards. Under this law, districts turn over management of their low-performing schools to their partner organizations, which could be universities, nonprofits or charters.

But as school districts started publicly weighing potential partnerships, some heard loud resistance from teachers unions concerned about losing rights in their existing employment contracts

and community members angry about giving up the management of their struggling schools, many of which are located in majority black and Hispanic neighborhoods.

In early May, the San Antonio teachers union filed a lawsuit against San Antonio ISD to stop it from moving forward with a partnership with Democracy Prep, a charter school operator based in New York.

The teachers argued that district officials violated state law by entering into a contract with Democracy Prep without consulting Stewart Elementary School's staff. The contract, ultimately approved by the state, lets Democracy Prep make all hiring decisions and forces San Antonio ISD teachers to reapply to work at the school.

Wednesday's lawsuit cites this local battle. Responding to San Antonio ISD's proposed partnership in late May, Morath said school district officials did not have to consult with school employees about the contract because Democracy Prep is not a Texas-approved open-enrollment charter.

That letter counts as an interpretation of state law, and one that did not happen through the official state-required process, "making the rule invalid," TSTA and AFT argue in the lawsuit.

The lawsuit also argues that two of the guidelines

Morath set out for SB 1882 violate existing state education law. One of the guidelines require the low-performing campus to be exempt from all district policies, beyond those agreed to in the partnership. The other gives Morath the authority to approve a partnership request if he determines it will "improve student outcomes" at the campus.

"It is an invalid rule that illegally usurps the authority of local school districts to apply their own local policies to SB 1882 arrangements and illegally subjects the rights and benefits of the plaintiff's members, as provided for in local district policies, to unwarranted control by the commissioner," the lawsuit says.

Proponents of the partnership law released a statement Thursday claiming the lawsuit is an attempt by nationally-affiliated teachers unions to undermine the state's progress on school improvement.

"State lawmakers from both sides of the aisle have repeatedly praised the work of Commissioner Morath on his performance leading the Texas Education Agency. It is beyond a stretch to claim TEA's rule-making is not a faithful extension of lawmakers' legislative intent," said Will Fullerton, executive director of Texas Aspires, which advocates for stricter accountability laws.

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