

CAUSE NO. 18-DCV-251366

<i>IN RE:</i> Abandoned and Unverified	§	IN THE DISTRICT COURT OF
Historical Cemetery Located on that	§	
Certain Parcel of Land Owned by the Fort	§	FORT BEND COUNTY, TEXAS
Bend Independent School District	§	
	§	434th JUDICIAL DISTRICT

**FORT BEND INDEPENDENT SCHOOL DISTRICT’S SUPPLEMENTAL PETITION
AND MOTION FOR ENTRY OF EXPEDITED ORDER PERMITTING REMOVAL OF
REMAINS FROM ABANDONED CEMETERY AND REMOVAL OF DEDICATION
FOR CEMETERY PURPOSES**

Introduction and Summary of the Argument

At the November 19, 2018, hearing in this matter the Court indicated it intended to delay issuing a final ruling in this matter until March of 2019. While Fort Bend Independent School District (FBISD or the District) recognizes the importance of the Court’s thoughtful consideration of this matter, further delay will have significant negative consequences for the District.

At all times since completion of the exhumation of the remains as authorized by this Court’s prior Order, the 95 bodies sit in temporary storage boxes inside a secured portable laboratory building on FBISD’s construction site, awaiting a final resting place. Aside from the moral imperative to carry out interment of the remains without unnecessary delay, the District’s students are awaiting confirmation of their ability to enroll next fall at the planned James Reese Career and Technical Center (CTE campus). Vocational program planning, student scheduling, the hiring and training of specialized vocational teachers, and funding commitments from industry donors to the vocational programs are already at-risk due to the lack of certainty surrounding the project. These activities, which require at least a full academic semester of advanced planning, are further jeopardized without an immediate ruling, endangering the District’s ability to open the campus in the fall of 2019.

As a steward of limited taxpayer and state-provided funds, FBISD also cannot discount the financial impact that would result from further delay – or worse – required redesign of the CTE campus project. Construction of the CTE campus was already underway at the time of the discovery, with millions of taxpayer dollars already invested in the design and construction of the CTE campus. Upon discovery of the remains, construction activities in the area of the discovery were immediately suspended, but the remainder of the CTE campus project continued, in order to deliver the remainder of the campus and its programs to both the students of FBISD and the community, as promised, without incurring the severe financial impact FBISD would have suffered had the entire project been halted. The negative impact to the students of FBISD, as well as the cost impact to the District (and the District’s taxpayers), continues to increase with each passing day, and represents an undeniable component of the public interest in this case.

In order to crystalize the implications of both a delay in ruling on this matter, as well as the ramifications of the Court potentially rejecting the solution proposed by the District and the City of Sugar Land (the City), the District is submitting this brief and additional evidence.

Argument

- A. The decision of the Commission and the Fort Bend County Historical Commission to refrain from opposing FBISD’s proposal conclusively establishes that FBISD’s proposal serves the public interest.***

For landowners such as FBISD who discover an abandoned cemetery during construction activities, the Texas legislature created a specific remedy designed to strike a balance between the property rights of innocent landowners while respecting the dignity of the deceased. Specifically, a district court in the county where the remains are discovered may order the removal of the cemetery designation on the landowner’s property and order removal of the remains to a perpetual

care cemetery, municipal cemetery or county cemetery, if the court finds it to be in the public interest. Tex. Health & Safety Code § 711.010(b).

This Court's public interest determination is guided by Section 711.011 of the Texas Health and Safety Code and is further illuminated by the legislative history of Section 711.010. In prior versions of the statute, the petition of the landowner was to be strictly an *ex parte* action, and the court was obligated to order relocation of remains upon petition by the landowner. *See* (Bill Analysis, Exh. A). In 1999, the legislature revised Section 711.010 to allow two – and only two – parties to intervene when the identities of the remains are unknown and relatives cannot be notified: the Texas Historical Commission (the Commission) and the historical commission of the county in which the abandoned cemetery is located. *See id.*; *see also* Tex. Health & Safety Code § 711.010(c).

The legislature's identification of the limited parties that have statutory standing to intervene is significant. Both the Commission and a county historical commission are agencies that bring focused expertise to the preservation of our state's historical heritage. *See* <http://www.thc.texas.gov/about> (last accessed on Dec. 15, 2018). By vesting historical commissions with the exclusive right of intervention, the legislature necessarily barred anyone else from intervening in cases where relatives cannot be readily notified. Consequently, the plain text of the statute makes clear that the only procedural vehicle by which a landowner's petition and evidence establishing the public interest can be opposed is through a plea in intervention filed by the Commission or the relevant county historical commission. Tex. Health & Safety Code § 711.010(c).

In this case, both the Commission and the Fort Bend County Historical Commission – the two parties statutorily charged with representing the interest of the public – have not intervened or

otherwise objected to FBISD and the City's proposed plan for interment of the remains. Their respective decisions to refrain from intervening compel the conclusion that they are satisfied that FBISD has conclusively established that the proposal set forth in its petition serves the public interest.

B. All of the evidence before the Court reveals that the Commission and the County Historical Commission have correctly assessed the public interest.

Nonetheless, to allay any concerns that the Court has as to whether the public interest is best served by removal of the cemetery designation from the school site and relocating the remains to the Imperial Prison Farm Cemetery, FBISD offers the following additional information for the Court's consideration.

1. FBISD purchased the property without any knowledge that an abandoned cemetery was located on the property.

FBISD recognizes the historical significance of the remains and their connections to the state's convict leasing program. That said, public outrage has unfortunately been misdirected by some towards the school district, which is merely attempting to carry out its public mandate to provide the best quality public education – and public education facilities – to the children of Fort Bend County, within the confines of the limited financial resources available to fund its mission. And, it is important to remember that, despite thorough due diligence prior to its purchase of this site, FBISD had no notice, nor any basis to suspect, that an abandoned cemetery existed on the property. *See* (2011 Cultural Report, Exh. B).

In 2011, in advance of the purchase of the property, FBISD commissioned a cultural investigation of the site. *See id.* The resulting report, attached as Exhibit B, revealed only that the property was previously part of an approximately 2,000-acre parent tract known as the “Central State Prison Farm.” The consulting firm advised FBISD that no further archeological work on the

property was warranted and noted that the Commission had agreed with this conclusion on two prior occasions – even as recently as 2004. *Id.* Based on this data, FBISD had no reason to suspect that its chosen site contained any items of archeological significance, let alone an abandoned cemetery.

2. *FBISD has, at its sole cost and expense, voluntarily exceeded statutory requirements imposed on landowners who discover abandoned human remains.*

The Court’s request to see FBISD engage in additional efforts, presumably through genealogical and genetic research or testing to determine the identity of the remains, creates costly and unprecedented obligations far beyond what the Texas Legislature imposes on any landowner in FBISD’s situation, and impermissibly burdens the District and its taxpayers. *See* (Doc. No. 11). Indeed, the extent of a landowner’s obligation to notify or identify descendants of persons discovered in an abandoned cemetery, according to the Texas legislature, is found in Section 711.036 of the Health and Safety Code. Specifically, assuming the identities of the buried are known, the “unknown next of kin of deceased persons buried in the cemetery [if known] shall be served by publication of a notice in a newspaper of general circulation in the county in which the cemetery is located.” Tex. Health & Safety Code § 711.036(b). These measures are not feasible in this case, as there is no record of the names of the deceased to include in any notice by publication.

FBISD has nevertheless gone far beyond its statutory obligations and expended substantial resources in connection with the discovery, including funds to conduct research and investigations to ensure that the origins of the human remains were accurately identified for the benefit of the public at-large. To be clear, as to exhumation of the remains in this case, all that is ***required by law*** is that the:

remains must be exhumed by a professional archeologist, who is capable of gathering basic demographic data from the human remains being exhumed. Additionally, casket morphology, casket hardware, and any funerary objects

must be examined and identified in a report. This policy applies to both marked and unmarked graves unless otherwise specified by the Commission.

Tex. Admin. Code § 22.5(c)(2). And, the person removing the remains must make a good faith effort to locate and remove all human remains, any casket or other covering of the remains, and any funerary objects associated with the remains. Tex. Health & Safety Code § 711.0105(b).

Here, the exhumations were performed by professional archeologists, through Goshawk Engineering Consultants (Goshawk), under the permit and supervision of the Commission. *See* (Doc. No. 7, Exh. B). Goshawk's team of forensic anthropologists and archaeologists gathered additional historical data regarding the FBISD Burial Site, including the sex, age, race, medical condition, and possible causes of death of the humans laid to rest at the FBISD Burial Site. *Id.* Digital photogrammetry was also utilized to create three-dimensional imagery of each burial. *Id.* Once all in-ground documentation was complete, each burial was delicately extracted from the ground by a bioarcheologist or physical anthropologist and relocated to an on-site field laboratory. *Id.* Spatial control was maintained with the use of a total station, compass and tape mapping, sub-meter GPS mapping, and aerial photography by drone. *Id.* In addition to the above information, Goshawk investigated casket morphology, casket hardware, and any funerary objects (i.e., grave offerings, clothing items, personal objects) in connection with creation of a final report to the Commission. *Id.*

Even though Texas law does not mandate genealogical research or invasive DNA analysis prior to removal of a cemetery designation, in August 2018, FBISD requested the Commission's permission to allow Goshawk archeologists "to retain and curate a molar and incisor from each individual for the use of invasive analysis such as isotope and DNA analysis," eliminating the need for potential descendants to ever re-exhume the remains once they have been formally reinterred. *See* (Aug. 10, 2018 Letter, Exh. C). But, the Commission, the state agency that the Texas

Legislature has tasked to work with interested citizens, county historical commissions, and heritage groups to preserve Texas' cemeteries – declined to offer affirmative authorization to FBISD for it to carry it out its request to preserve genetic material prior to reinterment. *Compare* (Oct. 8, 2018 Letter, Exh. C) (“The THC has no authority over the ultimate decision as to whether or not destructive analysis is performed and takes no position on destructive testing on these remains.”), *with* 13 Tex. Admin. Code § 22.5(C) (vesting the Commission with exclusive authority to approve any invasive testing of human remains); *see also* Tex. Health & Safety Code §§ 711.004(c)(1) (requiring that notice of the discovery of an abandoned cemetery be provided to the Commission); 711.010(c) (permitting the Commission to intervene in a petition to remove a cemetery designation from an abandoned cemetery).

Since the statute does not require DNA testing, genealogical research, or any other extraordinary efforts as a precondition to granting a petition for removal of unknown remains from an abandoned cemetery, FBISD has satisfied all statutory obligations under Texas Law.

3. Redesign of the CTE Project will harm FBISD students who are planning to enroll in the programs scheduled in Wing E of the building, and the delay will jeopardize pending donations from industry partners for such programs.

Unique among FBISD's campuses, the CTE campus was designed with the goal of offering an integrated, cross-disciplinary technical education for the District's students. *See* (Affidavit of Meredith Watassek, Exh. D). Adding a further degree of uniqueness to the CTE campus, the District planned from the outset to share the opportunity to access its CTE programs with the entire community by opening the campus to community members on the weekends and during the summers. *Id.*

Because of the innovative offerings planned for the CTE campus, the District has been able to forge partnerships with area businesses that have informed the design of the campus and the

proposed curricular offerings. *Id.* But these partnerships involve far more than planning. Many of the businesses have pledged to purchase the equipment needed for the programs, pay for student and faculty certifications, and offer internships to the District's students. *Id.*

Several of the programs, including HVAC, electrical, plumbing, and machine robotics, are slated to be held in Wing E of the CTE campus. *Id.* Due to the necessity of halting construction in the area where the human remains were found, Wing E has not been built. *Id.* What is more, with the uncertainty as to when construction will resume on Wing E – or whether the District will ever resume construction on Wing E – the District's funding and educational partnerships are now at risk. *Id.* If the District is forced to delete Wing E from the campus, the partnerships for programs slated for the Wing E portion of the CTE campus will likely be cancelled. *Id.* In fact, the delays to date threaten planned partnerships due to the District's inability to timely enroll students and hire the necessary faculty who must have specific training and certifications. *Id.*

4. Delays in construction have already cost the public millions of dollars – any required redesign of the CTE Project to avoid the burial area would add an additional estimated \$18 million to the project's budgeted cost.

In addition to the continuing costs to FBISD to keep the District's archeological consultants, temporary laboratories and storage facilities at the FBISD site pending resolution of this matter (which have totaled over \$1 million), FBISD – and its taxpayers – are incurring substantial other damages for the delays and redesign of the project. *See* (Affidavit of Oscar Perez, Exh. E). As explained below, the cost increases the District's faces threaten to take a project that the District and the public expected to cost \$50 million and turn it into a project costing a minimum of \$75 million.

a. At the present, the District is already facing a cost increase of \$7 to \$8 million.

Certain life-safety components of the campus project – including functioning fire line, vehicular fire lane, and parking adequate for compliance with applicable building codes – that were originally designed to be included in the area of the discovered remains are critical to the ability of FBISD to carry out its promise to open a fully functional CTE high school to FBISD students in the fall of 2019. *Id.* Because an order permitting FBISD to relocate the remains did not issue last month, fire safety and access components that were to be installed in the area of the discovery must now be redesigned and relocated in order to open any portion of the building by the fall of 2019. *Id.* While the District has proceeded with construction of the remainder of the campus, avoiding the cemetery area, a certificate of occupancy for the unaffected portion of the building is not legally possible without a functioning fire line, vehicular fire lane, and parking adequate for compliance with applicable building codes. *Id.* The cost to the District to redesign to meet these code requirements is estimated to total \$7.5 million. *Id.*

Unfortunately, a cost of increase of this magnitude cannot be avoided at this point. Even if the Court were to grant FBISD’s pending Petition today, and construction of Wing E (including the planned life-safety components) were to proceed immediately, while FBISD might avoid relocating the life-safety and parking facilities, it will still have to pay its contractor to accelerate the construction of those facilities to ensure a 2019 opening. Costs of acceleration are estimated to total \$8.5 million. *Id.*

b. Each further month of delay will cost the District an additional \$180,000.

But the costs related to the delay in constructing Wing E and re-routing of life-safety components do not fully capture the adverse financial cost to the District. Since the discovery, FBISD has been incurring, and continues to incur, delay costs related to the affected portion of the

construction project at the rate of approximately \$180,000 per month. *See id.* These monthly costs represent the extended general conditions (costs associated with the requirement that the contractor keep its crews mobilized on the job site) that the District's contractor is entitled to under its contract for extending the project schedule as a result of delays.

c. If the CTE campus must be redesigned, the District will suffer a cost increase of approximately \$18 million.

Finally, if the Court denies FBISD's petition, the District will have no choice but to redesign the project and relocate Wing E of the CTE campus to a different area of the Property. Not only would a redesign significantly undermine the District's ability to offer its curriculum as planned, (*see* Part B.3., *supra*), if required the resulting negative financial impact to the District and its taxpayers would be staggering. Indeed, the best estimate is that redesign will inject an additional cost to the District and its taxpayers of \$18 million. *Id.* To put the cost increase in perspective, an \$18 million cost increase represents a price increase of 36% and is roughly the cost of a new elementary school.

5. Despite public assertions to the contrary, FBISD has, from the outset of the discovery, heard and considered all public interest viewpoints through robust community engagement – at the District's sole expense.

Upon commencement of construction activities on the property in the fall of 2017, Mr. Reginald Moore, a community activist and steward of the Old Imperial Farm Cemetery, raised concerns with the District regarding the possibility of abandoned graves located on the property. In direct response to Mr. Moore's concerns, in October 2017, the District engaged the services of Goshawk to observe construction activities on the property.

After human remains were discovered on the property in February 2018, Dr. Charles Dupre, Superintendent of FBISD, called Mr. Moore to personally inform him of the discovery prior to any formal news release by the District. Even though, as discussed above, as the only party

with standing, the District had no legal responsibility to keep any member of the community up-to-date of its pending plans.

Directly following the discovery of human remains, FBISD worked in tandem with, and under the guidance and direction of, the Commission – the state agency that the Texas Legislature has tasked to work with interested citizens, county historical commissions, and heritage groups to preserve Texas’ cemeteries. *See* (Aug. 10, 2018 Letter, Exh. C). Understanding the value to the community of seeking community and stakeholder input, the District consulted with community leaders, researched the processes followed by landowners of similar historic abandoned cemeteries, and provided all interested community members with regular updates and background information as it became available to the District.

The City owns and maintains the Imperial Prison Farm Cemetery. The Imperial Prison Farm Cemetery is opportunely located on a tract adjacent to the CTE site. It is the resting place of other former prisoners and Mr. Moore serves as a member of its guardian program. It has been, from the very beginning, the logical final resting place of those who were buried on the District’s property. Indeed, the Commission recommended that FBISD: “work with the City of Sugar Land, which had offered the Imperial Prison Farm Cemetery to serve as a location for reinterment, to consult with community members and professionals to consider all points of view from the stakeholders.” *See* (Oct. 8, 2018 Letter, Exh. C). And that is precisely what FBISD did. Under the recommendation of the Commission, and with the input garnered from the broader citizen base that the City serves, in July 2018, FBISD and the City agreed to a Memorandum of Understanding (MOU) to explore a potential plan for the discovered human remains to be reinterred at the Imperial Prison Farm Cemetery. *See* (MOU with the City, Exh. F).

For almost eight months, in an effort to address input and feedback from the various diverse sectors of the community, and prior to the filing of FBISD's Petition for Removal of Remains and for Removal of Dedication for Cemetery Purposes in October 2018 (Doc. No. 7), the District engaged in extensive community outreach to inform the community of the significant historical discovery on both local and national platforms, some of which include:

- FBISD News Release dated April 6, 2018, announcing the discovery of human remains on the Property. (Exh. G);
- On April 17, 2018, FBISD met with Mr. Moore and his attorney, Mr. Jay Jenkins, to allow Mr. Moore to voice his concerns about honoring the individuals found in the abandoned graves on the Property. *See* (Apr. 19, 2018 Letter, Exh. C);
- On April 18, FBISD welcomed Mr. Moore to the cemetery site to allow him to observe the excavation activities and to keep him informed of the status of discovery. *Id.*;
- An FBISD News Release dated April 18, 2018, provided an update regarding the discovery and ongoing exploration of human remains on the Property notifying the public that the archeologists on site, in partnership with the Commission, have identified 79 graves. (Exh. G);
- On May 11, 2018, FBISD General Counsel, Robert Scamardo called Mr. Moore to provide him with an update on the ongoing progress of excavation. *See* (May 11, 2018 Letter, Exh. C);
- On May 11, 2018, Mr. Scamardo provided Mr. Moore with a draft copy of FBISD's Petition to Exhume Human Bodies/Remains, *prior to* filing it with this Court. *Id.*;
- On May 17, 2018, FBISD again welcomed Mr. Moore to the cemetery site.;
- FBISD News Release dated June 4, 2018, regarding this Court's granting the District permission to begin the process of exhumation at the cemetery site for the purposes of further forensic investigation. (Exh. G);
- On June 5, 2018, FBISD met with Mr. Moore providing him with an update on the cemetery;
- On July 17, 2018, representatives from the Commission, FBISD, and Goshawk spoke to members of the media at the cemetery to further educate them about the ongoing forensic analyses at the cemetery. *See* (FBISD News Release dated July 17, 2018, Exh. G);

- Also, in July 2018, in accord with the District’s educational mission of providing an “inclusive, collaborative, and fluid learning environment,” FBISD high school students visited the cemetery to learn more about the land use history of the Property. *See* (Affidavit of Meredith Watassek, Exh. D, and accompanying Exh. A). The students also had an opportunity to speak directly with the Goshawk archeological team about the human remains and archeological artifacts discovered at the cemetery. (FBISD News Release dated July 7, 2018, Exh. G);
- Police officers and members of the Regional Crime Scene Unit also toured the cemetery in July 2018 for forensic investigators to learn more about the exploratory work and analyses conducted by the archeological team. *Id.*;
- In early August 2018, the City formed a Task Force on Convict Leasing and Labor to ensure that the discovered human remains are reinterred with the utmost dignity, and in a manner that honors the lives of those individuals;
- On August 14, 2018, FBISD representatives met with Mr. Moore at the Old Imperial Farm Cemetery, where he is a guardian, to discuss potential plans to honor the remains found at the Property;
- A feature article in FBISD’s magazine about the historic discovery of the human remains was highlighted during the week of August 15, 2018, and distributed to over 140,000 individuals within the District;
- On August 17, 2018, FBISD representatives met with the Commission, the City, and interested members of the public, including Mr. Moore;
- On September 3, 2018, a Convict Lease Labor Day Memorial and Symposium was held at the cemetery site;
- On September 5, 2018, the first Task Force meeting was held at Sugar Land City Hall, and Goshawk archeologists presented attendees with historical information regarding the human remains discovered at the site. (Sept. 25, 2018 Letter, Exh. C);
- On October 3, 2018, FBISD met with City representatives to negotiate an Interlocal Agreement at City Hall;
- On October 4, 2018, Veronica Sopher, Chief Communications Officer at FBISD, made a presentation about the discovery of human remains on the Property held at the Fort Bend Heritage Committee Meeting;
- On October 15, 2018, FBISD hosted a meeting to discuss the role of the Task Force with Douglas Brinkley, Assistant City Manager, Steve Griffith, First Assistant City Manager, and Whitney Williams, City Management Assistant;

- On October 17, 2018, the City hosted a Task Force meeting at City Hall, and FBISD representatives participated;
- In late October 2018, the Task Force was reconfigured into the FBISD Advisory Committee;
- On November 7, 2018, FBISD retained a consultant, Anid Lee, to serve as a facilitator of the FBISD Advisory Committee and meet with community members for feedback;
- On November 20, 2018, FBISD issued a news release dated November 20, 2018, providing an update on FBISD's commitment to hearing community input regarding future reinterment of remains following this Court's November 19, 2018 hearing. (Exh G).

In sum, a Task Force of stakeholders was assembled, including representatives from the City of Sugar Land, Texas, the Commission, the Fort Bend Historical Commission, Mr. Moore of the Convict Leasing and Labor Project, the Sugar Land Heritage Foundation, the National Association for the Advancement of Colored People, and other interested members of the community, to provide input and collaborate on the reinterment of the remains at the cemetery site. *See* (Doc. No. 7, Exh. D at p. 2). The Commission expressed its appreciation for the creation of the Task Force: "We are pleased that a Task Force consisting of over 30 members of the public was formed and has been working on plans for reinterment and memorialization. Thank you for including Texas Historical Commission representatives on the Task Force." (Oct. 8, 2018 Letter, Exh. C).

And, yet, even though the District has engaged in the extensive efforts detailed above to inform and involve the public, as explained in the District's objection to the Court's appointment of a master in chancery, interested members of the public have no standing to participate in this legal proceeding. Rather, members of the public have every right – and should exercise it – to participate in community outreach activities and educational opportunities occasioned by the discovery, but that right does not extend to participation in this legal proceeding. Because the Commission and the county historical commission have, appropriately, decided not to intervene,

only FBISD has that right. Consequently, only FBISD has the right to be heard by the Court or introduce evidence of the public interest. The District, therefore, incorporates its objection to the Court's appointment of a master in chancery, and further objects to this Court's receipt of testimony or evidence from anyone other than the sole party to this case – FBISD.

Conclusion and Prayer

Once the Court considers the evidence before it, the inescapable conclusion that emerges is that the public interest is best served by the prompt removal of the cemetery designation from the District's property, permitting the District to reinter the discovered human remains in the City's cemetery, and proceed with construction of the CTE campus. Any contrary course of action, including further delay, deprives the deceased of the honorable interment they deserve, causes irreparable financial harm to the District and the community, and deprives students and the greater community the opportunity to gain valuable job skills through study at the CTE campus. To serve the interests of the whole community, FBISD requests that the Court enter an order removing any cemetery dedication from the District's property and authorizing the District to permanently reinter the discovered human remains in the City's cemetery.

Respectfully Submitted,

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ATTORNEYS FOR FORT BEND
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EXHIBIT A

TX B. An., H.B. 817, 7/30/1999

Texas Bill Analysis, 1999 Regular Session, House Bill 817

July 30, 1999

Texas Office of House Bill Analysis
76th Legislature, 1999 Regular Session

Office of House Bill Analysis

H.B. 817

By: Jones, Jesse

State, Federal & International Relations

7/30/1999

Enrolled

BACKGROUND AND PURPOSE

In addition to human remains, cemeteries also contain historical information about our society and its various cultures. Prior to the 76th Legislature state laws were enacted to protect cemeteries, however, they have been inadequate in protecting cemeteries and graves from destruction and desecration by some land owners, land developers, and governmental units. H.B. 817 amends existing laws to strengthen protection of cemeteries.

RULEMAKING AUTHORITY

It is the opinion of the Office of House Bill Analysis that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 711, Health and Safety Code, by adding Sections 711.010-711.011, as follows:

Sec. 711.010. UNKNOWN OR ABANDONED CEMETERY. (a) Prohibits the owner of property on which an unknown cemetery is discovered or on which an abandoned cemetery is located from constructing improvements on the property in a manner which would disturb the cemetery until the human remains interred are removed under a written order issued by the state registrar or the registrar's designee under Section 711.004(f) (Removal of Remains), Health and Safety Code, which provides that except as is authorized for a justice of the peace acting as coroner or medical examiner, remains may not be removed from a cemetery except on the written order of the state registrar or the registrar's designee, and requires a cemetery organization to keep a duplicate copy of the order as part of its records.

(b) Requires a district court of the county in which an unknown cemetery is discovered or an abandoned cemetery is located to order the removal of any dedication for cemetery purposes that affects the property upon petition of the property owner. Requires the court to order the removal of human remains from the cemetery to a perpetual care cemetery if all remains have not been previously removed. Requires a petition made by the property owner to be made ex parte in the name of the owner without naming any defendant or joinder of any other person. (According to Black's

Law Dictionary, Sixth Edition, “ex parte” means on one side only; by or for one party; done for, in behalf of, or on the application of, one party only.)

Sec. 711.011. **FILING RECORD OF UNKNOWN CEMETERY.** Requires a person who discovers an unknown or abandoned cemetery to file notice of that cemetery with the county clerk of the county where the cemetery is located. Provides that the notice must contain a legal description of the land on which the unknown or abandoned cemetery was found and describe the approximate location of the cemetery and the evidence of the cemetery that was discovered. Prohibits the county clerk from charging a fee for filing notice under this section.

SECTION 2. Amends Subchapter C, Chapter 711, Health and Safety Code, by adding [Section 711.042, Health and Safety Code](#), as follows:

[Sec. 711.042. AUTHORITY OF NONPROFIT CEMETERY ORGANIZATION.](#) Authorizes a nonprofit cemetery organization (organization) organized by plot owners to divide cemetery property into lots and subdivisions for cemetery purposes; charge assessments on the property for the purposes of general improvement and maintenance; and take any action, to the same extent and for the same purposes as for a for-profit organization, necessary to carry out the organization's business purposes, including those necessarily incident to the burial and disposal of human remains, including certain necessary actions.

SECTION 3. Emergency clause.

Effective date: upon passage.

TX B. An., H.B. 817, 7/30/1999

TX B. An., H.B. 1011, 4/27/2005

Texas Bill Analysis, 2005 Regular Session, House Bill 1011

April 27, 2005

Texas Senate Research Center
79th Legislature, 2005 Regular Session

Senate Research Center

H.B. 1011

By: Hilderbran (Williams)

Administration

4/27/2005

Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The purpose of H.B. 1011 is to provide a district court with the discretion to order the removal of any dedication for cemetery purposes. Currently, a district court, upon petition of the property owner whose property is currently dedicated, is required to order removal of any such dedication. The bill also strikes language which allows the petition to be made ex parte and now requires notice to be given to the Texas Historical Commission as well as the county historical commission of the county in which the cemetery is located and allows them to properly appear at the hearing.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends [Section 711.010, Health and Safety Code](#), by amending Subsection (b) and adding Subsection (c), as follows:

(b) Authorizes, rather than requires, a district court of the county in which an unknown cemetery is discovered or an abandoned cemetery is located to order the removal of any dedication for cemetery purposes that affects the property on petition of the owner of the property. Requires the court to order the removal of the human remains from the cemetery to a perpetual care cemetery if a court orders the removal of a dedication of a cemetery and all human remains on the property have not previously been removed. Deletes existing text requiring a petition under this subsection to be made ex parte in the name of the owner of the property without naming any defendant or joinder of any other person.

(c) Requires, in addition to any notice required by [Section 711.004 \(Removal of Remains\)](#), notice of a petition filed under Subsection (b) to be given to the Texas Historical Commission (THC) and to the county historical commission of the county in which the cemetery is located. Authorizes THC and the county historical commission to intervene and become parties to the suit.

SECTION 2. Makes application of this Act prospective

SECTION 3. Effective date: September 1, 2005.

TX B. An., H.B. 1011, 4/27/2005

End of Document

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EXHIBIT B

***CULTURAL RESOURCES INVESTIGATION
TASK I – BACKGROUND REVIEW, PRE-FIELD
PREPARATIONS, & AGENCY COORDINATION***

**Proposed Telfair High School Site
Proposed Chatham Avenue
Sugar Land, Fort Bend County, Texas 77478**

***QCL PROJECT NO.: 11E7875
FBISD PO: 119157***



LABORATORIES, INC.
Engineering and Testing Services



June 20, 2011

Project No: QCL-11E7875

Fort Bend ISD – Construction Department
2323 Texas Parkway
Missouri City, Texas 77489

Attention: Mr. Sundaresh Kamath

**Reference: Cultural Resources Investigation
Task I – Background Review, Pre-Field Preparations, & Agency Coordination
Proposed Telfair High School Site
Proposed Chatham Avenue
Sugar Land, Fort Bend County, Texas 77478
FBISD PO: 119157**

Dear Mr. Kamath,

QC Laboratories, Inc., is pleased to submit the Cultural Resources Investigation: Task I – Background Review, Pre-Field Preparations, & Agency Coordination report for the above referenced property. This report supercedes all reports, transmittals and memos, if any, previously issued by QC Laboratories, Inc, related to this project.

This report has been prepared on behalf of, and exclusively for the use of Fort Bend Independent School District (ISD), or its assigns. This report represents only those items identified and/or conveyed to us, and are not indicative of adjacent or adjoining sites. This report shall not be reproduced except in its entirety and with the express permission of QC Laboratories, Inc.

If you require written confirmation from the Texas Historical Commission (THC) providing concurrence with the attached report QC Laboratories, Inc can submit the report to the THC; however, it would probably receive greater review priority if it were to be submitted by FBISD along with a map and a cover letter (on FBISD letterhead) describing the proposed development action.

We appreciate the opportunity to work with you on this phase of the project and look forward to the successful completion of the project. If you should have any questions or require additional information, please call us at your convenience.

Regards,
QC LABORATORIES, INC.

A handwritten signature in blue ink, appearing to read 'Bob Copus'.

Bob Copus, P.G., CAPM
Director of Environmental Services

A handwritten signature in black ink, appearing to read 'Paul C. Hailey'.

Paul C. Hailey
Environmental Services Manager

HARRIS COUNTY, TEXAS
Tel: 713-695-1133 ~ Fax: 713-695-0808

GALVESTON COUNTY, TEXAS
Tel: 281-332-8378 ~ Fax: 281-332-8399

www.qclabs.com

Attachment

**Cultural Resources Investigation
Task I
Background Review,
Pre-Field Preparations,
& Agency Coordination**



To: Paul C. Hailey - Environmental Services Manager, QC Labs, Inc.

From: Michael S. Crow – SWCA Houston

Date: June 16, 2011

Re: **Cultural Resources Background Review of the Proposed 60-acre Fort Bend ISD High School Development, Fort Bend County, Texas, SWCA Project No. 020969**

On behalf of Fort Bend ISD c/o QC Labs, Inc., SWCA Environmental Consultants conducted a cultural resources background review of the proposed 60-acre Fort Bend ISD High School Development located at the intersection of Chatham Avenue and University Boulevard in Sugar Land, Fort Bend County, Texas. The purpose of the review was to gather available information on previously conducted surveys and recorded sites within the project area and assesses the potential for the occurrence of significant cultural resources. The goal was to provide information for project planning and development, as well as estimates on possible archaeological work required for regulatory compliance.

Methods

The cultural resources review consisted of a background cultural resource and environmental literature search of the project area. To conduct this review, an archaeologist reviewed the Sugar Land, Texas USGS 7.5-minute topographic quadrangle and searched the Texas Historical Commission's Texas Archeological Sites Atlas (an on-line database). This source provides information on the nature and location of previously conducted archaeological surveys and previously recorded cultural resource sites. This source also provided information on National Register of Historic Places (NRHP) listings, Texas State Archaeological Landmarks (SALs), and other historic properties.

Results

The background review revealed that the project area, and much of the surrounding area, has been previously inventoried for cultural resources.

In 2002, Bob Skiles of the General Land Office (GLO) completed an archival review of 2,018 acres of land, encompassing Tracts 4 and 5 of the former Central State Prison Farm, and all of the currently proposed 60-acre project area, in anticipation of the disposition of the property (Skiles 2002a). Based on the results of this review, documenting more than a century-long history of intensive cultivation, Skiles (2002b) recommended that a negligible probability existed for the occurrence of any prehistoric site within Tracts 4 and 5. Skiles also offered that the standing structures on Tracts 4 and 5 would not meet the criteria for listing on the National Register of Historic Places or meet the requirement for designation as a SAL, though he concedes that the

GLO did not undertake any efforts to intensively inventory or evaluate such properties. The THC concurred with these recommendations in October 2002 (Skiles 2002b).

Tracts 4 and 5 were later acquired by Newland Communities, and proposed development activities, including the discharge of dredge or fill material into waters of the U.S., necessitated permit authorization from the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act. The required permit authorization triggered Section 106 of the National Historic Preservation Act and the need for an inventory and evaluation of any standing structures more than 50 years old on the property. In 2004, Amy Dase of Prewitt and Associates, Inc. conducted a standing structures survey of Tracts 4 and 5, an approximately 2,018-acre area encompassing the current 60-acre project area. This survey resulted in the identification of 80 historic-age properties, 15 of which appear to be located within the current project area (Table 1; Dase 2004). Six of these 15 properties were recommended eligible for inclusion on the NRHP; however, it was determined that sufficient photographic and historical research had been provided and no further work was recommended (Brinkman 2004).

Table 1. Historic-age properties previously identified within the proposed 60-acre project area (from Dase 2004)

Property	Property Type	Subtype	Estimated Date of Construction	Integrity	Eligibility	Recommendations
1	Site	Former Guardhouse	1930s	Low	Ineligible	No Further Work
2	Site	Former Outbuilding	1930s	Low	Ineligible	No Further Work
5	Site	Former Outbuilding	1930s	Low	Ineligible	No Further Work
6	Site	Former Guardhouse	1930s	Low	Ineligible	No Further Work
7	Agricultural	Feed Racks	1950s	Medium	Eligible	No Further Work
9	Transportation	Culvert	1910s	Low	Ineligible	No Further Work
10	Site	Former Guardhouse	1919	Low	Ineligible	No Further Work
11	Site	Former Outbuilding	1919	Low	Ineligible	No Further Work
13	Agricultural	Corral	1910s	Medium	Eligible	No Further Work
14	Agricultural	Water Trough	1950s	Medium	Eligible	No Further Work
15	Transportation	Bridge	1910s	Low	Ineligible	No Further Work
16	Site	Former Agricultural Building	1950s	Low	Ineligible	No Further Work
17	Agricultural	Water Trough	1939	Medium	Eligible	No Further Work
18	Transportation	Bridge	1910s	Medium	Eligible	No Further Work
79	Agricultural	Water Trough	1920s	Medium	Eligible	No Further Work

Summary and Recommendations

The review revealed that the site of the proposed 60-acre Fort Bend ISD High School Development has been previously inventoried for cultural resources. These previous studies indicated a negligible potential for intact archaeological deposits in the project and surrounding area, an assessment the THC has concurred with on two occasions (Skiles 2002b; Brinkman 2004). A survey for standing structures conducted by Dase (2004) identified a total of 15 historic-age properties within the project area, six of which were recommended eligible for inclusion on the NRHP. The THC concurred with this eligibility assessment and agreed that no further work was warranted for these properties as the study provided sufficient photographic documentation and historic research.

Consequently, SWCA recommends no further investigation of the project area.

References:

Brinkman, Bob, Texas Historical Commission

2004 Letter to David Sherrill, June 4, 2004, Berg Oliver Associates, Houston.

Dase, Amy E.

2004 Hell-Hole on the Brazos: Historic Resources Study of Central State Farm, Fort Bend County, Texas. Technical Reports, Number 70, Prewitt and Associates, Inc., Austin

Skiles, Bob D., Cultural Resources Management, Texas General Land Office

2002a "Central State Prison Farm". On file at the Texas General Land Office, Austin.

2002b Letter to Sergio Iruegas, October 10, 2002, Division of Archeology, Texas Historical Commission, Austin.

EXHIBIT C



Department of Legal Services
Robert Scamardo, General Counsel

April 19, 2018

Via U.S. Mail

Mr. Reginald Moore
8619 Barronwood
Houston, TX 77083

Re: Abandoned graves on the James Reese CTE Center construction site

Dear Mr. Moore:

This letter serves as an expression of intent by Fort Bend ISD (the "District") regarding the abandoned graves that have been located on the James Reese CTE Center construction site. I am glad we were able to meet with you on Tuesday to discuss the issues with you and your attorney, Mr. Jay Jenkins. I am hopeful that we will be able to continue to have a productive dialogue about honoring the history of this gravesite and respecting the individuals buried there. As we explained the excavation is ongoing and until it is complete, we do not yet have reliable information that will affect the options that are available to the District.

The Board of Trustees commends you for your passion and commitment to preserving this significant history of Fort Bend County, and for your desire to honor the individuals in these abandoned graves. The District is receptive to your ideas and is committed to listening to you and working collaboratively with you. Welcoming you to the site yesterday so you could observe the excavation was an outward expression of the District's intent to keep you informed of the status of the project. We understand that it is important to you that there be a museum or some sort of memorial acknowledging these abandoned graves and the convict leasing program. We also appreciate your desire to be the spokesperson for these abandoned graves.

While we are receptive to your ideas, please understand that this does not mean that we will always agree with you. For example, as we explained on Tuesday, the law does not allow a public school district to operate or maintain a cemetery. Therefore, the District must transfer the bodies to a place where they will be afforded appropriate dignity, most likely to a nearby city or county cemetery. I discussed this issue with Mr. Jenkins yesterday and encouraged that we will be able to work together as this project moves forward.

Sincerely yours,

Robert Scamardo

C: Jay Jenkins via email: jjenkins@texascjc.org
Charles Dupre
Oscar Perez
Micki Morris via email: mmorris@rmgllp.com



Department of Legal Services
Robert Scamardo, General Counsel

May 11, 2018

Via U.S. Mail

Mr. Reginald Moore
8619 Barronwood
Houston, TX 77083

Re: Abandoned cemetery on the James Reese CTE Center site

Dear Mr. Moore:

This will confirm that I called you this afternoon to update you on the progress of excavation of the abandoned cemetery on the James Reese CTE Center. Enclosed please find a copy of the Petition to Exhume Human Bodies/Remains that the Fort Bend ISD is filing with the court, together with an Affidavit of Reign Clark in support of the petition.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'R. Scamardo', with a long, sweeping flourish extending to the right.

Robert Scamardo

C: Jay Jenkins *via email: jjenkins@texascjc.org*
Micki Morris *via email: mmorris@rmgllp.com*
Oscar Perez



Communications Department
Veronica Sopher, Chief Communications Officer

July 16, 2018

Mr. Reggie Moore
8619 Barron Wood Circle East
Houston, TX 77083

Dear Mr. Moore,

This letter is to memorialize the conversation we had on July 11, 2018 wherein I outlined the format for the Fort Bend ISD media event at the James Reese Career and Technical Center on July 16, 2018. I clearly explained how the event would be organized, including who would speak and when. Per your request, I emailed a number of your colleagues as a courtesy with this information as well. I indicated that you were the only person we were making available to media and no one else would have a speaking role. You also requested talking points, which I provided you in person at the event, as you indicated that you do not access email regularly.

During the conversation, you indicated that you wanted to invite "other experts" who have not been involved in this project, and I explained how that would not be appropriate at this time. You indicated that you understood this and that you would not have additional guests at the Fort Bend ISD media event. I also informed you that the City of Sugar Land would not be participating at this time, and that Fort Bend ISD could not and would not speak on behalf of the City of Sugar Land. You indicated that you understood.

You asked me to submit this letter to you, along with any updates on our conversations with the City of Sugar Land, and I have no additional information to share with you at this time. Both entities are still exploring all of the options and will continue to dialogue as the process continues to unfold. No decisions have been made.

I appreciate you making time to attend the media event and your continued support of Fort Bend ISD as we continue this unprecedented journey of bringing recognition to these forgotten people. Thank you for all you do. You are a great asset to the community and I look forward to our continued work on this project.

Sincerely,

Veronica V. Sopher
Chief Communications Officer

cc: Robert Scamardo
Oscar Perez
Jay Jenkins
Mr. & Dr. Vogel



Charles E. Dupre, Ed.D.
Superintendent of Schools

August 10, 2018

Patricia Mercado-Allinger, DSHPO
State Archeologist
Texas Historical Commission
PO BOX 12276
Austin, TX 78711-2276

RE: James Reese Career and Technical Center site

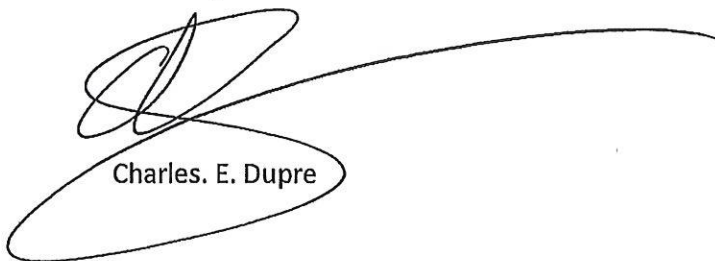
Dear Ms. Mercado-Allinger:

Thank you for the continued support provided to Fort Bend ISD as we work through the process of discovery, preservation and analysis, and reinterment of the 95 unmarked graves located earlier this year at the James Reese Career and Technical Center construction site. We are humbled to be involved in the project and we understand the great responsibility we have as an education system to learn as much as we can about the people buried here, the story of their lives and the history of our community. Our commitment has always been, and will continue to be, to identify, honor and preserve these human remains with the utmost dignity, not solely as unmarked graves but as human beings whose stories deserve to be known.

Recognizing the opportunity to better understand the stories yet to be told, Fort Bend ISD requests the Texas Historical Commission grant permission to Goshawk Environmental Consulting to retain and curate a molar and incisor from each individual for the use of invasive analysis such as isotope and DNA analysis. We believe strongly that DNA testing will provide essential data to help identify any descendants of the individuals buried at the site. As an institution of learning, we believe it is our moral obligation to learn as much as we can, to create learning opportunities for others and to create learners who thirst for knowledge. This project is a learning opportunity for not only Fort Bend ISD students and community, but for others around the state, nation and world.

We strongly encourage you to approve our request to perform invasive, destructive analyses. We want to tell as much of these people's stories as possible. They were forgotten for so long and now we have the honor of telling their story... we would like to tell as much of it as possible.

Sincerely,



Charles. E. Dupre

Fort Bend Independent School District

16431 Lexington Blvd. • Sugar Land, Texas 77479 • 281-634-1000 • charles.dupre@fortbendisd.com • www.fortbendisd.com



Department of Legal Services
Robert Scamardo, General Counsel

October 2, 2018

Via email pat.mercado-allinger@thc.texas.gov

and U.S. First Class Mail

Patricia Mercado-Allinger, DSHPO

State Archeologist

Director, Archaeology Division

Texas Historical Commission

PO BOX 12276

Austin, TX 78711-2276

Re: Site 41FB355 as an Addendum to TAC Permit #8197
FBISD James Reese Career and Technology Center
Sugar Land, TX

Dear Ms. Mercado-Allinger,

Fort Bend ISD is grateful for the guidance and support the Texas Historical Commission ("THC") has provided since the discovery of an abandoned cemetery earlier this year at the James Reese Career and Technical Center construction site in Sugar Land, Texas. As Superintendent Charles Dupre expressed in his letter of August 10, 2018, FBISD understands the great responsibility we have as an educational entity to learn as much as we can about the people buried here, the story of their lives and the history of our community. Our commitment has always been, and will continue to be, to identify, honor and preserve these human remains with the utmost dignity, not solely as unmarked graves but as human beings whose stories deserve to be known.

Recognizing the opportunity to understand the stories yet to be told, FBISD and other organizations have requested the THC grant permission to Goshawk Environmental Consulting ("Goshawk") to retain and curate a molar and incisor from each individual for the use of invasive analysis such as isotope and DNA analysis. We believe strongly that DNA testing will provide essential data to help identify any descendants of the individuals buried at the site. As an institution of learning, we believe it is our moral obligation to learn as much as we can, to create learning opportunities for others and to create learners who thirst for knowledge. This project is a learning opportunity for not only Fort Bend ISD students and community, but for others around the state, nation and world.

As you know, the City of Sugar Land convened the City Manager's Task Force on the Convict Lease Memorial to engage the community on issues related to the skeletal remains of the 95 bodies that have been exhumed. Attached is a letter from Assistant City Manager Douglas Brinkley, dated September 25, 2018, reporting on the "unanimous decision in support of DNA

Robert Scamardo
October 3 2018
Page 2

sampling by both the task force and members of the community in attendance." Attached to Mr. Brinkley's letter is a list of task force/community members who voted in favor of allowing for DNA analysis in the future. With this unanimous support from the community, it is our hope that the THC will authorize Goshawk to conduct invasive analysis in the collection of teeth and/or bone material. FBISD will then transfer custody of this genetic material to a licensed curation facility and will be responsible for costs associated with the collection of the genetic material and transfer to the curation facility.

Thanks again for your support and guidance in this project. As always, if you have any questions, please contact me at (281) 634-1286.

Sincerely,



Rob Scamardo
General Counsel

Enclosure

C: Charles Dupre
Veronica Sopher
Reign Clark



CITY OF SUGAR LAND

ASSISTANT CITY MANAGER

September 25, 2018

Dr. Charles Dupre
16431 Lexington Blvd.
Sugar Land, Texas 77479

Dear Dr. Dupre,

The City of Sugar Land held the first meeting for The City Manager's Task Force on the Convict Lease Memorial on September 5, 2018 at 6:00 P.M at Sugar Land City Hall. The task force is comprised of a wide variety of stakeholders from the community including: scholars, African-American community organizations, a diverse representation of Sugar Land residents, religious leaders, archeologists, sociologists and local historians. The meeting was also heavily attended by a diverse group of members of the community.

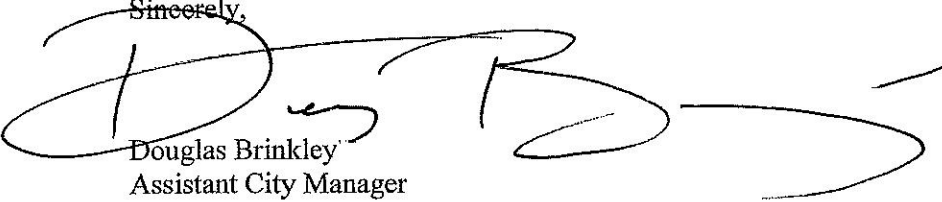
During the meeting, Reign Clark and Dr. Catrina Whitley with Goshawk Environmental Consulting presented the task force and community attendees with valuable historical information regarding the remains found at the FBISD construction site. Additionally, members learned about the intricate process of DNA sampling and were educated on the invasive and destructive nature of DNA sampling.

At the conclusion of this presentation, members were asked to vote on whether they felt DNA sampling should be performed on the remains. There was a unanimous decision in support of DNA sampling by both members of the task force and members of the community in attendance.

The City of Sugar Land would like to submit this letter to the school board, as requested by the task force in support of performing DNA testing on the historical human remains. We hope that the Texas Historical Commission will consider the vote of this large group of stakeholders as support for granting the request of the Fort Bend School District.

Attached to this letter is a list of task force/community members who voted in favor of DNA sampling:

Sincerely,


Douglas Brinkley
Assistant City Manager

Reginald Moore- Founder of the Convict Lease and Labor Project
Ben Williams- Resident of Sugar Land
Randy S. Mc Clendon – Resident of Sugar Land
Barbara Jones- Resident of Sugar Land
Michael Evans- Resident of Sugar Land
Andrea Collins- Resident of Sugar Land
Paul Matthews- Resident of Sugar Land
Claire Rogers- Resident of Sugar Land & Fort Bend History Association
Betty Anhaizer- City of Sugar Land Heritage Foundation
Sam Collins- Convict Lease and Labor Project
Richard Vogel- Convict Lease and Labor Project
Dr. Vogel- Convict Lease and Labor Project
Jay Jenkin- Convict Lease and Labor Project
Dr. Caleb McDaniel- Professor at Rice University
Dr. Theresa Jach- Professor Houston Community College
Lynette Reddix- President of NAACP
Jason Clark- Chief of Staff at Texas Department of Criminal Justice
Reverend Deborah Prihoda- Pastor at First Assembly Church
Paul Spana- President of Fort Bend Archeology Society
Chuck Kelly- Fort Bend Historical Commission
Dr. Helen Graham- Archeologist
Dr. Catrina Whitley- Bio Archeologist
Reign Clark- Cultural Resources Director at Goshawk
Veronica Sopher- FBISD Chief Communication Officer
Rob Scamardo- FBISD General Counsel
Swatara Olushola- National Black United
Robin Spencer- Meeting Attendee
Terri Collins- Meeting Attendee
Akilah Nehanda- Meeting Attendee
Phillip Worthy- Meeting Attendee
Dr. Ken Brown- Meeting Attendee

TEXAS HISTORICAL COMMISSION
real places telling real stories

October 8, 2018

Rob Scamardo
General Counsel
Fort Bend Independent
10405 Corporate Drive
Sugar Land, TX 77479

Re: Site 41FB355 at James Reese Career and Technology Center
Destructive analysis of human remains (Antiquities Permit 8197/FBISD)

Dear Mr. Scamardo:

Thank you for your continued cooperation in the study of the remains of 95 individuals recovered from the prison cemetery during the construction of the James Reese Career and Technology Center. We appreciate the opportunity to provide guidance regarding the disinterment, analysis and reinterment of these individuals in a respectful manner consistent with the requirements of the Antiquities Code of Texas. This letter serves as comment from the Executive Director of the Texas Historical Commission.

We had recommended that the School District work with the City of Sugar Land, which had offered the Imperial Prison Farm Cemetery to serve as a location for reinterment, to consult with community members and professionals to consider all points of view from the stakeholders. We are pleased that a Task Force consisting of over 30 members of the public was formed and has been working on plans for reinterment and memorialization. Thank you for including Texas Historical Commission representatives on the Task Force.

Your letter dated October 2, 2018, notes that the Fort Bend ISD supports isotope analysis and DNA extraction and analysis to provide data essential for identifying descendants of the individuals whose remains were disinterred. This work will require retaining and curating a molar and incisor from each individual. The September 25 letter from Douglas Brinkley, Assistant City Manager, to Dr. Dupre which accompanied your letter, summarized the results of the September 5 Task Force Meeting. At that meeting, a unanimous vote was cast by Task Force members to pursue these types of invasive analyses.

The THC has no authority over the ultimate decision as to whether or not destructive analysis is performed and takes no position on destructive testing of these remains. We had recommended that you gather as much input as possible from stakeholders and use the information to help inform your decision. It appears that the decision to conduct DNA analysis was unanimous among the stakeholders. We look forward to continuing our working relationship and providing further guidance as needed. **If you have any questions or if we can be of further assistance, please contact Bill Martin at 512/463-5867.**

Sincerely,



for
Mark Wolfe, State Historic Preservation Officer

MW/wam





Department of Legal Services
Robert Scamardo, General Counsel

November 1, 2018

[Via email rclark@goshawkenv.com](mailto:rclark@goshawkenv.com)

Mr. Reign Clark
Goshawk Environmental Consulting, Inc.
14101 Hwy 290 West
Building 100, Ste. 100
Austin, Texas 78735

Re: Abandoned cemetery on the Reese CTE Center site

Dear Mr. Clark,

This letter is in response to your request for authorization from Fort Bend ISD (FBISD or the District) to collect teeth from the human remains that have been exhumed from the abandoned cemetery on the Reese CTE Center site ("cemetery"), which is owned by FBISD. Your intention is to begin collecting 1-3 teeth per individual beginning today, November 1, 2018, and to complete the collection by November 6 or 7, 2018.

This collection of teeth is a preparatory step to facilitate destructive analysis in the future, and pertains only to 87 individuals identified as having teeth. This letter acknowledges that the collected samples will be packaged separately from the bodies, but stored with the bodies, in the conex storage container on the District's property.

You have requested authorization to collect bone material from the remaining eight individuals; however, the District is not directing you to collect any bone material at this time. This will acknowledge your recommendation to extract bone material from these eight individuals is necessary to ensure the opportunity for DNA analysis in the future.

This will confirm that the District has not authorized you to conduct destructive analysis and it will not happen until the District, or other appropriate authority, requests your services to conduct the destructive analysis. When the collection of teeth and bone material, if any, is complete, the District will transfer custody of the collected genetic material to a licensed, reputable curation facility that will preserve it for DNA testing. The facility and transfer date have not yet been determined.

Thank you for your steadfast commitment and professionalism you and your team have demonstrated in this project as you have provided your unique expertise to FBISD.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Rob Scamardo', is written over a light blue circular stamp.

Rob Scamardo
General Counsel

EXHIBIT D

CAUSE NO. 18-DCV-251366

IN RE: Abandoned and Unverified § **IN THE DISTRICT COURT OF**
Historical Cemetery Located on that §
Certain Parcel of Land Owned by the § **FORT BEND COUNTY, TEXAS**
Fort Bend Independent School District §
§ **434th JUDICIAL DISTRICT**

AFFIDAVIT OF MEREDITH WATASSEK

STATE OF TEXAS §
§
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared MEREDITH WATASSEK, who, being by me duly sworn on her oath deposed and stated as follows:

1. My name is Meredith Watassek, and I am a resident of Fort Bend County, Texas. I am over 21 years of age and have never been convicted of a felony or a crime involving moral turpitude, nor have I ever been adjudged incompetent. I am duly competent and qualified in all respects to make this Affidavit from my own personal knowledge, and all statements in this Affidavit are true and correct.
2. I am currently employed as the Director of Career and Technical Education at Fort Bend Independent School District (FBISD or the District). I have been employed by FBISD for the past five (5) years.
3. I am duly qualified and authorized in all respects to make this Affidavit in my official capacity as Director of Career and Technical Education at FBISD.
4. As part of a capital bond program approved by the voters of FBISD in November 2014, FBISD began planning to build a Career and Technical Education Center, now known as the James Reese Career and Technical Center (CTE campus), scheduled to open as a vocational high school campus in the fall of 2019. Since the CTE campus' inception, I have been extensively involved with the logistics, design, and community outreach for the project.

5. The essential function of the CTE campus is to create pathways to lifelong career success for students by developing and administering programs designed to teach adaptive and transferable skills needed to prepare students for future employment in technical fields or for a successful transition to post-secondary education. FBISD's existing CTE programs are in high demand and reflect the economy's need for skilled workers that command competitive wages in occupations all across Texas. Yet, there remains a critical need in Fort Bend County, and the State as a whole, for providing more opportunities for students to access CTE programs. The CTE campus is intended to help meet that need.
6. From the beginning, the FBISD Board of Trustees directed that the CTE campus be designed with the goal that it would ultimately be used by both high school students and the community as a whole. By 2020, FBISD intends to open the CTE campus to allow community members to enroll in technical education programs on weekends and during the summer months. Classes planned to open to the community include HVAC, electric, plumbing, and many others. Typically, the District's high school campuses are not used for such purposes.
7. Consistent with the Board's directives, the planning of the CTE campus was led by a taskforce of stakeholders, including representatives from the Texas Workforce Commission and various interested Houston businesses and industry leaders. Some businesses involved with the design process include: Fluor Daniel, Hunton Group, and Group 1 Automotive. These industry stakeholders have played a critical role by offering both extensive input and investment during the design and building phases of the CTE campus. The stakeholders' input included working in tandem with FBISD to identify job opportunities and trends and making equipment recommendations that are aligned with industry and technological standards.
8. Due to the stakeholders' input, the CTE building was designed with integrated spaces and infrastructure tailored to specific classrooms. This design allows for a practical and shared use of equipment among the various technical programs that will be offered at the CTE campus. This design also allows for students studying different trades to benefit from learning about other, related trades.

9. Furthermore, because of the strong backing of the business community, FBISD was able to foster enhanced partnerships with local businesses and career exploration opportunities for students at the CTE campus. These industry partnerships are vital to the success of the CTE campus as the businesses cover the costs for student certifications and teacher certifications. As an example, FBISD has entered into a Memorandum of Understanding with an HVAC equipment and systems company, where the company agreed to underwrite the HVAC program for the CTE campus. The company will provide all equipment needed for the HVAC classrooms, sponsor an apprenticeship program, and provide students with a knowledge base for what the company – and other HVAC companies – look for in employees.
10. FBISD has also entered into a partnership with Texas State Technical College (TSTC) for dual enrollment, which will provide students enrolled in CTE programs the opportunity to take college courses, at no cost to them, and earn simultaneous college and high school credit in a technical program. Dual credit courses provide FBISD students with both the exposure to rigorous, college level course work and the opportunity to earn college credit while fulfilling their high school graduation requirements. This academic preparation and personal confidence engendered by engaging in college level work, serves to equip and inspire students to achieve their postsecondary goals and to reach their full potential as students. *See* FBISD’s District Mission, District Goal 1, attached as Exhibit A. Increasing access and completion of dual credit is an important component of FBISD’s Vision 2020 College and Career Readiness Plan.
11. The prospective programs to be offered at the CTE campus have generated considerable excitement. In fact, on November 14, 2018, FBISD’s Career and Technical Education Department held a “Program Exploration Night” where students and parents had the opportunity to learn about all the programs the CTE campus will offer. Over 500 interested students attended the event.
12. In February 2018, as construction of the CTE campus was ongoing, I became aware of the discovery of human remains at the CTE campus property. All construction activities in the area where the bones were discovered has ceased, and the integrity of the site remains under the supervision of a team of professional archeologists retained by the District. The area where construction was halted is the site of the planned Wing E of the CTE campus. Wing E at the CTE campus is designed to include HVAC, electrical, plumbing, and machine robotics

programs. At capacity, the programs would select more than 250 students.

13. As a result of the cessation of construction on Wing E, the District's ability to offer the integrated and innovative courses planned for the CTE campus is threatened. That is because, without Wing E, companies that have agreed to partner with FBISD will be unable to move forward with their pledged partnerships. The HVAC company will no longer provide FBISD with all of the equipment needed for the HVAC classrooms in Wing E. The District has also halted its pursuit for a partnership with a business in the electrical field due to the uncertainty surrounding the future of Wing E. A partnership with an electric business would have provided apprenticeship opportunities for students and externship opportunities for teachers. If unable to proceed, such companies, and other engaged business partners, would recruit from other school districts.
14. Moreover, if the programs and classes slated for Wing E are relocated to some other facility, FBISD will have duplicate and unnecessary pieces of equipment in different and unconnected locations. Such equipment includes duplication of metal cutters, 3D printer, welders, hand tools, and safety equipment, with an estimated additional cost of \$40,000.00. FBISD also will be unable to offer dual-credit for the CTE programs and classes that were slated to be held in Wing E because the District cannot meet TSTC's policies and procedures for dual-credit students. Without the dual-credit program, students that take such CTE courses will be unable to transfer credits if they pursue a certificate or Associate degree after graduation. If students wish to pursue a career in a particular field that they took CTE courses in, they will have to repeat the same material covered in those courses and bear all tuition costs and expenses to re-take those courses.
15. As a result of the delays, FBISD has already postponed the original December 2018 date to open enrollment to students at the CTE campus. To date, FBISD has only six more school days left in the District's academic year to ensure students are able to enroll in CTE programs as open enrollment is scheduled to start on January 8, 2018. *See* CTE Timeline, attached as Exhibit B. If the enrollment deadline moves again, it will make it very difficult for the District to timely staff the CTE campus. That is because, in order to allow sufficient time for teaching positions to be filled, processing of new hires, teacher and staff training, available teaching positions at the CTE campus will also be posted in January 2019. FBISD also faces hurdles

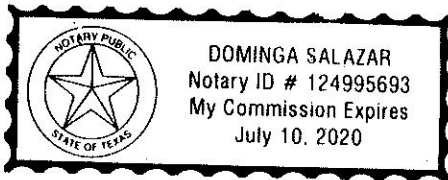
in finding qualified teachers because the District must comply with stringent state education credentials, and school districts face competition from the very industries they are trying to provide with trained students.


16. Because the District must move forward with enrolling students and hiring staff, should the Court deny FBISD's Application, Wing E will be removed completely from the CTE campus design. As a result, any further delay in construction of Wing E at the CTE campus jeopardizes students' education by denying them of the opportunity to gain real world experience and to become career ready high school graduates. It would also endanger vocational program planning, student scheduling, the hiring of future teachers, and future job training for students and community members. Further delay will also jeopardize pending contributions and support from industry partners.

FURTHER AFFIANT SAITH NOT.


MEREDITH WATASSEK

Subscribed and sworn to before me, the undersigned authority, this 14th day of December, 2018.




Notary Public in and for the State of Texas

1

Core Belief

All students can reach their full potential.

commitment:

FBISD will provide an educational system that will enable all students to reach their full potential.

2

Core Belief

We believe student success is best achieved...

A...through effective teachers that inspire learning.

commitment:

FBISD will recruit, develop and retain effective teachers.

B...in a supportive climate and safe environment.

commitment:

FBISD will provide a supportive climate and a safe learning/working environment.

C...by empowered and effective leaders throughout the system.

commitment:

FBISD will provide and promote leadership development at all levels.

D...in a well-functioning, high-performing community of learners.

commitment:

FBISD will be a collaborative, efficient and effective learning community.

Mission

FBISD exists to inspire and equip all students to pursue futures beyond what they can imagine.

Vision

Fort Bend ISD will graduate students who exhibit the attributes of the District's Profile of a Graduate.

**James Reese Career and Tech
Program Activation Timeline**

	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18
Courses	First draft of courses	Meet with TSTC / HCC to discuss dual credit options	Begin course approval process	Begin work on course guide	Course Guide Work	Academic Advisory Council presentation	Finalize courses	Advertise
Instructional Resources							Upload document and instructions for completion	Work on completion of document
Student Recruitment		Set dates for recruitment activities	Find locations for recruitment events	Begin work on Application	Application Work	Test Application	Meet with current 1st year students to discuss new options Test Application Program Exploration Recruitment Event Student tour of facility	Publish Application (POSTPONED) Twitter Account goes live
Teacher Recruitment							Job Descriptions written	Enter positions into PeopleSoft

Technical Center							
Timeline							
Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19
Advertise	Course Selection	Develop Scope and Sequence documents	Identify necessary training	Align with industry certifications	Training	Training	Training
Finalize instructional resource document Inventory needs from existing facility	Finalize all orders of materials and resources					Begin receiving and delivering items to locations	Finish receiving resources
Publish Application Website goes live Center Recruitment Evening	Notify students of acceptance into programs Course Selection	Commitment Night for all accepted students	Schedule adjustments with home campus counselors	Campus tour and parent meeting about fees and expectations	Contact all students	Contact all students	WELCOME!!!
Post teacher positions	Fall in Love with Fort Bend Teacher Hiring Event Internal candidate hiring event	Process all new hires HCC / TSTC Dual Credit Teacher review	FBISD Recruitment Event Dual Credit teacher finalization	New hire trainings begins HCC / TSTC Training	New hire trainings All Staff Gathering	New hrie trainings Move in	

EXHIBIT E

CAUSE NO. 18-DCV-251366

***IN RE:* Abandoned and Unverified § IN THE DISTRICT COURT OF
Historical Cemetery Located on that §
Certain Parcel of Land Owned by the § FORT BEND COUNTY, TEXAS
Fort Bend Independent School District §
§ 434th JUDICIAL DISTRICT**

AFFIDAVIT OF OSCAR PEREZ

STATE OF TEXAS §
§
COUNTY OF FORT BEND §

BEFORE ME, the undersigned authority, on this day personally appeared OSCAR PEREZ, who, being by me duly sworn on his oath deposed and stated as follows:

1. My name is Oscar Perez, and I am a resident of Fort Bend County, Texas. I am over 21 years of age and have never been convicted of a felony or a crime involving moral turpitude, nor have I ever been adjudged incompetent. I am duly competent and qualified in all respects to make this Affidavit from my own personal knowledge, and all statements in this Affidavit are true and correct.
2. I am currently employed as the Chief Operations Officer at Fort Bend Independent School District (FBISD or the District). I have been employed by FBISD for the past 3 1/2 years. The District's main office is located at 16431 Lexington Blvd., Sugar Land, Texas 77479.
3. As part of a capital bond program approved by the voters of FBISD in November 2014, FBISD committed to construct the James Reese Career and Technical Center (CTE Campus), scheduled to open as a vocational high school campus in the fall of 2019. I am responsible for oversight of construction and operations related to the CTE Campus.
4. In connection with the discovery of human remains at the CTE Campus site, FBISD has expended approximately \$5,500,000 towards additional costs for archeological observation, investigation, exhumation, historical analysis, and construction delays.

5. Upon discovery of the remains in February 2018, construction activities in the area of the discovery were immediately suspended, but the remainder of the CTE Campus project has continued, in order to deliver the remainder of the campus and its programs to the students of FBISD, as promised, and to avoid the severe financial impact that FBISD would have suffered had the entire project been halted.
6. Certain life-safety components of the CTE Campus project that were originally designed to be located in the area of the discovered remains are critical to the operation of the CTE campus. Specifically, certain fire safety and fire access components that were to be installed in the area of the discovery (i.e., the fire line, vehicular fire lane, and parking) now have to be redesigned and relocated to another portion of the Property. The District has proceeded with construction of the remainder of the campus, avoiding the cemetery area; however, a certificate of occupancy for the remainder of the building is not legally possible without a functioning fire line, vehicular fire lane, and parking sufficient to be in compliance with applicable building codes.
7. Given the delays to the project to date, the District has been required to redesign and relocate of the above life-safety and parking components to another location on the Property to be able to open the remainder of the campus by the fall of 2019. The cost to the District to redesign and relocate the fire sprinkler line, the vehicular fire access lane and the parking areas required for building occupancy is estimated to total approximately \$7,500,000.
8. If the cemetery designation on the property were to be removed immediately, and the life safety portions of the project were permitted to immediately proceed as designed, even with a delay in the affected building improvements (Section E), FBISD may have some chance of avoiding relocation of the life-safety and parking facilities. This solution would still result in significant additional costs FBISD to pay the contractor to accelerate the construction of those facilities in advance of the 2019 opening. This cost is estimated to total \$8,500,000.
9. In the event the District is required to relocate Section E of the CTE Campus to another location and leave the area of the burials undisturbed, the additional design, engineering and construction cost to FBISD is estimated to be approximately \$18,000,000.

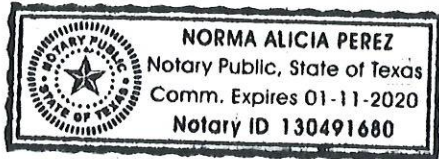
10. Since discovery of the burial site, FBISD has incurred, and continues to incur, delay costs to the construction project at the rate of approximately \$180,000 per month.

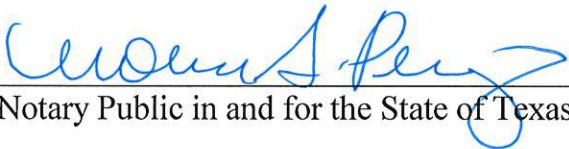
FURTHER AFFIANT SAITH NOT.



OSCAR PEREZ

Subscribed and sworn to before me, the undersigned authority, this 14 day of December, 2018.





Notary Public in and for the State of Texas

EXHIBIT F



City Council Agenda Request

AUGUST 7, 2018

AGENDA REQUEST NO: V.A.

AGENDA OF: City Council Meeting

INITIATED BY: *Karen Ramirez, Performance and Accountability Manager*

PRESENTED BY: *Steve Griffith, First Assistant City Manager*

RESPONSIBLE DEPARTMENT: Assistant City Manager

AGENDA CAPTION:

Consideration of and action on authorizing execution of a Memorandum of Understanding by and between the City of Sugar Land, Texas and Fort Bend Independent School District to establish an Interlocal Agreement regarding the relocation and interment of historical human remains discovered on the site of the future James Reese Career and Technical Education Center to the Imperial Prison Farm Cemetery.

RECOMMENDED ACTION:

Consideration of and action on authorizing execution of a Memorandum of Understanding by and between the City of Sugar Land, Texas and Fort Bend Independent School District (FBISD) to establish an Interlocal Agreement regarding the relocation and interment of historical human remains discovered on the future James Reese Career and Technical Education Center to the Imperial Prison Farm Cemetery.

EXECUTIVE SUMMARY:

On February 19, 2018, contractors at the Fort Bend Independent School District (FBISD) construction site discovered human remains while conducting excavation activities. Under the guidance of the Texas Historical Commission, Goshawk Environmental Consulting, Inc. determined the boundaries of the unmarked burial site, which is believed to contain an estimated 95 unmarked graves. On June 5, 2018, the 434th Judicial District Court of Fort Bend County granted FBISD authorization to exhume and examine the historical human remains. Goshawk's archaeologists and forensic experts will perform the removal and testing at a laboratory located on the FBISD construction site.

On July 23, 2018, the FBISD Board approved the Memorandum of Understanding between the City of Sugar Land, Texas and FBISD that allows for an Interlocal Agreement that will establish details of the formal relocation and interment of the historical human remains to the Imperial Prison Farm Cemetery owned and operated by the City, subject to further verification of the age of the burial site and its historical relationship to the Imperial Prison Farm Cemetery.

Staff recommends City Council approve the Memorandum of Understanding between the City of Sugar Land, Texas and Fort Bend Independent School District, as detailed above.

BUDGET

EXPENDITURE REQUIRED: N/A

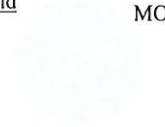
CURRENT BUDGET: N/A

ADDITIONAL FUNDING: N/A

FUNDING SOURCE: N/A

ATTACHMENTS:

Description	Type
n <u>MOU between City of Sugar Land, Texas and Fort Bend Independent School District</u>	MOUs (Memorandum of Understanding)



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**MEMORANDUM OF UNDERSTANDING
BETWEEN
CITY OF SUGAR LAND, TEXAS
AND
FORT BEND INDEPENDENT SCHOOL DISTRICT**

This Memorandum of Understanding is entered into between the City of Sugar Land, Texas (“City”) and the Fort Bend Independent School District (“FBISD”).

WHEREAS, FBISD owns an approximately 62 acre tract of real property located within the City of Sugar Land on which FBISD is developing the future James Reese Career and Technical Education Center the (“FBISD Property”); and

WHEREAS, in the course of construction activities on the FBISD Property, contractors for FBISD discovered what were determined to be human bones; and

WHEREAS, FBISD promptly notified the Texas Historical Commission (“THC”) and filed the required legal notice of an abandoned cemetery with the Fort Bend County Clerk; and

WHEREAS, FBISD has commissioned the services of a professional archeologist, who has been working in concert with FBISD and THC to establish the boundaries of what appears to be an abandoned and unmarked historical burial site; and

WHEREAS, preliminary observations indicate that the human bones may be linked to the FBISD Property’s historical use as a sugar plantation, and may possibly be connected to the State of Texas’s convict leasing program following the end of the Civil War; and

WHEREAS, the City owns and maintains the Imperial Prison Farm Cemetery, located near Highway 6 and US 90-A, which contains the remains of prisoners and guards who died at the Texas Department of Corrections’ Central Prison Unit; and

WHEREAS, FBISD and the City have a common public interest in ensuring that the discovered remains are memorialized with the utmost dignity, and in a manner that honors the historical significance of the discovery.

NOW, THEREFORE, FBISD and the City have agreed to enter into the following Memorandum of Understanding with respect to the human remains discovered on FBISD Property:

1. On June 5, 2018, the 434th Judicial District of Fort Bend County granted FBISD authorization to remove and further examine the human remains discovered on FBISD

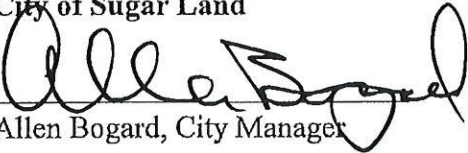
Property. Such removal and examination to be conducted by a professional archeologist under the guidance and supervision of the THC.

2. Subject to further verification and investigation of the origins and age of the discovered site and its historical relevancy to the Imperial Prison Farm Cemetery, FBISD and the City agree to negotiate an Interlocal Agreement pursuant to Chapter 791 of the Texas Government Code, establishing the details of a formal relocation of the burial sites to the Imperial Prison Farm Cemetery. Any Interlocal Agreement will be further subject to approval by a court of competent jurisdiction, as required by Chapter 711 of the Texas Health and Safety Code.
3. FBISD will be responsible for initiating all procedures required by applicable law, including, but not limited to, application with a court of competent jurisdiction, prior to the removal and reburial of the remains in the Imperial Prison Farm Cemetery.
4. FBISD will be responsible for all costs incurred in the verification and investigation of the FBISD Property and human remains.
5. FBISD will be responsible for the costs of storage, new burial vessels, transportation, and interment of the human remains as well as security of the Imperial Prison Farm Cemetery during interment.
6. FBISD will be responsible for the procurement and placement of temporary markers for each grave plot related to the human remains reinterred from the FBISD Property to the Imperial Prison Farm Cemetery.
7. City will be responsible for the costs of designing the layout and location of the interment at the Imperial Prison Farm Cemetery. City will provide individual grave plots for each set of human remains uncovered.
8. City will be responsible for the procurement and placement of permanent grave markers for each grave plot.
9. City will be responsible for the maintenance of the Imperial Prison Farm Cemetery as well as all future park development to include walking paths, interpretive historical information, and parking.
10. Notices. Written notices under this Memorandum of Understanding shall be provided to the following individuals, by any means deemed reliable:

City: City of Sugar Land
 2700 Town Center Boulevard North
 Sugar Land, Texas 77479
 Attn: City Attorney

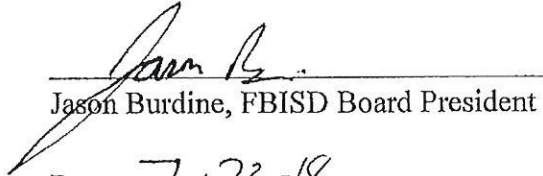
FBISD: Fort Bend Independent School District
16431 Lexington Blvd.
Sugar Land, Texas 77479
Attn: General Counsel

City of Sugar Land


Allen Bogard, City Manager

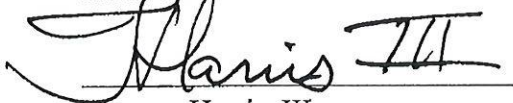
Date: 08/07/2018

Fort Bend Independent School District


Jason Burdine, FBISD Board President

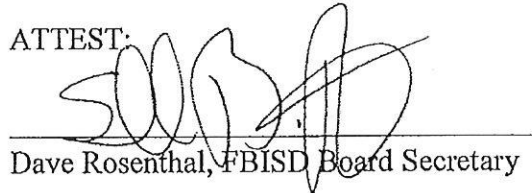
Date: 7-23-18

ATTEST:


Thomas Harris, III

Interim City Secretary

ATTEST:


Dave Rosenthal, FBISD Board Secretary

APPROVED AS TO FORM:


Meredith Riede

City Attorney

EXHIBIT G



 MAIN MENU

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FORT BEND ISD AND TEXAS HISTORICAL COMMISSION ANNOUNCE DISCOVERY OF HISTORIC CEMETERY AT FBISD CONSTRUCTION SITE (4/6/2018)

FORT BEND ISD (April 6, 2018) -- Fort Bend ISD, in partnership with the Texas Historical Commission, has identified a historic cemetery on the current construction site of the James Reese Career and Technical Center, located at University Boulevard and Chatham Avenues in Sugar Land. The District has halted work in this identified area as the exploration of the excavation site continues. Work continues on the remaining part of the site, but measures have been put in place to ensure the two scopes of work do not overlap.

"We are proceeding under the guidance and expertise of the Texas Historical Commission to ensure we are respecting the history and lives of the people buried on this site. One our community members who has a passion for history brought to our attention the possibility of archeological artifacts in the general area. We were careful as we began work, with an archeologist on site from the beginning," said Dr. Charles Dupre, Fort Bend ISD Superintendent of Schools.

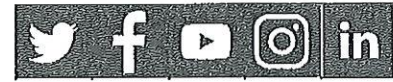
The exploration is in the preliminary stages and at this point, there is not enough information or evidence to identify a time frame for the historic cemetery or any indication of who is buried at the site. The Texas Historical Commission is providing their expertise and will continue their work to learn more about the site and take appropriate action.

Burial sites are regulated by the Texas Health Code and Fort Bend ISD is operating in full compliance with construction permits and additional permits required by the State Antiquities Code.

Fort Bend ISD purchased the land in 2011, and construction of the James Reese Career and Technical Center began in 2017. When complete, it will offer advanced junior and senior level courses and give students an opportunity to explore careers in Agriculture and Natural Resources, Architecture and Construction, Arts and Video Communications, Culinary Arts, Cosmetology, Education and Training, Information Technology, Law and Public Safety, Manufacturing and Transportation and Logistics.

The state-of-the-art facility is funded through the 2014 Bond Program, which included \$59 million dollars earmarked for CTE improvements. The center was named in honor of James Reese, a former FBISD math teacher who later served as the first FBISD Vocational Director. Reese's career in education spanned a total of 36 years, with 33 in FBISD. He passed away in 2009.

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UPDATE TO FORT BEND ISD'S HISTORIC FIND ON CONSTRUCTION SITE (4/18/2018)

FORT BEND ISD (April 18, 2018) – Two weeks ago Fort Bend ISD announced the discovery of a historic cemetery on the current construction site of the James Reese Career and Technical Center, located at University Boulevard and Chatham Avenues in Sugar Land. Initial reports indicated the discovery of several unmarked graves and early last week the number had risen to about 30. Archaeologists on site, in partnership with the Texas Historical Commission, have now reported the discovery of about 79 graves, and exploration continues.

As the initial exploratory process continues, there is still not enough evidence to identify the cemetery's time frame or any indication of who is buried at the site. Additional testing will have to be done during the excavation process before experts can determine the history of the remains.

"We are honored to be a part of this discovery, as it will inform our rich history of Sugar Land and Fort Bend County. We hope that testing will give us the information we need to determine who is buried on this land and when they lived. This is a remarkable learning opportunity, not only for our students, but for our entire community," said Dr. Charles Dupre, Fort Bend ISD Superintendent of Schools. "We appreciate the Texas Historical Commission for their expertise and guidance through the process, as well as Mr. Reginald Moore, whose passion for honoring our history brought to our attention the possibility of archaeological artifacts in the general area. We recently invited Mr. Moore to tour the site, and we are all anxiously awaiting more information once exploration is complete."

The District exhausted due diligence during the excavation phase of the project, and contracted a full-time archaeologist on site to supervise the project. During the observations, which included land clearing, trenching and excavations, there was no evidence of archaeological artifacts or remains found. During the next phase of the project, bones were discovered and the archaeologist was once again called out to review the findings. While an initial review of the bones did not indicate they were human, a subsequent review and analysis confirmed the remains were indeed human. This led to a perimeter search to determine if there were additional remains at the site, and several other interments were discovered. This exploratory work will continue until a perimeter of the cemetery is determined.

Fort Bend ISD is in full compliance with construction permits and plans to continue to comply with any other permits required by the State. Burial sites are regulated by the Texas Health Code. Construction work continues on the James Reese Career and Technical Center in the areas not impacted by the archaeological work.

##



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FORT BEND ISD GRANTED PETITION TO EXHUME REMAINS FOUND AT HISTORIC CEMETERY (6/4/2018)

FORT BEND ISD (June 4, 2018) – A court has granted Fort Bend ISD permission to begin the process of exhuming human remains discovered at the construction site of the James Reese Career and Technical Center. In a petition filed in the 434th District Court, Fort Bend ISD sought permission to exhume human remains from the FBISD burial site for the purposes of further forensic investigation.

In April, Fort Bend ISD, under the direction of the Texas Historical Commission (THC), announced the discovery of a historic cemetery at the construction site, located at University Boulevard and Chatham Avenues in Sugar Land. Since then, archeologists on site have conducted further exploratory work and established the cemetery's perimeter, and discovered a total of 94 graves. The petition granted June 4, 2018 will allow the exhumation of graves so that forensic anthropologists and archaeologists can gather additional data regarding the cemetery, including the sex, age, race, medical condition, and possible causes of death of the individuals who are buried at the site. All exhumation of graves will comply with the requirements of Chapter 711 of the Texas Health and Safety Code, THC Antiquities Permit #8197 and all laws that pertain to the exhumation of remains.

"We are appreciative of the Texas Historical Commission's guidance during this process, and we hope to begin further analysis soon to ensure that we are properly honoring the deceased and identifying an appropriate location for reinterment," said FBISD Superintendent of Schools Dr. Charles Dupre. "As the process to learn more about this site continues, we remain committed to honoring the history of those buried at the site."

The exhumation will be an extensive and methodical process, and due to the number of graves, is anticipated to take up to three months. Construction work continues on the James Reese Career and Technical Center in the areas not impacted by the archaeological work.

Background:

Construction of the James Reese Career and Technical Center began in 2017. The District exhausted due diligence during the excavation phase of the project, and contracted Goshawk Environmental Consulting, Inc. to supervise the project. During the observations, which included

land clearing, trenching and excavations, there was no evidence of archaeological artifacts or remains found. During the next phase of the project, bones were discovered and the archaeologist was once again called out to review the findings. In the months that followed, the archaeologist established a perimeter at the site, identifying a total of 94 burials.

Fort Bend ISD is in full compliance with construction permits and plans to continue to comply with any other permits required by the State. Burial sites are regulated by the Texas Health Code.

Fort Bend ISD purchased the land in 2011, and construction of the James Reese Career and Technical Center began in 2017. When complete, it will offer advanced junior and senior level courses and give students an opportunity to explore careers in Agriculture and Natural Resources, Architecture and Construction, Arts and Video Communications, Culinary Arts, Cosmetology, Education and Training, Information Technology, Law and Public Safety, Manufacturing and Transportation and Logistics.

The state-of-the-art facility is funded through the 2014 Bond Program, which included \$59 million dollars earmarked for CTE improvements. The center was named in honor of James Reese, a former FBISD math teacher who later served as the first FBISD Vocational Director. Reese's career in education spanned a total of 36 years, with 33 in FBISD. He passed away in 2009.

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ARCHAEOLOGISTS PROVIDE UPDATE ON HISTORIC CEMETERY FOUND AT FORT BEND ISD'S JAMES REESE CAREER AND TECHNICAL CENTER SITE (7/17/2018)

FORT BEND ISD (July 17, 2018) – With the exhumation process and analysis well underway, representatives from Goshawk Environmental Consulting, the Texas Historical Commission and Fort Bend ISD provided an update on the historic cemetery found at the site of FBISD's new James Reese Career and Technical Center.

A team of 10-12 archaeologists mobilized at the site in mid-June, led by Reign Clark, Cultural Resources Director with Goshawk Environmental Consulting, Inc. and Archeological Project Manager for the Excavations at the James Reese Site.

"We believe based on land use and the materials that come from the burials that this cemetery dates between 1878 and around 1910," said Clark.

Preliminary analysis, which includes historical use of the land, indicates that the remains buried at the site may be those of individuals who were part of a convict leasing program that was utilized prior to the state's ownership of the land. So far, 95 burial sites have been identified. Forty-eight individuals have been exhumed, with analysis complete on more than 20. The exhumation team at the site includes archeologists, graduate students, and doctoral candidates hailing from Southern Methodist University, University of Texas, and Mississippi State University.

The exhumation and onsite analysis is a methodical and extensive process. Each exhumation takes approximately 36 to 48 person hours per grave, followed by 4 to 8 hours for cleaning and an additional 12 to 15 hours for analysis.

"All of them are male, except for one female of the ones that have been analyzed so far," said Dr. Catrina Whitley, bioarchaeologist and lead anthropologist for the exhumations and analysis at the James Reese Site. "They're ranging from 5 feet, 2 inches to 6 feet, 2 inches in height, and anywhere from 14 years of age to 50 to 70 years of age."

Speaking to reporters Monday, July 16, Whitley showed sketches from a few of the burial sites. Artifacts uncovered at the site were also displayed.

"I think it's a remarkable opportunity for our community and our school district to learn much more about the history of our local region," said Dr. Charles Dupre, FBISD Superintendent of Schools. "There are so many things we know about our history, and this is just going to add value and extend the knowledge base about Fort Bend County and Sugar Land, Texas."

Fort Bend ISD understands this discovery comes with great historical significance, making the expertise provided by the state and all of those involved invaluable. Last week, a small number of high school students visited the site to explore and learn more about the work going on at the site.

In April 2018, Fort Bend ISD, under the guidance and direction of the Texas Historical Commission (THC), announced the discovery of the historic cemetery at the construction site of the new James Reese Career and Technical Center. Since then, archaeologists have conducted further exploratory work and established the cemetery's perimeter, discovering a total of 95 graves. Following the exhumation and analysis, FBISD will continue to work under the guidance of the THC to identify an appropriate location for reburial of the individuals.

Photo 1: The historic cemetery at the construction site of FBISD's new James Reese Career and Technical Center.



Photo 2: FBISD Superintendent of Schools Dr. Charles Dupre speaks to reporter.



Photo 3: FBISD Board President Jason Burdine and Chief Operations Officer Oscar Perez at the construction site.

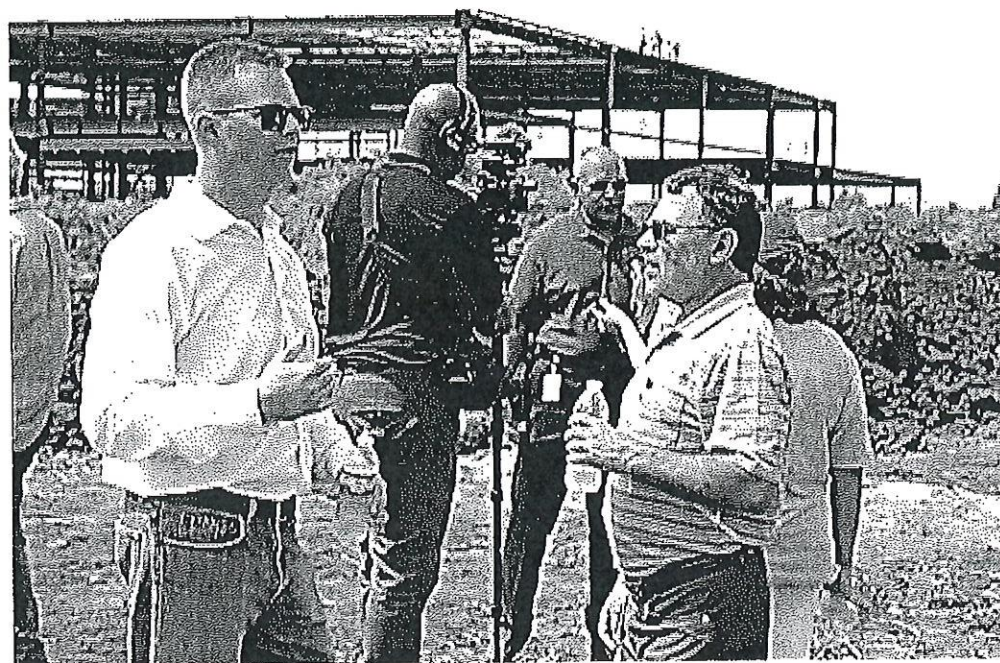


Photo 4: Artifacts found at the gravesite.



Photo 5: Sketches of the remains exhumed from the historic cemetery.

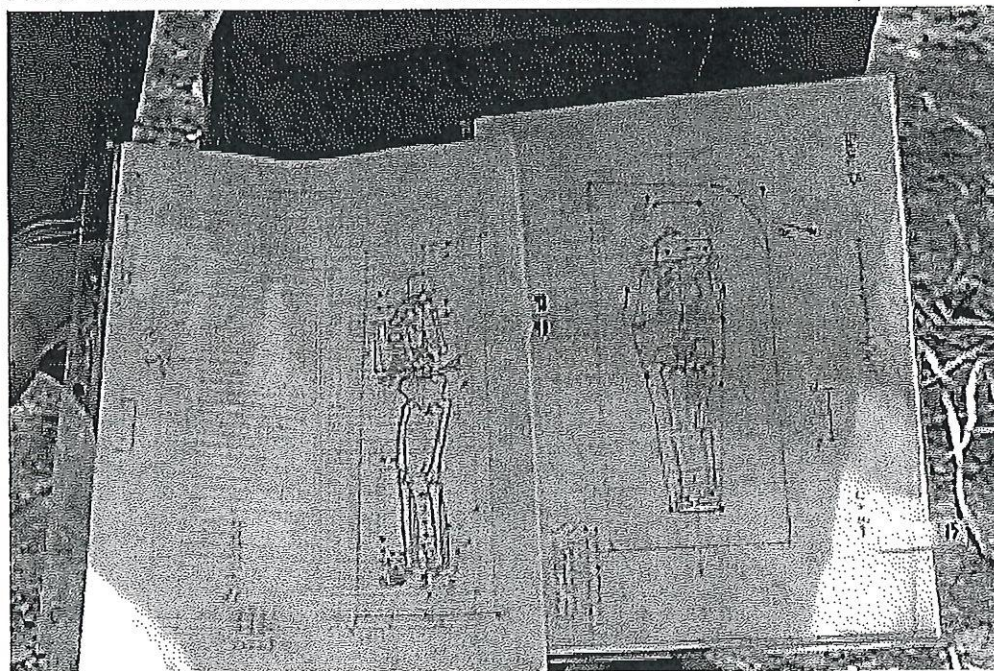


Photo 6: FBISD students visit the site to learn more about the historic cemetery.



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FORT BEND ISD CONTINUES TO PARTNER WITH COMMUNITY TO HONOR INDIVIDUALS BURIED AT HISTORIC CEMETERY (8/8/2018)

FORT BEND ISD (August 8, 2018) - Fort Bend ISD continues to work with community groups and stakeholders to ensure appropriate and dignified memorialization of the 95 people whose remains were discovered at the abandoned historic cemetery on the construction site of the James Reese Career and Technical Center in Sugar Land.

In addition, Fort Bend ISD entered into an agreement with the City of Sugar Land recently as a first step toward the planned reburial of remains at the Old Imperial Prison Farm Cemetery, which is operated and maintained by the City of Sugar Land. The agreement comes as an extensive exhumation process continues with additional details to be finalized at a future date. This process is guided by the expertise of the Texas Historical Commission.

Fort Bend ISD is working with the Mr. Reginald Moore and The Convict Leasing and Labor Project (CLLP); the Fort Bend Historical Association, which operates the Fort Bend Museum; subject-matter experts such as Dr. Helen Graham, with Houston Community College, George Mason University and the Afro-American Historical and Genealogical Society; and other stakeholders such as the National Black United Front. These groups were invited to the site today to get a better understanding of the district's continued diligence to ensure appropriate protocols and processes are being taken during the extensive exhumation and analysis underway.

The ability to identify descendants is one of the shared goals for all of the stakeholders and the district remains open to partnering with other organizations to identify possible funding and hopefully permission for this destructive analysis. While we understand that the National Black United Front has expressed concerns on various issues such as intellectual control over the project and reparations for past injustices, Fort Bend ISD remains committed to continuing the dialogue with all appropriate parties as we move forward toward appropriate reburial.

As previously shared, preliminary analysis indicates the remains located at the site are most likely those of individuals who were part of the convict leasing program. This discovery has brought a dark chapter of our community's history back to light, and it is our intent to continue to partner with our community and rebury the individuals in an appropriate manner.

##

Amid construction, District discovers historic cemetery

District continues work on state-of-the art CTE facility as exhumation continues

Beginning next year, the James Reese Career and Technical Center will host Fort Bend ISD juniors and seniors as they participate in advanced level courses and explore opportunities in everything from agriculture and natural resources to law and public safety, preparing students for futures beyond what they can imagine. But construction of the facility has also unearthed a forgotten piece of Sugar Land's past.

Earlier this year, crews discovered human remains while backfilling a trench. That led to the discovery of more burial sites, and eventually, more than 90 burials that had long been covered. Working under the guidance of the Texas Historical Commission, Fort Bend ISD was granted permission by a district court in June to exhume the graves for investigation and analysis. The goal is to learn more about the individuals so that they can be honored and reinterred in an appropriate location, and Fort Bend ISD is committed to treating them with the respect and dignity they deserve.

The exhumation and onsite analysis is a methodical and extensive process. Each exhumation takes approximately 36 to 48 person hours per grave, followed by 4 to 8 hours for cleaning and an additional 12 to 15 hours for analysis. While the exhumation is expected to last several months, preliminary analysis, which includes historical use of the land, indicates that the remains buried at the site may be those of individuals who were part of a convict leasing program that was utilized prior to the state's ownership of the land.

"It was a very hard life, and they are finding evidence that most of them died at a very young age," said Dr. Charles Dupre, FBISD Superintendent of Schools, to media in July.

"I think it's a remarkable opportunity for our community and our school district to learn much about the history of our local

region. There are so many things we know about our history, and this is just going to add value and extend the knowledge base about Fort Bend County and Sugar Land, Texas."

"I think it's a remarkable opportunity for our community and our school district to learn much about the history of our local region."

— Charles E. Dupre, Ed.D.
Superintendent of Schools

Fort Bend ISD understands this discovery comes with great historical significance, making the expertise provided by the state and all of those involved invaluable. In July, a small number of high school students visited the site to explore and learn more about the work going on at the site, giving them a once-in-a-lifetime opportunity to blend history, archaeology and environmental science.

Following the exhumation and analysis, FBISD will continue to work with the Texas Historical Commission to identify an appropriate location for reinterment.



FBISD students tour the historic cemetery discovered on District land. Students learned about not only the lives of the individuals found but also about the work needed to preserve this history.



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FORT BEND ISD TO CONTINUE DISCUSSIONS REGARDING FUTURE REINTERMENT OF REMAINS DISCOVERED AT ABANDONED AND HISTORIC CEMETERY (11/20/18)

On Monday, November 19, a judge in the 434th District Court indicated he will reconsider a Fort Bend ISD petition to reinter the remains of 95 individuals discovered at an abandoned and historic cemetery at a later date, putting the District's plans to rebury the individuals at a nearby cemetery on hold pending further community engagement.

In a petition filed in the 434th District Court, FBISD sought permission to reinter the remains at the nearby Old Imperial Farm Cemetery and to remove the designation of an abandoned cemetery from the FBISD site upon completion of the reburials. Rather than grant the petition at that time, the Honorable James H. Shoemake delayed a decision until a later time, and construction will continue to be paused in the 1.25 acres designated as a cemetery. Construction of the James Reese Career and Technical Center continues in the areas not affected by the archaeological discovery.

The judge also indicated that he would be appointing a liaison to work with FBISD and report back on the ongoing efforts to engage with stakeholders, prior to further consideration of the District's petition.

Background:

In April 2018, Fort Bend ISD, under the guidance and direction of the Texas Historical Commission (THC), announced the discovery of the historic cemetery at the construction site of the new James Reese Career and Technical Center. A few months later, in June 2018, the 434th District Court granted FBISD permission to exhume the remains for the purposes of forensic investigation.

After an extensive and methodical exhumation process that followed, a team of archaeologists hired by the District analyzed the remains discovered at the site of the James Reese Career and Technical Center, determining that the individuals buried on the property are likely convicts who were leased to provide convict labor to a local plantation. It is estimated that a convict camp was

established sometime in the 1870s, and use of the property for a cemetery likely continued through 1911, as the State of Texas operated the Imperial Prison Farm Camp Number 1 on the property.

In October, the District entered into an Interlocal Agreement with the City of Sugar Land regarding reinterment at city owned and maintained cemetery, which has a shared history with the land where the remains were discovered. Texas Law requires that the reinterment to be in a county, municipal, or perpetual care cemetery.

Full FBISD statement following hearing held in 434th District court:

"Fort Bend ISD appreciates that the judge recognized the diligence that Fort Bend ISD has demonstrated throughout this process to ensure we are following all applicable laws, and even more importantly, that we have done everything we can to ensure that the remains of the individuals are treated with dignity and respect. We also appreciate that the court acknowledged the District's efforts to balance our core mission of educating students with the fiduciary responsibility to our taxpayers in regards to the use of voter-approved funding.

We respect the judge's decision to delay granting the petition at this time, pending further community discussion and engagement. We look forward to working with the court appointed liaison, and we remain committed to moving forward in a way that honors these individuals and educates future generations about this part of our community's – and our nation's – history."