

Ex-bus monitor files whistle-blower lawsuit against BISD

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[By GARY LONG, The Brownsville Herald](#)

A former BISD school bus monitor has filed a lawsuit against the district alleging that she was fired because she reported a bus driver for smoking tobacco on a school bus used to transport students.

Brownsville attorney John Shergold filed the lawsuit on behalf of Maria Cervera, a school bus monitor for the Brownsville Independent School District who was fired from her position on Feb. 17. The lawsuit says her termination came barely a month after she reported the alleged smoking to Hector Chirinos, BISD administrator for transportation.

According to the lawsuit, Cervera filed a report on the alleged smoking to Chirinos on Jan. 12 and on Feb. 6 to Beto Gonzalez, who at the time was BISD's deputy superintendent.

Immediately after Cervera filed her first report, the lawsuit says Chirinos conducted an internal investigation "not against the bus driver who was alleged to have been smoking on a public school bus, but incredibly, against (Cervera,) specifically, rumors of personal issues regarding (her) personal life."

The lawsuit says Chirinos initiated the investigation on Jan. 28 based on a report submitted by the bus driver. Investigative meetings took place over the next two weeks, prompting Cervera to take her concerns about being retaliated against to Gonzalez on Feb. 6.

Cervera received her termination letter on Feb. 17, in which Chirinos states, "Your dismissal is due to your repeated failure to maintain an effective working relationship, or maintain good rapport, with colleagues and your failure to meet the district's standards of professional conduct."

The lawsuit notes that when Cervera initially went to Chirinos with her concerns, the transportation director advised her not to file a written report because "this is a very delicate situation." Citing Section 38.006 of the Texas Education Code the lawsuit says BISD "is required to ensure that school personnel enforce on school property the non-use of tobacco products while on or off school district property during school-related or school-sanctioned activities. This includes school district buses."

Shergold filed the lawsuit as a whistle-blower action, citing the conditions of Cervera's termination as sufficient to meet the prerequisites for such a filing. The lawsuit also says that Cervera has exhausted her administrative remedies with BISD.

The lawsuit seeks Cervera's reinstatement to her former position or equivalent, compensation for lost wages, reinstatement of fringe benefits and seniority rights, court costs and attorney fees.

BISD legal counsel Mike Saldaña said the case is in progress and the district has a policy to not comment on pending litigation.