

HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT
BOARD OF TRUSTEES

Notice is hereby given that a meeting of the Board of Trustees of the Hays Consolidated Independent School District will be held on June 22, 2020 beginning at 5:30 PM Cafeteria at one of the high schools, 21003 IH 35, Kyle, TX 78640.

A quorum of the Board of Trustees will be physically present at one location; however, in-person public attendance will not be permitted in light of the ongoing COVID-19 pandemic and out of concern for the health and safety of our school community. Members of the public may access this meeting as follows:

<https://www.hayscisid.net/site/Default.aspx?PageID=196>.

If you wish to submit comments for review by the Board of Trustees, please complete and submit the form available here: www.hayscisid.net/boardcomment . Comments submitted and received by 12:00 noon on June 22, 2020, will be available to the Board for review and consideration prior to the meeting.

If during the course of the meeting, discussion of any item on the agenda should be held in a closed session, the Board will adjourn to a closed session in accordance with the Texas Open Meetings Act, Texas Government Code Section 551, Subchapters D and E or Texas Government Code Section 418.183(f). Before any closed session is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes, actions or decisions will be taken in open meeting. Policy BEC Legal attached.

The subjects to be discussed, considered or upon which any formal action may be taken are listed below. Items do not have to be taken in the same order as shown on this meeting notice. Unless removed from the consent agenda, items identified within the consent agenda will be acted on at one time.

A. **CALL TO ORDER:** Establish a quorum

F. CLOSED SESSION

1. Hear and deliberate regarding Superintendent's recommendations regarding employment and contract status of administrative professional personnel including campus principals - Tex. Gov't Code § 551.074

K. RECONVENE IN OPEN SESSION (IMMEDIATELY FOLLOWING CLOSED SESSION)

P. PLEDGE OF ALLEGIANCE TO UNITED STATES AND TEXAS FLAGS

Board Secretary

United States Flag Pledge:

I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

Texas Flag Pledge:

Honor the Texas flag, I pledge allegiance to thee, Texas, one state under God, one and indivisible.

U. **MISSION STATEMENT**

Board Vice President

The mission of Hays CISD is to nurture students to become extraordinary citizens through unique, personal educational experiences through an innovative community of learners while celebrating our diversity and legacy.

Z. SOCIAL CONTRACT

The Board will:

1. Serve as District Ambassadors
2. Be Professional
3. Collaborate as a Team and Respect the Body Corporate
4. Promote Discussion and Respect Each Other
5. Assume Positive and Noble Intentions

Board Member

EE. CONDUCT PUBLIC HEARING TO DISCUSS BUDGET & PROPOSED TAX RATE FOR 2020-2021

Randy Rau

JJ. PUBLIC FORUM

A quorum of the Board of Trustees are physically present at one location, however, in-person public attendance will not be permitted in light of the ongoing COVID-19 pandemic and out of concern for the health and safety of our school community.

However, members of the public were given the opportunity to submit written comments to the District, and those written comments were to have been submitted online by 12:00 noon on June 22, 2020 and provided to the Board members earlier today.

OO. REQUESTS FOR INFORMATION FROM THE BOARD OF TRUSTEES

The Board received a packet of information last week related to topics on today's agenda. Each Board member has had an opportunity to peruse the information prior to the meeting.

TT. CONSENT AGENDA ITEMS

Per Board Policy BE all items listed as consent items are considered to be routine by the Board and shall be enacted with one motion. There shall be no separate discussion unless a Board member so requests, in which event the item shall be removed as a consent item and considered as an individual item on the regular agenda.

1. Minutes of Board of Trustees Meetings
Dr. Eric Wright

a. May 18, 2020

6. Finance Report
Randy Rau

11. Budget Amendments
Randy Rau

16. Procurements

a. Audio Visual Equipment & Technical Contracted Services – Pathway (*additional backup information*)

Dianne Borreson

f. Bread Products – Kurz & Co

Randy Rau

k. Contracted Lawn Maintenance Services – Rios Tree Services

Max Cleaver

p. Custodial Equipment & Plumbing Supplies – Ferguson
Max Cleaver

u. Dairy & Other Food Svc Purchases – Hill Country Dairies & Labatt Food

Randy Rau

z. District Software Support – Solid Border *(additional backup information)*

Dianne Borreson

ee. HVAC Filter Services – TX Filter Service *(additional backup information)*

Max Cleaver

jj. Learning Management System – PowerSchool (*additional backup information*)
Sandra Dowdy, Sami Kinsey, Emily Herrin

oo. Online K-8 Math Program – Dreambox *(additional backup information)*

Sandra Dowdy, Derek McDaniel

tt. Portable Renovations NES – Industrial Laminates Corp dba Ilcor Builders *(additional backup information)*

Max Cleaver

yy. Produce Food Svc – Ferris Joseph
Randy Rau

ddd. PSAT/SAT Assessment Exams– College Board (*additional backup information*)
Sandra Dowdy, Charlotte Winkelmann, Joy Philpott

iii. Reading Curriculum Support – Learning A-Z (*additional backup information*)

Sandra Dowdy, Sami Kinsey

nnn. Reading Instructional & Intervention – Amplify Education mClass (*additional backup information*)

Sandra Dowdy, Sami Kinsey, Derek McDaniel

sss. Rekey JHS – IDN Acme (*additional backup information*)

Max Cleaver

xxx. District Software Support Renewals – TwoTrees Technology
Dianne Borreson

cccc. Repairs – Remodel – District Wide – Myers Concrete *(additional backup information)*

Max Cleaver

hhhh. Retail Vendors – HEB
Randy Rau

mmmm. Retail Vendors – Sam’s Club
Randy Rau

rrrr. Safety Inspections – District Wide – JM Engineering (*additional backup information*)
Max Cleaver

www. SPED Software – SuccessEd (*additional backup information*)
Sandra Dowdy, Nadine Hogan

bbbb. Tractor Purchase – Kubota (*additional backup information*)

Max Cleaver

gggg. Uniform Rentals – District Wide – Unifirst

Max Cleaver

IIII. Vehicle Rentals – District Wide – Enterprise Rent-a-Car
Max Cleaver

qqqq. Web Based Software for ELL Educators – ELLvation (*additional backup information*)
Sandra Dowdy

21. Memorandum of Understanding

a. Communities in Schools

Sandra Dowdy

f. Texas State University - Graduate Assistant Athletic Trainer Agreement
Sandra Dowdy

k. Extra-Curricular Status of 4-H/Adjunct Faculty Status of Hays County Extension Agents
Sandra Dowdy, Suzi Mitchell

26. Consideration and possible approval of requests made by (1) Leif Johnson Ford Truck City and (2) Geoffrey Bryce Marlette & Kathleen Rae Sommers for waiver of penalties and interest on two property tax payments, citing Section 33.011(h) of the Texas Property Tax Code.

Randy Rau

31. Acknowledgement of HB 3834

Dianne Borreson

36. Consideration and possible approval of appointments to the Hays CISD SHAC for the 2020-2021 school year
Sandra Dowdy; Macie Walker

41. Consideration and possible approval of a one year renewal for a firm to provide legal services to the district.
Randy Rau

YY. REVIEW ACTION ITEMS - FOR ACTION ON JUNE 22, 2020

1. Consideration and action, if any, resulting from closed session

- a. Consider and take possible action to approve resolution in threatened litigation related to special education student, Student v. Hays CISD: Mediation Docket No. 074-DM-0320.

Dr. Eric Wright

f. Consideration and possible approval of Superintendent's recommendations regarding employment and contract status of administrative professional personnel including campus principals and assistant principals

Dr. Eric Wright

k. Consider and take possible action on waiver of requirements for 2019-2020 Superintendent evaluation.

Board President, Esperanza Orosco

6. Consideration and approval of the 2020-21 General Fund, Debt Service Fund, and Food Service Fund budgets and approval of the 2020-21 budget for additional accelerated instruction pursuant to HB 5 requirements

Randy Rau

11. Consideration and possible approval of the uncommitting of funds from the general fund

Randy Rau

16. Consideration and possible approval of the Hays CISD Employee Compensation Plan for 2020-2021 Fiscal Year
Marivel Sedillo

21. Consideration and possible approval of temporary suspension of a portion of policy DC (LOCAL) from June 23, 2020 through August 17, 2020

Marivel Sedillo

26. Consider adoption of an order authorizing and providing for the defeasance and redemption of certain outstanding obligations of Hays Consolidated Independent School District; authorizing the execution of an escrow agreement; and containing other provisions related thereto

Randy Rau

31. Consideration and possible approval of the Request for Additional Teaching Positions based on Growth

Marivel Sedillo

36. Consideration and possible approval of the construction of the Uhland Elementary School Playfield for student use

Max Cleaver

41. Consideration and possible approval of the construction of the Lehman High School Barber Program Lab
Max Cleaver

46. Consideration and possible adoption of the 2020-2021 Hays CISD Board of Trustees Agenda Workshops and Business Meetings calendar

Dr. Eric Wright

DDD. INFORMATION ITEMS

1. COVID-19 Update

Dr. Eric Wright

6. Discussion of Recommendation to Declare the Postponed May 2020 Bond Moot for the November 2020 Election

Tim Savoy

III. RECAP OF REQUESTS FOR INFORMATION

NNN. **ADJOURN**

SSS. **BOARD REFERENCE DOCUMENTS**

This notice was posted in compliance with the Texas Open Meetings act on: June 18, 2020 at 2:00 PM

BOARD MEETINGS: CLOSED MEETINGS

(LEGAL)

Exceptions for Closed Meetings	A board may conduct a closed meeting for the purposes described in the following provisions.
Attorney Consultation	A board may conduct a private consultation with its attorney only when it seeks the attorney's advice about pending or contemplated litigation or a settlement offer or on a matter in which the duty of the attorney to the board under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the requirement for open meetings. <i>Gov't Code 551.071</i> [See BE for permissible methods of communication for attorney consultations]
Real Property	A board may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the board's position in negotiations with a third person. <i>Gov't Code 551.072</i>
Prospective Gift	A board may conduct a closed meeting to deliberate a negotiated contract for a prospective gift or donation to a district if deliberation in an open meeting would have a detrimental effect on the board's position in negotiations with a third person. <i>Gov't Code 551.073</i>
Personnel Matters	<p>A board is not required to conduct an open meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear a complaint or charge against an officer or employee. However, a board may not conduct a closed meeting for these purposes if the officer or employee who is the subject of the deliberation or hearing requests a public hearing. <i>Gov't Code 551.074</i></p> <p>The closed meeting exception for personnel matters does not apply when a board discusses an independent contractor who is not a school employee, such as an engineering, architectural, or consultant firm, or when a board discusses a class or group of employees, not a particular employee. <i>Atty. Gen. Op. MW-129 (1980), Atty. Gen. Op. H-496 (1975)</i></p>
<i>Employee-Employee Complaints</i>	A board is not required to conduct an open meeting to deliberate in a case in which a complaint or charge is brought against a district employee by another employee and the complaint or charge directly results in the need for a hearing. However, a board may not conduct a closed meeting for this purpose if the employee against whom the complaint or charge is brought makes a written request for an open hearing. <i>Gov't Code 551.082</i>
<i>Student Discipline</i>	A board is not required to conduct an open meeting to deliberate in a case involving discipline of a public school child. However, a board may not conduct a closed meeting for this purpose if the child's parent or guardian makes a written request for an open hearing. <i>Gov't Code 551.082</i>
Personally Identifiable Student Information	<p>A board is not required to conduct an open meeting to deliberate a matter regarding a student if personally identifiable information about the student will necessarily be revealed by the deliberation.</p> <p>Directory information about a public school student is considered to be personally identifiable information about the student for this purpose only if a parent or guardian of the student, or the student if the student has attained 18 years of age, has informed a district that the directory information should not be released without prior consent. [See FL]</p> <p>This exception does not apply if an open meeting about the matter is requested in writing by a parent or guardian of the student or by the student if the student has attained 18 years of age.</p> <p><i>Gov't Code 551.0821</i></p>
Medical or Psychiatric Records	<p>A board that administers a public insurance, health, or retirement plan is not required to conduct an open meeting to deliberate:</p> <ol style="list-style-type: none"> 1. The medical records or psychiatric records of an individual applicant for a benefit from the plan; or 2. A matter that includes a consideration of information in the medical or psychiatric records of an individual applicant for a benefit from the plan. <p><i>Gov't Code 551.0785</i></p>
Security	<p>A board is not required to conduct an open meeting to deliberate:</p> <ol style="list-style-type: none"> 1. The deployment, or specific occasions for implementation, of security personnel or devices; or 2. A security audit. <p><i>Gov't Code 551.07</i></p> <p>A board is not required to conduct an open meeting to deliberate:</p> <ol style="list-style-type: none"> 1. Security assessments or deployments relating to information resources technology; 2. Network security information as described by Government Code 2059.055(b); or 3. The deployment, or specific occasions for implementation, of security personnel, critical infrastructure, or security devices. <p><i>Gov't Code 551.089</i></p>

Assessment Instruments	A board shall conduct a closed meeting to discuss or adopt individual assessment instruments or assessment instrument items. <i>Education Code 39.030(a)</i>
Emergency Management	A board is not required to conduct an open meeting to deliberate information confidential under Government Code 418.175–418.182, relating to Homeland Security. However, a board must make a tape recording of the proceedings of a closed meeting held to deliberate the information. <i>Gov't Code 418.183(f)</i>
Economic Development Negotiations	A board is not required to conduct an open meeting: <ol style="list-style-type: none"> 1. To discuss or deliberate regarding commercial or financial information that the board has received from a business prospect that the board seeks to have locate, stay, or expand in or near a district and with which the board is conducting economic development negotiations; or 2. To deliberate the offer of a financial or other incentive to such a business prospect. <i>Gov't Code 551.087</i>
Procedures for Closed Meetings	If a closed meeting is allowed, a board shall not conduct the closed meeting unless a quorum of the board first convenes in an open meeting for which proper notice has been given [see BE] and the presiding officer has publicly announced that a closed meeting will be held and has identified the section or sections of the Open Meetings Act or other applicable law under which the closed meeting is held. <i>Gov't Code 551.101</i>
Vote for Final Action	A final action, decision, or vote on a matter deliberated in a closed meeting shall be made only in an open meeting for which proper notice has been given. <i>Gov't Code 551.102</i> [See BE]
Certified Agenda or Recording	A board shall either keep a certified agenda or make a recording of the proceedings of each closed meeting, except for private consultation with a district's attorney. The certified agenda must include a statement of the subject matter of each deliberation, a record of any further action taken, and an announcement by the presiding officer at the beginning and end of the closed meeting indicating the date and time. A presiding officer shall certify that a certified agenda is a true and correct record of the proceedings. If a recording is made, it must include announcements by the presiding officer at the beginning and end of the meeting indicating the date and time. <i>Gov't Code 551.103</i> "Recording" means a tangible medium on which audio or a combination of audio and video is recorded, including a disc, tape, wire, film, electronic storage drive, or other medium now existing or later developed. <i>Gov't Code 551.001(7)</i> Closed meetings may not be recorded by an individual trustee against the wishes of a majority of a board. <i>Zamora v. Edgewood Indep. Sch. Dist., 592 S.W.2d 649 (Tex. App.—San Antonio, 1979, writ ref'd n.r.e.)</i>
Preservation	A board shall preserve the certified agenda or recording of a closed meeting for at least two years after the date of the meeting. If a legal action involving the meeting is brought within that period, the board shall preserve the certified agenda or recording while the action is pending. <i>Gov't Code 551.104(a)</i>
Public Access	A certified agenda or recording of a closed meeting is available for public inspection and copying only under a court order issued as a result of litigation involving an alleged violation of the Open Meetings Act. <i>Gov't Code 551.104(b), (c)</i>
Prohibitions	No board member shall participate in a closed meeting knowing that neither a certified agenda nor a recording of the closed meeting is being made. <i>Gov't Code 551.145</i> No individual, corporation, or partnership shall without lawful authority disclose to a member of the public the certified agenda or recording of a meeting that was lawfully closed to the public. <i>Gov't Code 551.146</i> No board member shall knowingly call or aid in calling or organizing a closed meeting that is not permitted under the Open Meetings Act, close or aid in closing a regular meeting to the public except as permitted under the Open Meetings Act, or participate in a closed meeting that is not permitted under the Open Meetings Act. <i>Gov't Code 551.144(a)</i>
Affirmative Defense	It is an affirmative defense to prosecution under Subsection 551.144(a) that a board member acted in reasonable reliance on a court order or a written interpretation of the open meetings law contained in an opinion of a court of record, the attorney general, or the board's attorney. <i>Gov't Code 551.144(c)</i>

Date Issued: 11/16/2017
Update 109
BEC(LEGAL)