

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 August 17, 2020 beginning at 6:00 PM Johnson High School Cafeteria, 4260 FM 967, Buda, TX 78610.

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.hayscisd.net/site/Default.aspx?PageID=196>.

In order to assure the safety of the public, Board Members and District Administrators during the COVID19 pandemic, it is necessary to require anyone who wishes to publicly address the Board in this meeting to sign-up by completing the form found online at www.hayscisd.net/boardcomment between the hours of 8:00 am and 12:00 noon on the day of this meeting. In order to address the Board, the form MUST be submitted by 12:00 noon on the day of this 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

B. **PLEDGE OF ALLEGIANCE TO UNITED STATES AND TEXAS FLAGS**

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.

C. **MISSION STATEMENT**

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.

D. **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

E. **PUBLIC HEARING - SCHEDULED FOR AUGUST 24, 2020**

Conduct a Public Hearing on the Application for Optional Flexible School Day Program at Live Oak Academy for 2020-2021 School year

Doug Agnew, Jesus Gomez

F. PUBLIC FORUM

It is the policy of the Board that, if members of the public wish to address the Board in Public Forum, they must complete and submit a Request to Address the Board of Trustees form. In order to assure the safety of the public, Board Members and District Administrators during the COVID19 pandemic, it is necessary to require anyone who wishes to publicly address the Board in this meeting to sign-up by completing the form found on line at <https://www.hayscisid.net/boardcomment> between the hours of 8:00 am and 12:00 noon on the day of this meeting. In order to address the Board, the form MUST be submitted by 12:00 noon on the day of this meeting. The individuals who wish to address the board should be at the meeting at Johnson High School by 6:00 pm on August 17, 2020. The order of the speakers will coincide with the order in which the Request to Address the Board of Trustees forms were submitted to the District.

In compliance with state and local mandates associated with the COVID19 pandemic, there will be no audience for this meeting. All registered speakers will remain outside at a social distance of 6 feet apart and wear face coverings. One speaker will be allowed into the meeting at a time to address the Board and will exit the meeting area prior to the next speaker entering the meeting area.

If you would like to leave comments with the Board but do not wish to attend the meeting, you can submit such comments at <https://www.hayscisid.net/boardcomment>. Those comments must be submitted between the hours of 8:00 am and 12:00 noon on the day of this meeting. All of such comments will be made available to all Board Members prior to this meeting.

Public participation in Board meetings is limited to the Public Forum portion of the meeting agenda, as is provided in Board policy.

Please be aware that the audio of Public Forum is recorded as a part of the recording of the entire meeting and is published on the District's website without alteration. A person who chooses to speak in Public Forum is consenting to the online publication of their comments.

G. REQUESTS FOR INFORMATION FROM THE BOARD OF TRUSTEES

H. STUDENT ACHIEVEMENT REPORT

Learning Management System - Schoology - Emily Herrin
Grading Guidelines - Derek McDaniel

I. CONSENT AGENDA - FOR ACTION ON AUGUST 24, 2020

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

June 4, 2020
June 15, 2020
June 22, 2020
July 16, 2020

Dr. Eric Wright

2. Finance Report

Randy Rau

3. Budget Amendments

Randy Rau

4. Procurements

a. Bulk Fuel - SC Fuel

Max Cleaver

b. Equipment Rental - United Rentals

Max Cleaver

c. Fire Alarm System Replacement - JM Electronic

Max Cleaver

d. HR Software - TalentEd & Smartfind - PowerSchool

Marivel Sedillo

- e. HVAC Supplies/Services - TD Industries & TX Airsystem Parts
Max Cleaver
- f. Maintenance & Operations Supplies/Materials - Home Depot
Max Cleaver
- g. Tires/Services for Transportation - Southern Tire Mart
Max Cleaver
- h. Transportation Services - Longhorn Bus Sales & Rush Truck Center
Max Cleaver

5. Consideration and possible approval of the Appraisal Calendar and List of Certified Appraisers
Marivel Sedillo

6. Consideration and possible approval of Application for Optional Flexible School Day Program at Live Oak Academy for the 2020-2021 School Year
Doug Agnew, Principal LOA

7. Consideration and possible approval of property, school liability, automobile, and worker's compensation insurance coverage with the Texas Association of School Boards (TASB) Risk Management Fund
Max Cleaver & Marivel Sedillo

J. FOR ACTION ON AUGUST 17, 2020

1. Consideration and Possible Adoption of the Order to Declare the Postponed May 2020 Bond Moot for the November 2020 Election
Tim Savoy

K. ACTION ITEMS

1. Consideration and possible adoption of a Resolution Expressing Intent to Defeasand Redeem Certain of the District's Outstanding Bonds

Randy Rau

2. Consideration and possible acceptance of the certified values from the appraisal districts

Randy Rau

3. Consideration and Possible Adoption of the 2020-2021 Maximum Tax Rate

Randy Rau

4. Consideration and possible approval of revision of County Line Special Utility District (CLSUD) access easement near Uhland Elementary School

Max Cleaver

5. Consideration and possible approval of Water Line Easement for Goforth Special Utility District on Dacy Lane

Max Cleaver

6. Consideration and possible approval of a Joint Use Agreement for Parking Facilities with the City of Kyle Reinvestment Zone Number Two

Max Cleaver

7. Consideration and possible approval of procurement of Autism Professional Development through STAR Autism Support LLC

Sandra Dowdy, Nadine Hogan, Shelli Cervenka

8. Consideration and Possible Adoption of the Student Code of Conduct for the 2020-2021 School Year

Jesus Gomez, Adrianna Price

9. Consideration and possible endorsement of an individual to serve on the TASB Board of Directors - Region 13, Position B

Board Matter

L. INFORMATION ITEMS

1. Update on Beginning of 2020-2021 School Year

Dr. Eric Wright

2. Purchasing Coop Fees

Randy Rau

3. TASB Policy Update 115 Affecting Local Policies and District Initiated Revisions to Local Policy (DEC) Not Covered in Update 115 - First Reading

Dr. Eric Wright

Policy Update 115 Affecting Local Policies

TASB Initiated Revisions with No Further Recommendations at District Level

- BF(LOCAL): Board Policies
- DED(LOCAL): Compensation and Benefits - Vacations and Holidays
- DIA(LOCAL): Employee Welfare - Freedom From Discrimination, Harassment, and Retaliation
- EI(LOCAL): Academic Achievement
- FB(LOCAL): Equal Educational Opportunity
- FD(LOCAL): Admissions
- FEB(LOCAL): Attendance - Attendance Accounting
- FFG(LOCAL): Student Welfare - Child Abuse and Neglect
- FFH(LOCAL): Student Welfare - Freedom From Discrimination, Harassment, and Retaliation
- FMF(LOCAL): Student Activities - Contests and Competition
- FNG(LOCAL): Student Rights and Responsibilities - Student and Parent Complaints/Grievances
- GF(LOCAL): Public Complaints

M. RECAP OF BOARD MEMBERS' REQUESTS FOR INFORMATION

Board Secretary

N. BOARD REFERENCE DOCUMENTS

O. UPCOMING BOARD MEETINGS

- August 24, 2020 @ Johnson High School 5:30 pm
- September 21, 2020 @ Johnson High School 5:30 pm
- September 28, 2020 @ Johnson High School 5:30 pm
- October 19, 2020 @ Johnson High School 5:30 pm
- October 26, 2020 @ Johnson High School 5:30 pm
- November 30, 2020 @ Lehman High School 5:30 pm
- December 14, 2020 @ Lehman High School 5:30 pm
- January 19, 2021 @ Lehman High School 5:30 pm
- January 25, 2021 @ Lehman High School 5:30 pm
- February 22, 2021 @ Lehman High School 5:30 pm
- March 29, 2021 @ Lehman High School 5:30 pm
- April 19, 2021 @ Hays High School 5:30 pm
- April 26, 2021 @ Hays High School 5:30 pm
- May 17, 2021 @ Hays High School 5:30 pm
- May 24, 2021 @ Hays High School 5:30 pm

- June 21, 2021 @ Hays High School 5:30 pm
- June 28, 2021 @ Hays High School 5:30 pm

Official Board of Trustees information may be obtained at www.hayscisd.net

P. **ADJOURN**

This notice was posted in compliance with the Texas Open Meetings act on: August 14, 2020 at 2:00 PM

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. *Gov't Code 551.071* [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. *Gov't Code 551.072*

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. *Gov't Code 551.073*

Personnel Matters

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. *Gov't Code 551.074*

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. *Atty. Gen. Op. MW-129 (1980), Atty. Gen. Op. H-496 (1975)*

Employee-Employee Complaints 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. *Gov't Code 551.082*

Student Discipline 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. *Gov't Code 551.082*

Personally Identifiable Student Information

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.

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]

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.

Gov't Code 551.0821

Medical or Psychiatric Records

A board that administers a public insurance, health, or retirement plan is not required to conduct an open meeting to deliberate

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.

Gov't Code 551.0785

Security

A board is not required to conduct an open meeting to deliberate:

1. The deployment, or specific occasions for implementation, of security personnel or devices, or
2. A security audit

Gov't Code 551.076

A board is not required to conduct an open meeting to deliberate:

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.

Gov't Code 551.089

Assessment Instruments

A board shall conduct a closed meeting to discuss or adopt individual assessment instruments or assessment instrument items. *Education Code 39.030(a)*

Emergency Management

A board is not required to conduct an open meeting to deliberate information confidential under Government Code 418.175–418.182, Management relating to Homeland Security. However, a board must make a tape recording of the proceedings of a closed meeting held to deliberate the information. *Gov't Code 418.183(f)*

Economic Development Negotiations

A board is not required to conduct an open meeting:

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.
- Gov't Code 551.087*

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. *Gov't Code 551.101*

Vote or 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. *Gov't Code 551.102* [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. *Gov't Code 551.103*

"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. *Gov't Code 551.001(7)*

Closed meetings may not be recorded by an individual trustee against the wishes of a majority of a board. *Zamora v. Edgewood Indep. Sch. Dist.*, 592 S.W.2d 649 (Tex. App.—San Antonio, 1979, writ ref'd n.r.e.)

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. *Gov't Code 551.104(a)*

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. *Gov't Code 551.104(b), (c)*

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. *Gov't Code 551.145*

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. *Gov't Code 551.146*

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. *Gov't Code 551.144(a)*

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. *Gov't Code 551.144(c)*

DATE ISSUED: 11/16/2017

UPDATE 109

**HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT
BOARD OF TRUSTEES**

Date: August 24, 2020

Subject: Optional Flexible School Day Program (OFSDP) at Live Oak Academy Public Hearing

Administrator Responsible/Position: Doug Agnew, Principal, Live Oak Academy
Jesus Gomez, Deputy Academic Officer

A. Purpose of Agenda Item:

Action Needed Information Only Receive Input

B. Authority for This Action

Local Policy Law or Rule TEC 29.081 N/A

C. Summary:

Previous board action relating to this item – This is an annual agenda item for the board per state requirements
 Future action anticipated -
 Background information – The purpose of the Optional Flexible School Day Program (OFSDP) application to the Texas Education Agency (TEA) is to allow Hays CISD to provide flexible hours for fifth year students, ages 18-25, in the Phoenix Program at Live Oak Academy who are working to finish graduation requirements. The OFSDP program allows a school district to receive attendance funding if a student receives instruction for at least 45 minutes on a given school day. The Hays CISD school board must hold a public hearing on the proposed OFSCDP before submitting the application to TEA.

D. Comments Received:

Cabinet DLT FBOC Teacher Org. Reps. Other _____
 From public -

All agenda items are reviewed by the Superintendent's Cabinet.

E. Administrative Recommendation: N/A

F. Fiscal Impact and Cost: N/A

Budget – General Operating Fund Bond Grant/Special Funds Other _____
Prior Year Spending: \$ _____
Future/Ongoing: \$ _____

HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES

Date: August 17, 2020

Subject: Public Forum

Administrator Responsible/Position: Dr. Eric Wright, Superintendent

- A. Purpose of Agenda Item
 Action needed Information only Receive input
- B. Authority for This Action:
 Local Policy BED Law or Rule N/A

The Board encourages comments from citizens of the District and from District employees.

Policy BED local states that audience participation at a Board Meeting is limited to the public comment portion of the meeting designated for that purpose. At all other times during a Board Meeting, the audience shall not enter into discussion or debate on matters being considered by the Board, unless requested by the presiding officer.

The time allowed to each speaker during the Public Forum will depend upon the number of people signing up to speak.

It is the policy of the Board that, if members of the public wish to address the Board in Public Forum, they must complete and submit a Request to Address the Board of Trustees form. In order to assure the safety of the public, Board Members and District Administrators during the COVID 19 pandemic, it is necessary to require anyone who wishes to publicly address the Board in this meeting to sign-up, by completing the form found online at www.hayscisd.net/boardcomment between the hours of 8:00 am and 12 noon on the day of this meeting. In order to address the Board, the form MUST be submitted by 12:00 noon on August 17, 2020. The individuals who wish to address the board should be at the meeting at Johnson High School by 6:00 pm on August 17, 2020. The order of the speakers will coincide with the order in which the Request to Address the Board of Trustees forms were submitted to the District.

In compliance with state and local mandates associated with the COVID 19 pandemic, there will be no public audience for this meeting. All registered speakers will remain outside at a social distance of 6 feet apart and wear face covering. One speaker at a time will be allowed into the meeting to address the Board and will exit the meeting area prior to the next speaker entering the meeting area.

If you would like to leave comments with the Board but do not wish to attend the meeting, you can submit such comments at www.hayscisd.net/boardcomment. Those comments must be submitted between the hours of 8:00 am and 12:00 noon on August 17, 2020. All of such comments will be made available to all Board Members prior to this meeting.

Please be aware that the audio of Public Forum is recorded as part of the recording of the entire meeting and is published on the District's website without alteration. A person who chooses to speak in Public Forum is consenting to the online publication of their comments.

**HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT
BOARD OF TRUSTEES**

Date: August 17, 2020

Subject: Student Achievement Report

Administrator Responsible/Position: Sandra Dowdy, Chief Academic Officer
Emily Herrin, Director of Digital Learning
Derek McDaniel, Director of Curriculum & Instruction

A. Purpose of Agenda Item:

Action Needed Information Only Receive Input

B. Authority for This Action

Local Policy Law or Rule N/A

C. Goal or Need Addressed:

Share information with the Board and Community regarding the return to school

HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES

Date: August 24, 2020

Subject: Consideration and Possible Approval of Consent Agenda

Administrator Responsible/Position: Dr. Eric Wright, Superintendent

A. Purpose of Agenda Item:

Action needed Information only Receive input

B. Authority for This Action:

Local Policy BE Law or Rule N/A

Policy Be local states that the consent agenda shall include items of a routine and/or recurring nature grouped together under one action item. For each item listed as part of a consent agenda, the Board shall be furnished with background material. All such items shall be acted upon by one vote without separate discussion, unless a Board member requests that an item be withdrawn for individual consideration. The remaining items shall be adopted under a single motion and vote

C. Goal or Need Addressed:

As listed on attached pages

D. Summary:

- Previous board action relating to this item - Ongoing
- Future action anticipated - Monthly
- Background information – The following items are presented for approval
 1. Board Meeting Minutes
 2. Finance Report
 3. Budget Amendments
 4. Procurements
 5. Appraisal Calendar and List of Certified Appraisers
 6. Optional Flexible School Day Program at Live Oak Academy for the 2020-2021 School Year
 7. Property, School Liability, Automobile and Worker's Compensation Insurance

E. Comments Received:

Cabinet DLT FBOC Teacher Org. Reps. Other

All agenda items have been reviewed by the Superintendent's Cabinet

F. Administrative Recommendation:

The Superintendent recommends the Board approve consent agenda items as presented.

G. Fiscal Impact and Cost: Amount: Per individual items attached

H. Suggested Motion:

I move that the Board approve the consent agenda as presented.

HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES

Date: August 24, 2020

Subject: Consideration and possible approval of meeting minutes

Administrator Responsible/Position: Dr. Eric Wright, Superintendent

A. Purpose of Agenda Item:

Action needed

Information only

Receive input

B. Authority for This Action:

Local Policy

Law or Rule

N/A

Policy BE local states that Board action shall be carefully recorded by the Board Secretary or clerk; when approved, these minutes shall serve as the legal record of official Board actions. The written minutes of all meetings shall be approved by vote of the Board and signed by the Board President and the Board Secretary

C. Goal or Need Addressed: N/A

D. Summary:

Previous board action relating to this item - Ongoing

Future action anticipated - Monthly

Background information – Minutes from the June 4, 2020, June 15, 2020, June 22, 2020 and July 16, 2020 meetings are presented for approval

E. Comments Received:

Cabinet

DLT

FBOC

Teacher Org. Reps.

Other _____

All agenda items have been reviewed by the Superintendent's Cabinet.

F. Administrative Recommendation:

The Superintendent recommends the Board approve minutes from the June 4, 2020, June 15, 2020, June 22, 2020 and July 16, 2020 Board meetings as presented.

G. Fiscal Impact and Cost: Amount: N/A

Budget

Bond

Grant/Special Funds

Other _____

H. Suggested Motion:

I move that the Board approve the June 4, 2020, June 15, 2020, June 22, 2020 and July 16, 2020 Board meeting minutes as presented.

Minutes of Special Meeting - Budget Workshop June 4, 2020

Hays CISD Board of Trustees

These minutes are a record of the actions taken by the Hays CISD Board of Trustees in the meeting held on the above date. The complete audio of this meeting is accessible at www.hayscisd.net for those who wish to hear the specific details of the discussions on the agenda topics presented.

A Regular Meeting by Videoconference or Telephone Call of the Board of Trustees of Hays CISD was held Thursday, June 4, 2020, beginning at 5:00 PM by Video Conference.

CALL TO ORDER: Establish a quorum

Board President, Esperanza Orosco, called the meeting to order at 5:00 PM. By roll call, all Board Members, Raul Vela, Michael Sanchez, Vanessa Petrea, Esperanza Orosco Will McManus, Merideth Keller, and Willie Tenorio were in attendance.

PUBLIC FORUM

There were no public comments.

DISCUSSION

2020-2021 Budget Workshop

Randy Rau, Chief Financial Officer, led the budget discussion and reviewed the presentation. He discussed the revenue estimates and the effect of funding lags on the district. Board Members asked questions. Rigorous discussion ensued.

The Board took a sort break from 8:05 to 8:13.

Employee raises, commitment of fund balance and code functions were discussed at length. There will be additional discussion at the June 15 Board Agenda Workshop.

ADJOURN

No further business was conducted and the meeting adjourned at 8:56 PM.

Minutes of Regular Meeting June 15, 2020

Hays CISD Board of Trustees

These minutes are a record of the actions taken by the Hays CISD Board of Trustees in the meeting held on the above date. The complete audio of this meeting is accessible at www.hayscisd.net for those who wish to hear the specific details of the discussions on the agenda topics presented.

A Regular Meeting of the Board of Trustees of Hays CISD was held Monday, June 15, 2020, beginning at 5:30 PM in the Johnson High School, 4260 FM 967, Buda, Texas 78610.

CALL TO ORDER: Establish a quorum

Board President, Esperanza Orosco, called the meeting to order at 5:33 PM. All board members, Raul Vela, Merideth Keller, Esperanza Orosco, Will McManus, Michael Sanchez, Vanessa Petrea and Willie Tenorio were present.

CLOSED SESSION

The board adjourned to closed session at 5:34 PM to deliberate regarding threatened litigation related to special education student, including possible resolution; consultation with legal counsel regarding same, pursuant to Texas Government Code sections 551.071, 551.129, 551.0821, and 551.074, to 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 and to deliberate regarding Superintendent contract and evaluation, pursuant to Tex. Gov't Code §551.074.

RECONVENE IN OPEN SESSION

PLEDGE OF ALLEGIANCE TO UNITED STATES AND TEXAS FLAGS

MISSION STATEMENT

SOCIAL CONTRACT

PUBLIC FORUM

A quorum of the Board of Trustees are physically present at one location, however, in-person public attendance was not 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 15, 2020. There was one submission regarding equitable services for special needs students and that information was provided to the Board members prior to the meeting.

REQUESTS FOR INFORMATION FROM THE BOARD OF TRUSTEES

No requests were received from the Board Members

STUDENT ACHIEVEMENT REPORT

Dr. Jennifer Garcia presented the Early Childhood Literacy and Mathematics (EC-LM) and College, Career, and Military Readiness (CCMR) report to the Board. Rigorous discussion ensued. Administrators answered questions from the board and will follow up with additional information requested concerning the report.

The purpose of this meeting is an agenda workshop. Board members will have the opportunity to discuss agenda items and ask questions of the administration in preparation of the June 22, 2020 Hays CISD Board of Trustees Business Meeting.

REVIEW OF CONSENT AGENDA ITEMS - FOR ACTION ON JUNE 22, 2020

The consent agenda was very long. President Orosco went down the items one by one to address questions from the board members.

Minutes of Board of Trustees Meetings

Finance Report

Budget Amendments

Procurements

- a. Audio Visual Equipment & Technical Contracted Services – Pathway
- b. Autism Professional Development – Star Autism Support LLC
- c. Bread Products – Kurz & Co
- d. Contracted Lawn Maintenance Services – Rios Tree Services
- e. Custodial Equipment & Plumbing Supplies – Ferguson
- f. Dairy & Other Food Svc Purchases – Hill Country Dairies & Labatt Food
- g. District Software Support – Solid Border (
- h. HVAC Filter Services – TX Filter Service
- i. Learning Management System – PowerSchool (
- j. Online K-8 Math Program – Dreambox
- k. Portable Renovations NES – Industrial Laminates Corp dba Ilcor Builders
- l. Produce Food Svc – Ferris Joseph
- m. PSAT/SAT Assessment Exams– College Board
- n. Reading Curriculum Support – Learning A-Z
- o. Reading Instructional & Intervention – Amplify Education mClass
- p. Rekey JHS – IDN Acme
- q. District Software Support Renewals – TwoTrees Technology
- r. Repairs – Remodel – District Wide – Myers Concrete
- s. Retail Vendors – HEB
- t. Retail Vendors – Sam’s Club
- u. Safety Inspections – District Wide – JM Engineering
- v. SPED Software – SuccessEd
- w. Tractor Purchase – Kubota
- x. Uniform Rentals – District Wide – Unifirst
- y. Vehicle Rentals – District Wide – Enterprise Rent-a-Car
- z. Web Based Software for ELL Educators – ELLvation

Memorandum of Understanding

- a. Communities in Schools
- b. Texas State University - Graduate Assistant Athletic Trainer Agreement
- c. Extra-Curricular Status of 4-H/Adjunct Faculty Status of Hays County Extension Agents

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.

Acknowledgement of HB 3834

Consideration and possible adoption of the Early Childhood and CCMR Plans as required by HB3

Consideration and possible approval of appointments to the Hays CISD SHAC for the 2020-2021 school year

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

Board President announced that item b-Autism Professional Development was pulled from the agenda. Administrators answered questions regarding many of the procurements.

Discussion ensued regarding the possible adoption of the Early Childhood and CCMR Plans. After consideration by board members and cabinet members, it was agreed that the item would be pulled from the agenda and no action will be had on the plans at the business meeting next week. The Plan will be resubmitted after the board sets goals for the 2020-2021 school year.

REVIEW ACTION ITEMS - FOR ACTION ON JUNE 22, 2020

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.
- b. Consideration and possible approval of Superintendent's recommendations regarding employment and contract status of administrative professional personnel including campus principals and assistant principals
- c. Consider and take possible action on waiver of requirements for 2019-2020 Superintendent evaluation.
Mrs. Orosco answered questions presented by Mr. Tenorio regarding this item. Discussion ensued.
- d. Consideration and possible approval on Superintendent contract extension and/or contract terms.
This item was pulled from the agenda and will be moved to August for action.

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 presented the 2020-2021 budget. He answered several questions from the board members.

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

Marivel Sedillo discussed the proposed Employee Compensation Plan for 2020-2021. Discussion ensued.

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

The board had no questions related to this item.

Consideration and possible approval of the Request for Additional Growth Positions and/or Request Release to Add Positions up to our Staffing Ratios

There was discussion regarding this item. In next week's agenda, the approval will be requested to only release teacher positions for growth in line with the district staffing ratios.

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 answered questions from the board regarding this item. Mr. Tenorio requested that the \$2,628,211 in interest savings realized by this transaction be placed in the transmittal of the item in next week's agenda.

Consideration and possible approval of the construction of the Uhland Elementary School Playfield for student use
Max Cleaver answered questions from the board regarding the Uhland Elementary School Playfield.

Consideration and possible approval of the construction of the Lehman High School Barber Program Lab
Max Cleaver answered questions from the board regarding funding of the Lehman High School Barber Program Lab.

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

Mrs. Orosco presented two options for 2020-2021 Board of Trustees Agenda Workshops and Business Meetings. Discussion ensued regarding the benefits of having two meetings a month versus only one meeting.

INFORMATION ITEMS

COVID-19 Update

Dr. Eric Wright gave the board an update on District happenings during the COVID-19 pandemic.

RECAP OF REQUESTS FOR INFORMATION

ADJOURN

No further business was conducted and the meeting adjourned at 10:16 PM.

Minutes of Regular Meeting June 22, 2020

Hays Board of Trustees

These minutes are a record of the actions taken by the Hays CISD Board of Trustees in the meeting held on the above date. The complete audio of this meeting is accessible at www.hayscisid.net for those who wish to hear the specific details of the discussions on the agenda topics presented.

A Regular Meeting of the Board of Trustees of Hays CISD was held Monday, June 22, 2020, beginning at 5:30 PM in the Johnson High School, 4260 FM 967, Buda, Texas 78610.

CALL TO ORDER: Establish a quorum

Board President, Esperanza Orosco, called the meeting to order at 5:30 PM. All board members, Raul Vela, Merideth Keller, Esperanza Orosco, Will McManus, Michael Sanchez, Vanessa Petrea and Willie Tenorio were present.

CLOSED SESSION

The Board adjourned to closed session at 5:31 PM to 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.

RECONVENE IN OPEN SESSION

The Board reconvened in open session at 6:34 PM.

PLEDGE OF ALLEGIANCE TO UNITED STATES AND TEXAS FLAGS

MISSION STATEMENT

SOCIAL CONTRACT

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

No one from the public submitted any comments for the public hearing

PUBLIC FORUM

A quorum of the Board of Trustees are physically present at one location, however, in-person public attendance was not 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. There were two submissions and that information was provided to the Board members prior to the meeting.

REQUESTS FOR INFORMATION FROM THE BOARD OF TRUSTEES

Dr. Wright provided the Board with a brief overview of the district's plans to address the Hays High School Rebel Mascot.

CONSENT AGENDA ITEMS

Minutes of Board of Trustees Meetings
Finance Report

Budget Amendments

Procurements

- a. Audio Visual Equipment & Technical Contracted Services – Pathway
- b. Bread Products – Kurz & Co
- c. Contracted Lawn Maintenance Services – Rios Tree Services
- d. Custodial Equipment & Plumbing Supplies – Ferguson
- e. Dairy & Other Food Svc Purchases – Hill Country Dairies & Labatt Food
- f. District Software Support – Solid Border
- g. HVAC Filter Services – TX Filter Service
- h. Learning Management System – PowerSchool
- i. Online K-8 Math Program – Dreambox
- j. Portable Renovations NES – Industrial Laminates Corp dba Ilcor Builders
- k. Produce Food Svc – Ferris Joseph
- l. PSAT/SAT Assessment Exams– College Board
- m. Reading Curriculum Support – Learning A-Z
- n. Reading Instructional & Intervention – Amplify Education mClass
- o. Rekey JHS – IDN Acme
- p. District Software Support Renewals – TwoTrees Technology
- q. Repairs – Remodel – District Wide – Myers Concrete
- r. Retail Vendors – HEB
- s. Retail Vendors – Sam’s Club
- t. Safety Inspections – District Wide – JM Engineering
- u. SPED Software – SuccessEd
- v. Tractor Purchase – Kubota
- w. Uniform Rentals – District Wide – Unifirst
- x. Vehicle Rentals – District Wide – Enterprise Rent-a-Car
- y. Web Based Software for ELL Educators – ELLvation

Memorandum of Understanding

- a. Communities in Schools
- b. Texas State University - Graduate Assistant Athletic Trainer Agreement
- c. Extra-Curricular Status of 4-H/Adjunct Faculty Status of Hays County Extension Agents

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

Acknowledgement of HB 3834

Consideration and possible approval of appointments to the Hays CISD SHAC for the 2020-2021 school year

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

Mrs. Orosco pulled from the Consent Agenda, item h. Learning Management System-PowerSchool and item l.-PSAT/ACT Assessment Exams together with the item for the approval of the appointments of the Hays CISD SHAC for the 2020-2021 school year.

Mr. McManus moved and Mrs. Petrea seconded the motion that the Board approve the remaining Consent Agenda Items as presented. The motion passed with a 7-0 vote.

Board members discussed the remaining 3 items. After such discussion and hearing from administration, Mr. McManus moved and Mrs. Keller seconded the motion that the Board approve the vendor PowerSchool Group LLC for the utilization of Schoology Learning Management System for approximately \$111,825, as presented. The motion passed with a 7-0 vote.

Mrs. Keller moved and Mrs. Petrea seconded the motion that the Board approve the procurement for College Board PSAT 8/9, PSAT and SAT assessments for the 2020-21 school year for approximately \$180,000 as presented. The motion passed with a 7-0 vote.

Mr. McManus moved and Mrs. Petrea seconded the motion that the Board approve the appointments to the Hays CISD SHAC for the 2020-2021 school year, as presented. The motion passed with a 7-0 vote.

ACTION ITEMS

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.
Mrs. Orosco moved and Mrs. Keller seconded the motion to approve the Settlement Agreement and Release, as presented in closed session on June 15, and authorize the Superintendent to take all necessary steps to execute and implement the terms of the agreement. The motion passed with a 7-0 vote.
- b. 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
Mr. Tenorio moved and Mrs. Petrea seconded the motion that the Board approve the Superintendent's recommendation to hire the following: Lizette Salinas Rodriguez as the Assistant Principal at Blanco Vista Elementary, Dedrah Ginn as Principal of Dahlstrom Middle School and Elizabeth Lara as Assistant Principal at Lehman High School. The motion passed with a 7-0 vote.
- c. Consider and take possible action on waiver of requirements for 2019-2020 Superintendent evaluation.
Mrs. Orosco prefaced the motion on this item with the following statement: In light of the school closures due to COVID-19, the Administration has requested and been granted a waiver from TEA excusing the District from the state requirements for teacher and administrator evaluations. This waiver also covers the Superintendent's evaluation and would permit the Board to not conduct a formal evaluation of the Superintendent's performance for the 2019-2020 school year. Mrs. Keller moved and Mr. McManus seconded the motion that the Board apply the educator appraisal waiver granted by TEA to the Superintendent's 2019-2020 formal evaluation and that the Board resume their annual Superintendent evaluation calendar in the 2020-2021 school year. The motion passed with a 5-2 vote. Mr. Vela, Mrs. Keller, Mrs. Orosco, Mr. McManus and Mrs. Petrea voting for the motion and Dr. Sanchez and Mr. Tenorio voting no.

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

Mr. McManus moved and Mrs. Keller seconded the motion that the Board approve the un-committing of funds from the general fund, fund balance for the artificial turf replacement in the amount of \$1,000,000. The motion passed with a 7-0 vote.

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

Mr. McManus moved and Mrs. Petrea seconded the motion that the Board approve the 2020-2021 General Fund, Debt Service Fund, and Food Service Fund budgets and approve the 2020-20221 budget for additional accelerated instruction pursuant to HB5 requirements as presented. The motion passed with a 7-0 vote.

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

Mr. McManus moved and Mrs. Petrea seconded the motion that the Board approve the administrative recommendations of the following increases for 2020-2021

- Teacher/Nurse/Librarian/Counselor Step Scales as presented = 2% increase
- Professionals/Auxiliary/Paraprofessionals = 2% of Midpoint increase

- Additional District Health Insurance Contribution = Increase district contribution by \$8/month to maintain a no-cost employee-only coverage option.

Increase recommendations apply to all full-time or part-time employees who occupy a permanent position, including all enterprise positions. Increase recommendations do not apply to nonstandard hourly employees (NSHE).

The motion passed with a 6-1 vote. Mr. Vela, Mrs. Keller, Mrs. Orosco, Mr. McManus, Mrs. Petrea, and Mr. Tenorio voting for the motion and Dr. Sanchez voting no.

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

Mr. McManus moved and Mrs. Petrea seconded the motion that the Board approve the temporary suspension of a portion of policy DC(LOCAL) from June 23, 2020 through August 17, 2020 in order to allow the Superintendent to offer administrative contracts during that period of time and not wait until the next board meeting for Board approval. The motion passed with a 7-0 vote.

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

Mr. McManus moved and Mrs. Petrea seconded the motion that the Board approve the request for additional teaching positions based on growth, as presented. The motion passed with a 7-0 vote.

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

Mr. McManus moved and Mrs. Petrea seconded the motion that the Board approve the defeasance resolution as presented. The motion passed with a 7-0 vote.

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

Mr. Tenorio moved and Mr. McManus seconded the motion that the Board approve the guaranteed maximum price (GMP) from Bartlett-Cocke, not to exceed \$279,643 for the construction of a playfield at Uhland Elementary School, as presented. The motion passed with a 7-0 vote.

Consideration and possible approval of the construction of the Lehman High School Barber Program Lab

Mr. McManus moved and Mr. Tenorio seconded the motion that the Board approve a Job Order Contract with Jamail-Smith in the amount not to exceed \$300,000 for improvements to Lehman High School, as presented. The motion passed with a 7-0 vote.

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

Mrs. Keller moved and Dr. Sanchez seconded the motion that the Board approve "Option C" for the Board Meeting Calendar for 2020-2021. That option has two meeting every month, except for November, December, February and March, which will only have one meeting. The motion passed with a 7-0 vote.

INFORMATION ITEMS

COVID-19 Update

Dr. Eric Wright updated the Board on COVID-19 in the district.

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

Tim Savoy discussed the possibility of declaring the postponed May 2020 Bond moot for the November 2020 election. Based on the uncertainty still surrounding COVID-19 and specifically, the pandemic's unknown effect on our enrollment, tax collection rate and bonding capacity, economic ramifications on project costs, and longer-term effects on practices and operations, the administration is recommending that

the Board declare the 2020 bond moot for November 2020, which effectively cancels the election. A declaration that the propositions are moot is the only statutory way for the Board to cancel the election.

The Board has an August 17, 2020 deadline to make necessary revisions to the election order to include dates, times, and locations if the Board wishes to proceed with the bond election in November. While there is no deadline to declare an election moot and cancel it, the Board would need to take action on the election order in August if it has not declared the election moot.

Declaring the bond election moot would not preclude the Board from calling a new bond election next year for the May 2021 uniform election date. Administration does not believe our needs list will substantially change, so we do not believe we need to repeat the tremendous work the Facilities and Bond Oversight Committee undertook last fall to identify and prioritize needs. If the Board declares the 2020 bond election moot for November and later decides to call for a May 2021 election, the Board would need to review the current measures to see if they are still applicable, remain within acceptable cost parameters, and that the district's bonding capacity can support them.

ADJOURN

No further business was conducted and the meeting adjourned at 7:27 PM.

Minutes of Special Meeting July 16, 2020

Hays CISD Board of Trustees

These minutes are a record of the actions taken by the Hays CISD Board of Trustees in the meeting held on the above date. The complete video of this meeting is accessible at www.hayscisd.net for those who wish to hear the specific details of the discussions on the agenda topics presented.

A Special Meeting of the Board of Trustees of Hays CISD was held on Thursday, July 16, 2020, beginning at 5:30 PM in the Johnson High School Cafeteria, 4260 FM 967, Buda, Texas 78610.

CALL TO ORDER: Establish a quorum

Board President, Esperanza Orosco, called the meeting to order at 5:10 PM. All Board Members, Raul Vela, Merideth Keller, Esperanza Orosco, Will McManus, Michael Sanchez, Vanessa Petrea, and Willie Tenorio were present.

PUBLIC FORUM

It is the policy of the Board that, if members of the public wish to address the Board in Public Forum, they must complete and submit a Request to Address the Board of Trustees form. In order to assure the safety of the public, Board Members and District Administrators during the COVID 19 pandemic, it was necessary to require anyone who wished to publicly address the Board in this meeting to sign-up, by completing the form found online, between the hours of 8:00 am and 12:00 noon on the day of this meeting.

In compliance with state and local mandates associated with the COVID 19 pandemic, there was no audience for this meeting.

If members of the public would rather have left comments with the Board and not attended the meeting, that option was made available also. Those comments were also required to be submitted between the hours of 8:00 am and 12:00 noon on the day of this meeting. All of such comments were made available to all Board Members prior to this meeting.

There were seven community members address the board during this portion of the meeting. All of their comments were in favor of retiring the rebel mascot as the mascot for Hays High School.

The board took a short break from 6:45 – 6:50.

ACTION ITEM

Consideration and possible approval of recommendation to retire rebel mascot

Tim Savoy presented information to and answered questions from the Board Members regarding the recommendation to retire the rebel mascot. Rigorous discussion ensued among the Board Members. Mrs. Orosco moved and Mr. McManus seconded the motion that, upon selection and implementation of a new mascot for Hays High School on a timetable developed by the superintendent, the rebel mascot be retired. It was further moved that the Board authorize the superintendent to determine a new mascot for the campus following a process developed by the superintendent that includes student input. Additionally, in accordance with local Board policy, this motion constitutes prior approval to make a secondary mascot change at Hays High School, and that no further vote of the Board of Trustees is necessary on this matter. The motion passed with a 7-0 vote.

At this point in the meeting, President Orosco moved the informational item – Update on Reopening Task Force recommendations – up in the meeting.

INFORMATION ITEM

Update on Reopening Task Force recommendations

Dr. Wright shared with the Board and community the Hays CISD 2020-2021 COVID-19 Response Plan. On Tuesday, July 14, 2020, the Hays CISD District Leadership Team (DLT), comprised of representation from every campus and department, as well as parents and the community, met to review components of the master return-to-school plan. In addition to the DLT, the district has a number of sub-committees working around the clock to address issues we know we will face in the fall – safety and security, health and sanitization, effective delivery of instruction (both online and in-person), access to technology and internet service for all, meal service for our most vulnerable families, and the general wellbeing of everyone. Dr. Wright touched briefly on each of these items and answered questions from the Board. He stressed that this the plan right now – based on the best available information – and that changes to the plan would need to be made as new information is received. Discussion ensued.

After the information item, the board returned to the final action item on the agenda.

ACTION ITEM

Discussion and possible approval of letter to Texas Education Agency (TEA) and elected officials advocating for Hays CISD's teachers, staff, students, and community as we plan to launch the 2020-21 school year

President Orosco read the letter to be sent to TEA and elected officials. Discussion ensued. Mrs. Orosco moved and Mr. McManus seconded the motion that the Board approve the letter to the Texas Education Agency (TEA) and elected officials advocating for Hays CISD's teachers, staff, students, and community as we plan to launch the 2020-2021 school year, as presented. The motion passed with a 7-0 vote.

ADJOURN

No further business was conducted and the meeting adjourned at 8:15 PM.

HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES

Date: August 24, 2020

Subject: July 2020 Financial Statements

Administrator Responsible/Position:

- A. Purpose of Agenda Item:
 Action needed Information only Receive input
- B. Authority for This Action:
 Local Policy Law or Rule N/A
- C. Goal or Need Addressed:
- D. Summary:
 Previous board action relating to this item - Monthly

 Future action anticipated -

 Background information – A separate summary is attached with the financials.
- E. Scope of Options Reviewed:

Reasons for rejecting alternatives:
- F. Comments Received:
 Cabinet DLT FBOC Teacher Org. Reps. Other _____
- G. Administrative Recommendation:
There is no board action necessary. The monthly financial statements are presented as an information item.
- H. Fiscal Impact and Cost: Amount: \$ _____
 Budget Bond Grant/Special Funds Other _____
- I. Monitoring and Reporting Time Line:
Person responsible for evaluating this decision or action—

Evaluation method and time line -

Next report to the board -
- J. Suggested Motion:
There is no board action necessary. The monthly financial statements are presented as an information item.

Hays Consolidated Independent School District

Division of Financial Services

21003 Interstate 35 Frontage Road
Kyle, Texas 78640
Ph: (512) 268-2141
Fx: (512) 268-2147



Date: August 24, 2020

Monthly Financial Highlights

- The monthly Financial Reports represent financial data through July 31, 2020.
- The cash and investment balances of all funds at month end totals \$114,087,927.62. The General Fund makes up the largest portion of the total with \$55,347,379.90 or roughly 48.51%.
- Through the end of the month (1/12 or 8.33% of the budget year):
 - The General Fund has collected \$32,909.04 (.02% of its budgeted revenue) and has spent \$12,240,133.28 (6.23% of its budgeted expenditures). The ending fund balance through the month of July is \$55,373,637.57.
 - The Child Nutrition fund has collected \$0.00 (0% of its budgeted revenue) and has spent \$373,876.24 (3.78% of its budgeted expenditures).
 - The Debt Service fund collected \$0 (0% of its budgeted revenue) and spent \$0 (0%) of its budgeted expenditures). Debt service payments are made two times a year, February 15th and August 15th.
 - The Capital Project funds have expended \$0 in the current fiscal year through the month of July 2020 and collected \$0 in interest revenue.
- Special Revenue funds consist of Federal, State, and local grants received by the District. Some of these grants such as Title I and IDEA are non-competitive federal grants which the District receives based on certain types of student populations reported through PEIMS. Other local grants are “competitive grants” and are awarded based on demonstrated needs. This group of funds also includes the Textbook (IMA) and awarded Education Foundation funds. Total revenue collected is \$516,789.42 and total expenditures spent is \$516,789.42.
- Current Tax collections for the month of July 2020 totaled \$419,356.34 representing .33% of the levy collected during the month. Approximately 99.33% of the total levy has been collected through the end of July 2020. In comparison, 99.24% of the total levy was collected through the end of July 2019.

If you should have any questions regarding these financials please contact me.

Randall Rau, CPA

Chief Financial Officer
Hays Consolidated Independent School District

Hays Consolidated Independent School District

Financial Reports



July 31, 2020

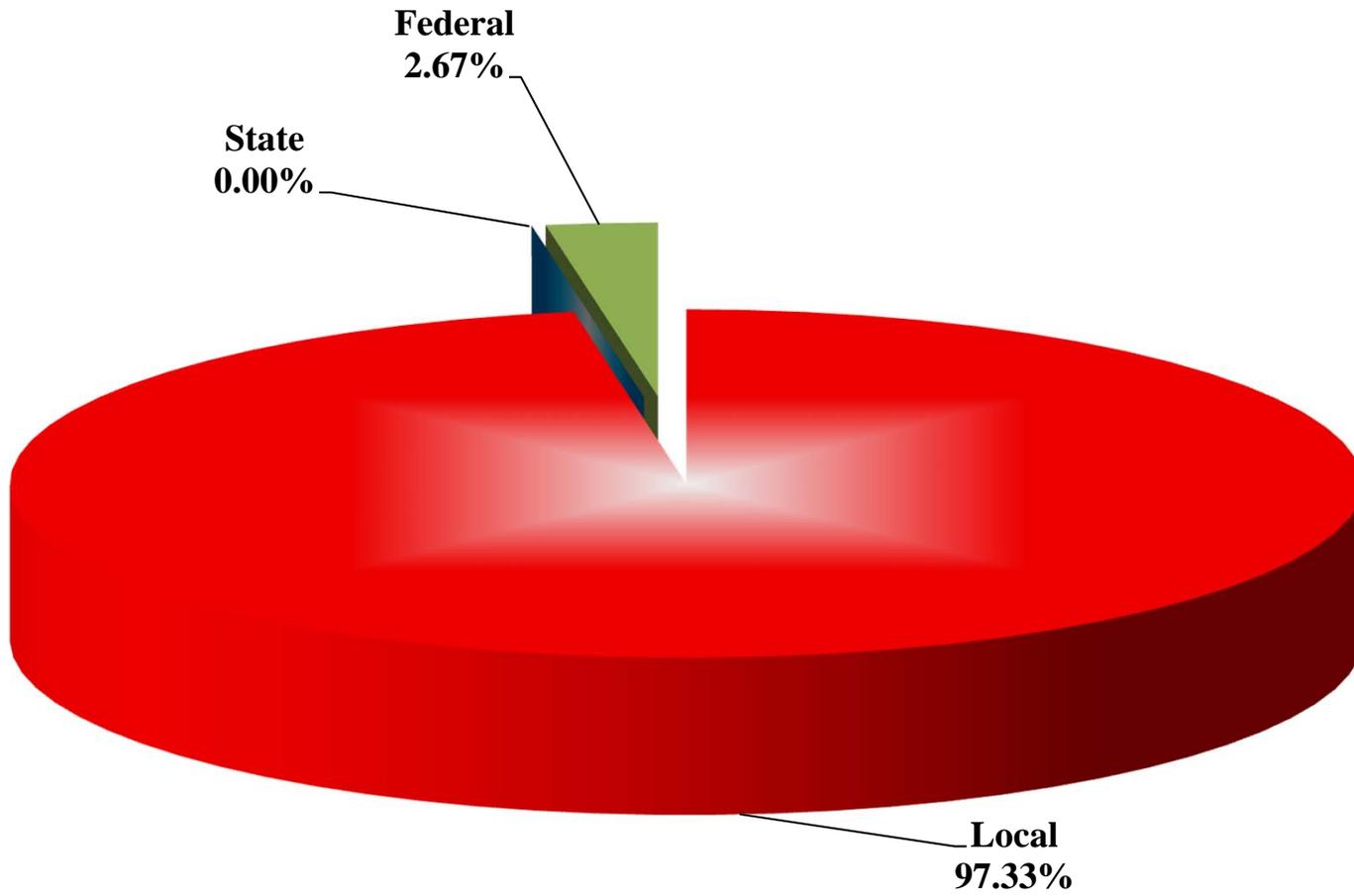
Hays Consolidated Independent School District
Combined Balance Sheet
for the Month Ending July 31, 2020
(Un-Audited)

	<u>General</u> <u>Fund</u>	<u>Child Nutrition</u> <u>Fund</u>	<u>Debt Service</u> <u>Fund</u>	<u>Capital</u> <u>Projects Funds</u>	<u>Special Revenue</u> <u>Funds</u>	<u>Total</u>
Assets:						
Cash and Cash Equivalents	\$ 1,486,819.21	\$ 314,413.77	\$ 88,841.44	\$ 287,489.09	\$ 1,478,919.46	\$ 3,656,482.97
Current Investments	53,860,560.69	3,497,320.71	31,559,999.77	21,513,563.48	-	110,431,444.65
Total Cash and Investments	\$ 55,347,379.90	\$ 3,811,734.48	\$ 31,648,841.21	\$ 21,801,052.57	\$ 1,478,919.46	\$ 114,087,927.62
Property Taxes - Delinquent	2,293,425.67	-	1,016,654.69	-	-	3,310,080.36
Allowance for Uncollectible Taxes	(626,152.00)	-	(239,922.00)	-	-	(866,074.00)
Due from State Agencies	-	0.82	-	-	1,428,980.78	1,428,981.60
Due from other Governments	-	-	-	-	16,294.01	16,294.01
Accrued Interest	-	-	-	-	-	-
Due from Other Funds	4,386,923.38	58,668.72	204,191.65	185,729.47	338,132.42	5,173,645.64
Other Receivables	134,925.01	54,969.04	4,617.00	-	1,358.02	195,869.07
Total Receivables	\$ 6,189,122.06	\$ 113,638.58	\$ 985,541.34	\$ 185,729.47	\$ 1,784,765.23	\$ 9,258,796.68
Inventories	-	-	-	-	-	-
Prepaid Items	7,310,548.51	500.00	-	-	-	7,311,048.51
Other Current Assets	\$ 7,310,548.51	\$ 500.00	\$ -	\$ -	\$ -	\$ 7,311,048.51
Total Current Assets	\$ 68,847,050.47	\$ 3,925,873.06	\$ 32,634,382.55	\$ 21,986,782.04	\$ 3,263,684.69	\$ 130,657,772.81
Liabilities and Fund Balance:						
Current Liabilities						
Accounts Payable	\$ 375,931.84	\$ 59,201.02	\$ -	\$ 62,614.79	\$ 2,461.95	\$ 500,209.60
Other Liabilities	105.10	-	-	-	-	105.10
Payroll Deductions and Withholdings	4,890,452.34	-	-	-	-	4,890,452.34
Accrued Wages Payable	13,545,417.93	415,343.06	-	-	-	13,960,760.99
Due to Other Funds	1,182,928.16	401,961.28	-	59,750.00	2,867,895.48	4,512,534.92
Due to Student Groups	-	-	-	-	-	-
Due to State Agencies	-	-	-	-	-	-
Due to other Governments	3,904.00	-	-	-	-	3,904.00
Accrued Expenses	-	-	-	-	-	-
Deferred Revenues	4,466,486.77	139,002.63	560,700.26	-	393,327.26	5,559,516.92
Deferred Inflows	1,215,411.00	-	-	-	-	1,215,411.00
Total Liabilities	\$ 25,680,637.14	\$ 1,015,507.99	\$ 560,700.26	\$ 122,364.79	\$ 3,263,684.69	\$ 30,642,894.87
Fund Balance/Equity						
Reserved/Designated Fund Balance	-	3,284,802.15	32,073,682.29	21,864,417.25	-	57,222,901.69
Reserved for Current Year	-	-	-	-	-	-
Expenditures/Expenses	(12,207,224.24)	(374,437.08)	-	-	-	(12,581,661.32)
Unreserved Fund Balance/Fund Equity	\$ 55,373,637.57	\$ -	\$ -	\$ -	\$ -	\$ 55,373,637.57
Total Fund Balance/Equity	\$ 43,166,413.33	\$ 2,910,365.07	\$ 32,073,682.29	\$ 21,864,417.25	\$ -	\$ 100,014,877.94
Total Liabilities and Fund Equity	\$ 68,847,050.47	\$ 3,925,873.06²⁸	\$ 32,634,382.55	\$ 21,986,782.04	\$ 3,263,684.69	\$ 130,657,772.81

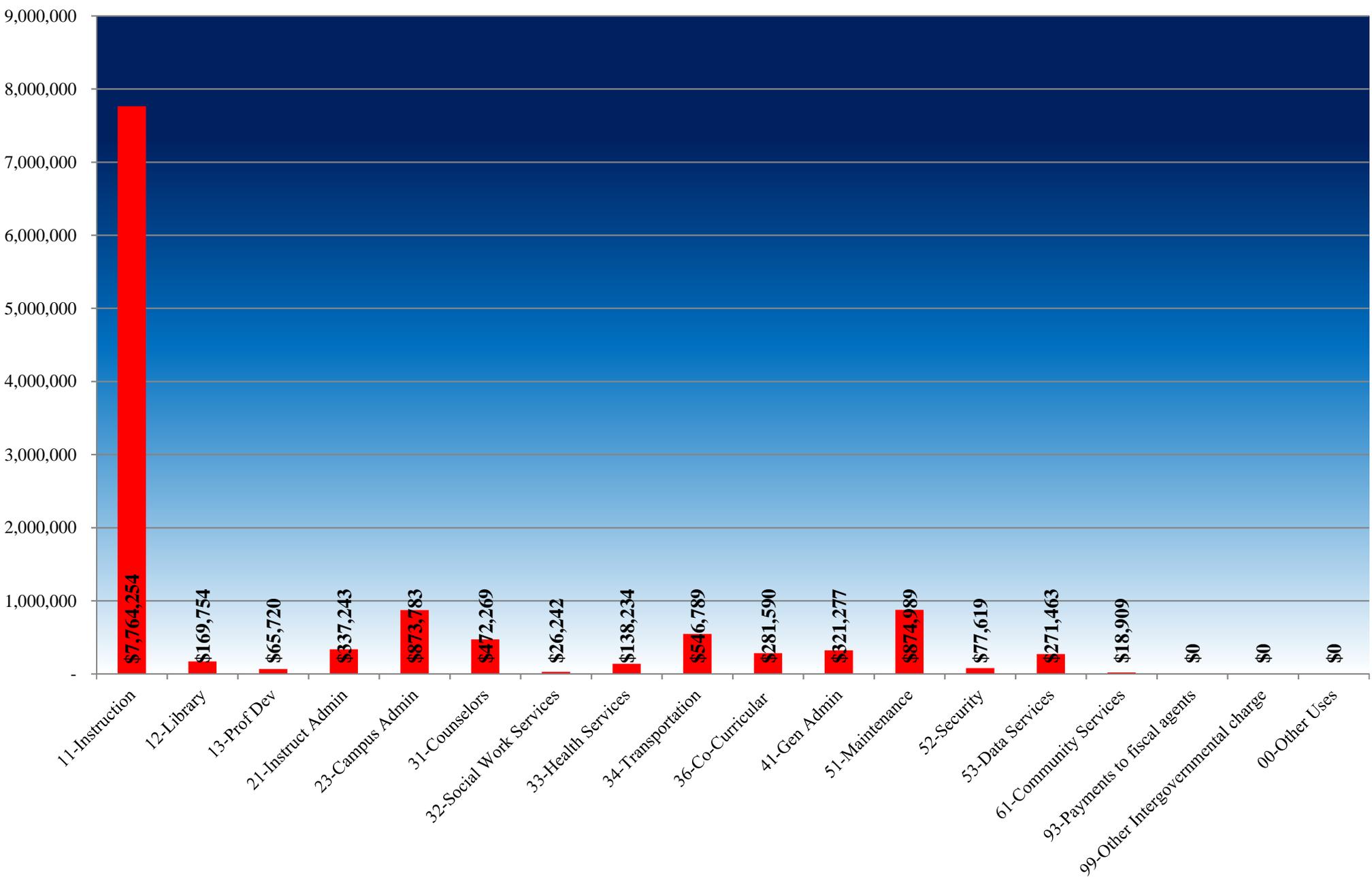
Hays Consolidated Independent School District
Statement of Revenues, Expenditures, and Changes in Fund Balance - General Fund
for the Month Ending July 31, 2020
(Un-Audited)

	<u>Original</u> <u>Budget</u>	<u>Official</u> <u>Budget</u>	<u>Current Year</u> <u>Actual Revenues/</u> <u>Expenditures</u>	<u>Unrealized/</u> <u>Unexpended</u> <u>Budget</u>	<u>Percentage</u> <u>Y-T-D</u>
Revenues:					
Local	\$ 88,257,397	\$ 88,257,397	\$ 32,031.82	(88,225,365.18)	0.04%
State	102,997,133	102,997,133	-	(102,997,133.00)	0.00%
Federal	2,583,000	2,583,000	877.22	(2,582,122.78)	0.03%
Other Sources	-	-	-	-	NA
Total Revenues	\$ 193,837,530	\$ 193,837,530	\$ 32,909.04	\$ (193,804,620.96)	0.02%
Expenditures and Other Uses:					
11-Instruction	111,268,074	111,268,074	7,764,253.65	103,503,820.35	6.98%
12-Library	2,686,456	2,686,456	169,753.69	2,516,702.31	6.32%
13-Prof Dev	4,394,895	4,394,895	65,719.98	4,329,175.02	1.50%
21-Instruct Admin	4,866,624	4,866,624	337,243.16	4,529,380.84	6.93%
23-Campus Admin	12,100,694	12,100,694	873,782.73	11,226,911.27	7.22%
31-Counselors	6,860,734	6,860,734	472,268.68	6,388,465.32	6.88%
32-Social Work Services	269,052	269,052	26,241.59	242,810.41	9.75%
33-Health Services	2,251,762	2,251,762	138,233.70	2,113,528.30	6.14%
34-Transportation	11,291,406	11,291,406	546,789.49	10,744,616.51	4.84%
36-Co-Curricular	5,508,225	5,508,225	281,589.50	5,226,635.50	5.11%
41-Gen Admin	5,191,355	5,191,355	321,276.50	4,870,078.50	6.19%
51-Maintenance	20,348,895	20,348,895	874,989.04	19,473,905.96	4.30%
52-Security	2,805,352	2,805,352	77,618.90	2,727,733.10	2.77%
53-Data Services	5,085,338	5,085,338	271,463.26	4,813,874.74	5.34%
61-Community Services	270,526	270,526	18,909.41	251,616.59	6.99%
93-Payments to fiscal agents	330,538	330,538	-	330,538.00	0.00%
99-Other Intergovernmental charge	837,000	837,000	-	837,000.00	0.00%
00-Other Uses	-	-	-	-	NA
Total Expenditures and Other Uses	\$ 196,366,926	\$ 196,366,926	\$ 12,240,133.28	\$ 184,126,792.72	6.23%
Excess of Revenues and Other Resources Over (Under) Expenditures and Other Uses	\$ (2,529,396)	\$ (2,529,396)	\$ (12,207,224.24)		
Fund Balance July 1, 2020 - <u>(Un-Audited)</u>	\$ 55,373,637.57	\$ 55,373,637.57	\$ 55,373,637.57		
Fund Balance Ending - Monthly Reporting Period	\$ 52,844,241.57	\$ 52,844,241.57	\$ 43,166,413.33	\$ (9,677,828.24)	

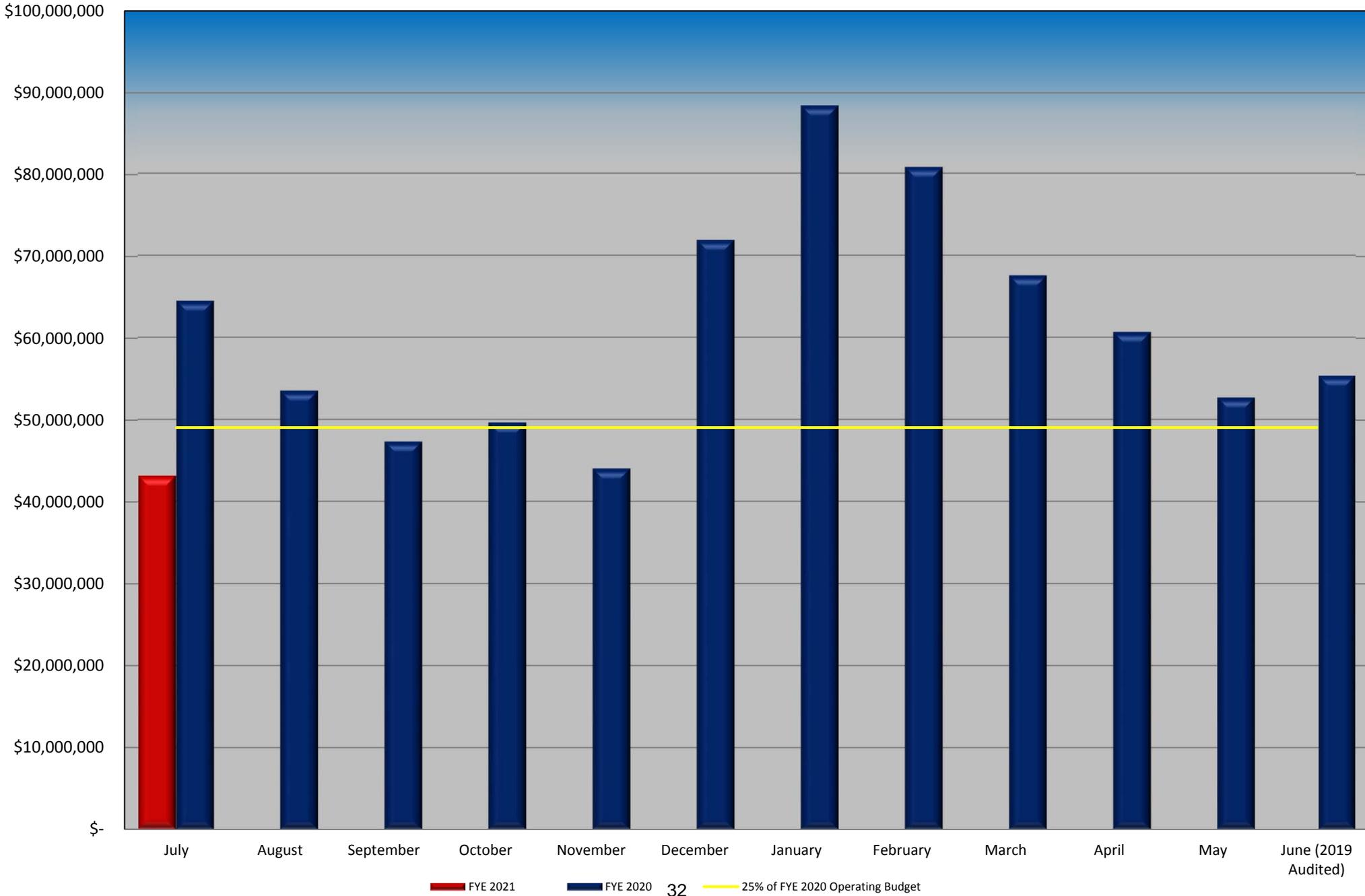
General Fund Revenues Collected to Date



General Fund Expenditures to Date



General Fund Balance by Reporting Month



Hays Consolidated Independent School District
Statement of Revenues, Expenditures, and Changes in Fund Balance - Child Nutrition Fund
for the Month Ending July 31, 2020
(Un-Audited)

	<u>Original</u> <u>Budget</u>	<u>Official</u> <u>Budget</u>	<u>Current Year</u> <u>Actual Revenues/</u> <u>Expenditures</u>	<u>Unrealized/</u> <u>Unexpended/</u> <u>Budget</u>	<u>Percentage</u> <u>Y-T-D</u>
<i>Revenues and Other Resources:</i>					
Local	\$ 3,727,116	\$ 3,727,116	\$ (560.84)	\$ (3,727,676.84)	-0.02%
State	45,093	45,093	-	(45,093.00)	0.00%
Federal	6,130,966	6,130,966	-	(6,130,966.00)	0.00%
Other sources	-	-	-	-	NA
Total Revenues and Other Resources	\$ 9,903,175	\$ 9,903,175	\$ (560.84)	\$ (9,903,735.84)	-0.01%
<i>Expenditures and Other Uses:</i>					
35-6100 Payroll	4,363,880	4,363,880	331,677.74	4,032,202.26	7.60%
35-6200 Professional and Contracted Services	808,815	808,815	-	808,815.00	0.00%
35-6341 Food Supplies	3,658,529	3,658,529	27,993.77	3,630,535.23	0.77%
35-6342 Non-Food Supplies	256,968	256,968	4,808.73	252,159.27	1.87%
35-6344 USDA Commodities	415,477	415,477	-	415,477.00	0.00%
35-6349 Miscellaneous Supplies	157,001	157,001	-	157,001.00	0.00%
35-6300 Supplies & Materials	77,486	77,486	9,396.00	68,090.00	12.13%
35-6400 Food Service Other Operating Expenses	165,019	165,019	-	165,019.00	0.00%
35-6600 Food Service Capital Expenses	-	-	-	-	NA
Total Expenditures	\$ 9,903,175	\$ 9,903,175	\$ 373,876.24	\$ 9,529,298.76	3.78%
Excess of Revenues and Other Resources Over (Under) Expenditures and Other Uses	\$ -	\$ -	\$ (374,437.08)		
Fund Balance July 1, 2020 - <i>(Un-Audited)</i>	3,284,802.15	3,284,802.15	3,284,802.15		
Fund Balance Ending - Monthly Reporting Period	\$ 3,284,802.15	\$ 3,284,802.15	\$ 2,910,365.07	\$ (374,437.08)	

Hays Consolidated Independent School District
Statement of Revenues, Expenditures, and Changes in Fund Balance - Debt Service Fund
for the Month Ending July 31, 2020
(Un-Audited)

	<u>Original</u> <u>Budget</u>	<u>Official</u> <u>Budget</u>	<u>Current Year</u> <u>Actual Revenues/</u> <u>Expenditures</u>	<u>Unrealized/</u> <u>Unexpended</u> <u>Budget</u>	<u>Percentage</u> <u>Y-T-D</u>
Revenues:					
Local Revenue					
Taxes, Current Year Levy	\$ 43,315,670	\$ 43,315,670	-	\$ (43,315,670.00)	0.00%
Taxes, Prior Year	250,000	250,000	-	(250,000.00)	0.00%
Penalties, Interest and Other Tax Revenues	150,000	150,000	-	(150,000.00)	0.00%
Earnings from Investments	-	-	-	-	NA
Miscellaneous Revenue	-	-	-	-	NA
Local Revenue	\$ 43,715,670	\$ 43,715,670	\$ -	\$ (43,715,670.00)	0.00%
State Revenue					
Additional State Aid for Homestead Exemption	-	-	-	-	NA
State Revenue	\$ -	\$ -	\$ -	\$ -	NA
Total Revenue	\$ 43,715,670.00	\$ 43,715,670.00	\$ -	\$ (43,715,670.00)	0.00%
Expenditures:					
71-6511 Bond Principal	24,720,000	24,720,000	-	24,720,000.00	0.00%
71-6521 Interest on Bonds	18,970,670	18,970,670	-	18,970,670.00	0.00%
71-6599 Other Debt Service Fees	25,000	25,000	-	25,000.00	0.00%
Total Expenditures	\$ 43,715,670	\$ 43,715,670	\$ -	\$ 43,715,670.00	0.00%
Excess of Revenues					
Over (Under) Expenditures	\$ -	\$ -	\$ -		
Fund Balance July 1, 2020 - (Un-Audited)					
	\$ 32,073,682.29	\$ 32,073,682.29	\$ 32,073,682.29		
Fund Balance Ending - Monthly Reporting Period					
	\$ 32,073,682.29	\$ 32,073,682.29	\$ 32,073,682.29	\$ -	

Hays Consolidated Independent School District
Statement of Revenues, Expenditures, and Changes in Fund Balance - Capital Project Funds
for the Month Ending July 31, 2020
(Un-Audited)

	<u>2004</u> <u>Capital Projects</u> <u>Program</u>	<u>2006</u> <u>Capital Projects</u> <u>Program</u>	<u>2008</u> <u>Capital Projects</u> <u>Program</u>	<u>2014</u> <u>Capital Projects</u> <u>Program</u>	<u>2017</u> <u>Capital Projects</u> <u>Program</u>	<u>2019 - 2020</u> <u>Capital Projects</u> <u>Total Revenues/</u> <u>Expenses</u>
<i>Revenues and Other Resources:</i>						
Local	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
State	-	-	-	-	-	-
Other sources	-	-	-	-	-	-
Total Revenues and Other Resources	\$ -					
<i>Expenditures and Other Uses:</i>						
6100 Payroll	-	-	-	-	-	-
6200 Professional and Contracted Services	-	-	-	-	-	-
6300 Supplies and Materials	-	-	-	-	-	-
6400 Other Operating Expenses	-	-	-	-	-	-
6600 Capital Outlay	-	-	-	-	-	-
8000-Other Uses	-	-	-	-	-	-
Total Expenditures	\$ -					
Excess of Revenues and Other Resources Over (Under) Expenditures and Other Uses	\$ -					
Fund Balance July 1, 2020 - <i>(Un-Audited)</i>	\$ 214,099.45	\$ 114,105.74	\$ 1,007,575.71	\$ 445,047.77	\$ 20,083,588.58	\$ 21,864,417.25
Fund Balance Ending - Monthly Reporting Period	\$ 214,099.45	\$ 114,105.74	\$ 1,007,575.71	\$ 445,047.77	\$ 20,083,588.58	\$ 21,864,417.25

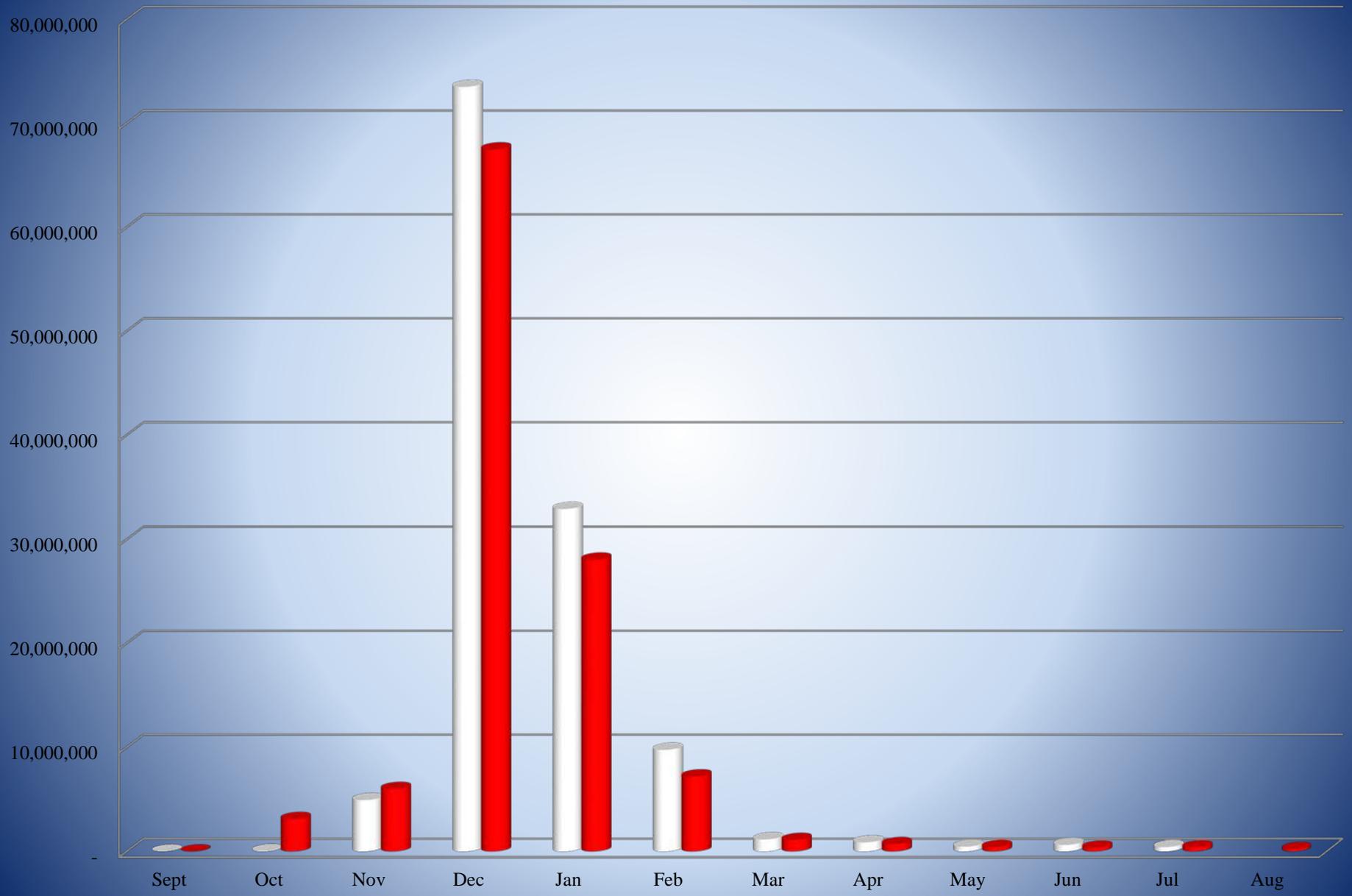
Hays Consolidated Independent School District
Statement of Revenues, Expenditures, and Changes in Fund Balance - Special Revenue Funds (Grants)
for the Month Ending July 31, 2020
(Un-Audited)

	<u>Original</u> <u>Budget</u>	<u>Official</u> <u>Budget</u>	<u>Current Year</u> <u>Actual Revenues/</u> <u>Expenditures</u>	<u>Unrealized/</u> <u>Unexpended</u> <u>Budget</u>	<u>Percentage</u> <u>Y-T-D</u>
Revenues:					
Local	\$ -	\$ -	\$ -	\$ -	NA
State	-	-	-	-	NA
Federal	6,415,479	6,415,479	516,789.42	(5,898,689.58)	8.06%
Total Revenues	\$ 6,415,479	\$ 6,415,479	\$ 516,789.42	\$ (5,898,689.58)	8.06%
Expenditures:					
6100 Payroll	5,274,410	5,274,410	516,220.67	4,758,189.33	9.79%
6200 Professional and Contracted Services	464,200	464,200	568.75	463,631.25	0.12%
6300 Supplies and Materials	639,537	639,537	-	639,537.00	0.00%
6400 Other Operating Expenses	37,332	37,332	-	37,332.00	0.00%
6600 Capital Outlay	-	-	-	-	NA
Total Expenditures	\$ 6,415,479	\$ 6,415,479	\$ 516,789.42	\$ 5,898,689.58	8.06%
Excess of Revenues					
Over (Under) Expenditures	\$ -	\$ -	\$ -		
Fund Balance July 1, 2020 - <i>(Un-Audited)</i>	\$ -	\$ -	\$ -	\$ -	
Fund Balance Ending - Monthly Reporting Period	\$ -	\$ -	\$ -	\$ -	

Hays Consolidated Independent School District
Monthly Tax Collection Report
for the Month Ending July 31, 2020

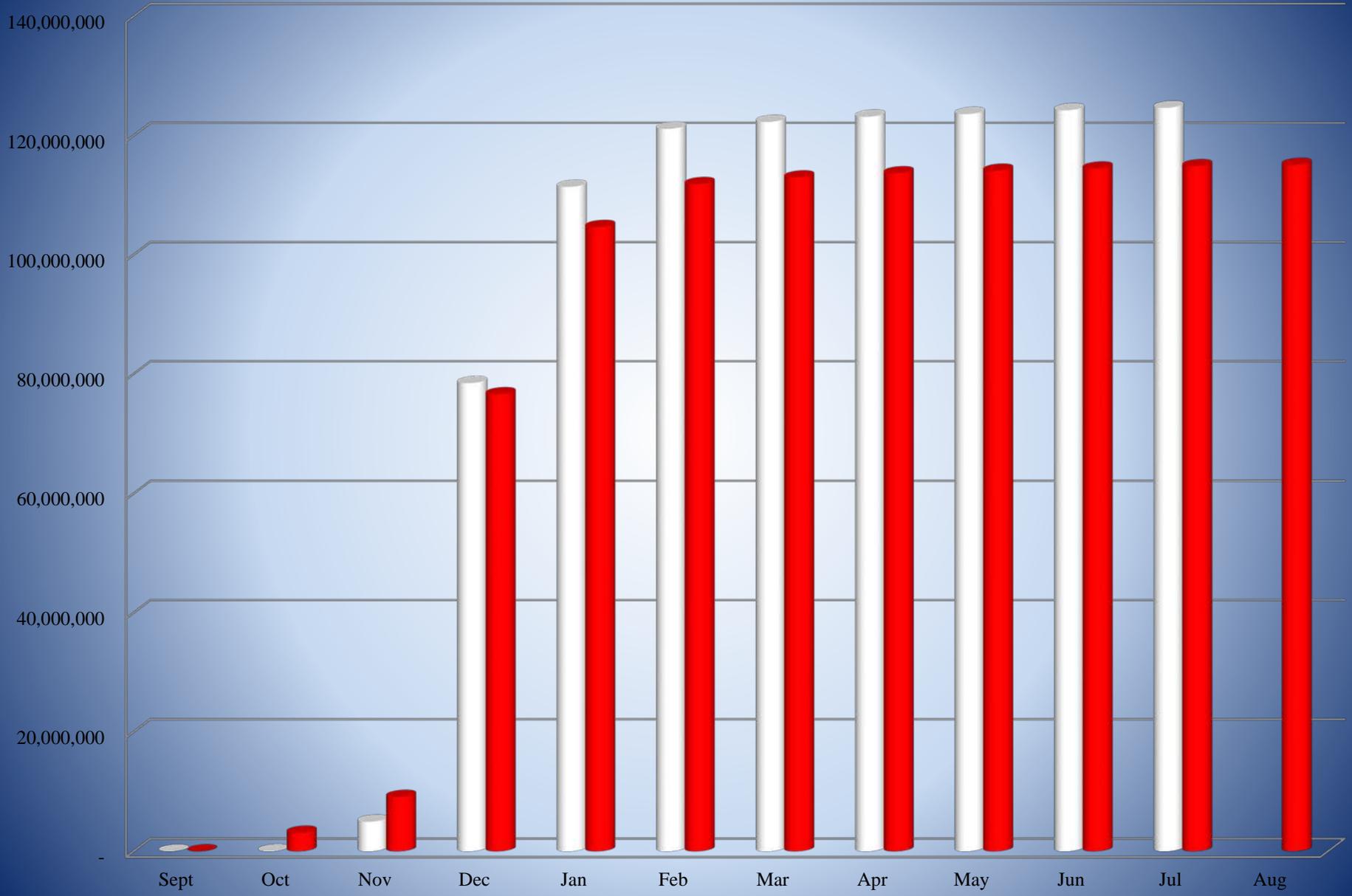
	Prior Year 2018 - 2019				Current Year 2019 - 2020			
	<u>Debt Service</u>			<u>% of</u>	<u>Debt Service</u>			<u>% of</u>
<u>Current Month Tax Collections:</u>	<u>General Fund</u>	<u>Fund</u>	<u>Total</u>	<u>Levy</u>	<u>General Fund</u>	<u>Fund</u>	<u>Total</u>	<u>Levy</u>
5711 Taxes-Current Year Tax Levy	\$ 265,129.78	\$ 126,900.06	\$ 392,029.84	0.34%	\$ 277,301.66	\$ 142,054.68	\$ 419,356.34	0.33%
5712 Taxes-Delinquent Collections	\$ 28,856.28	\$ 13,811.59	\$ 42,667.87		\$ 36,835.41	\$ 17,495.55	\$ 54,330.96	
5719 Penalties and Interest	\$ 29,786.41	\$ 14,256.78	\$ 44,043.19		\$ 40,445.96	\$ 20,139.76	\$ 60,585.72	
Total Current Month Collections	\$ 323,772.47	\$ 154,968.43	\$ 478,740.90		\$ 354,583.03	\$ 179,689.99	\$ 534,273.02	
<u>Fiscal Year to Date Collections:</u>								
5711 Taxes-Current Year Tax Levy	\$ 77,683,599.98	\$ 37,181,992.19	\$ 114,865,592.17	99.24%	\$ 82,397,670.67	\$ 42,259,628.90	\$ 124,657,299.57	99.33%
5712 Taxes-Delinquent Collections	\$ 346,591.23	\$ 165,890.26	\$ 512,481.49		\$ 414,344.35	\$ 195,814.03	\$ 610,158.38	
5719 Penalties and Interest	\$ 366,506.95	\$ 175,422.60	\$ 541,929.55		\$ 386,991.16	\$ 193,167.21	\$ 580,158.37	
Total Revenue Collected	\$ 78,396,698.17	\$ 37,523,305.04	\$ 115,920,003.21		83,199,006.18	42,648,610.14	125,847,616.32	
Total Budgeted Tax Revenue (Current, Delinquent, Penalty & Interest)	\$ 77,328,381.00	\$ 37,323,227.00	\$ 114,651,608.00		\$ 82,048,026.00	\$ 41,354,502.00	\$ 123,402,528.00	
Percentage of Budget Collected	101.38%	100.54%	101.11%		101.40%	103.13%	101.98%	

Month to Date Tax Collections Current Levy



■ Current Year ■ Prior Year

Year to Date Tax Collections Current Levy



■ Current Year ■ Prior Year

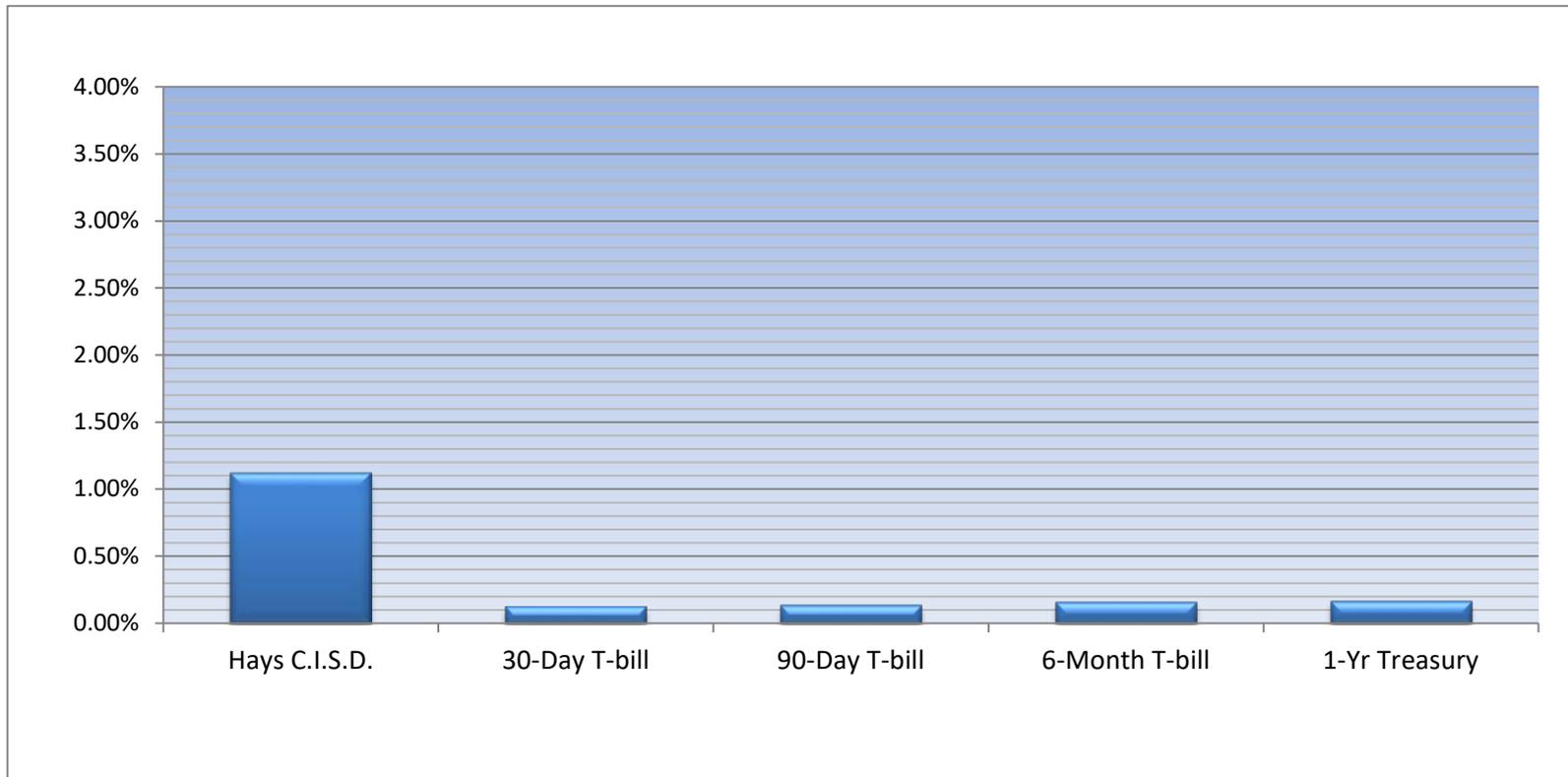
**Quarterly Investment Report
HAYS C. I. S. D.**

Portfolio Summary As Of June 30, 2020

Ending Market Value	\$ 106,945,160.83
Ending Book Value	\$ 106,990,972.44
Current Period Earnings	\$ 128,644.51
Portfolio Rate of Return	1.12%
Weighted Average Maturity	8 Days

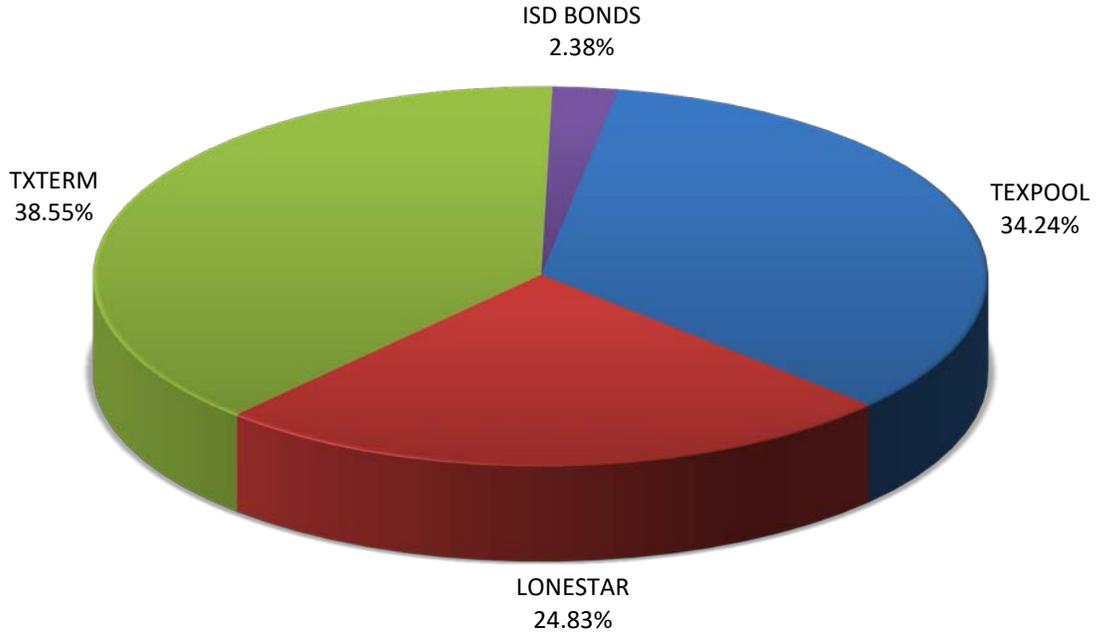
Benchmark Analysis for June 2020

Hays C.I.S.D.	1.12%
30-Day T-bill	0.12%
90-Day T-bill	0.13%
6-Month T-bill	0.16%
1-Year Treasury	0.16%

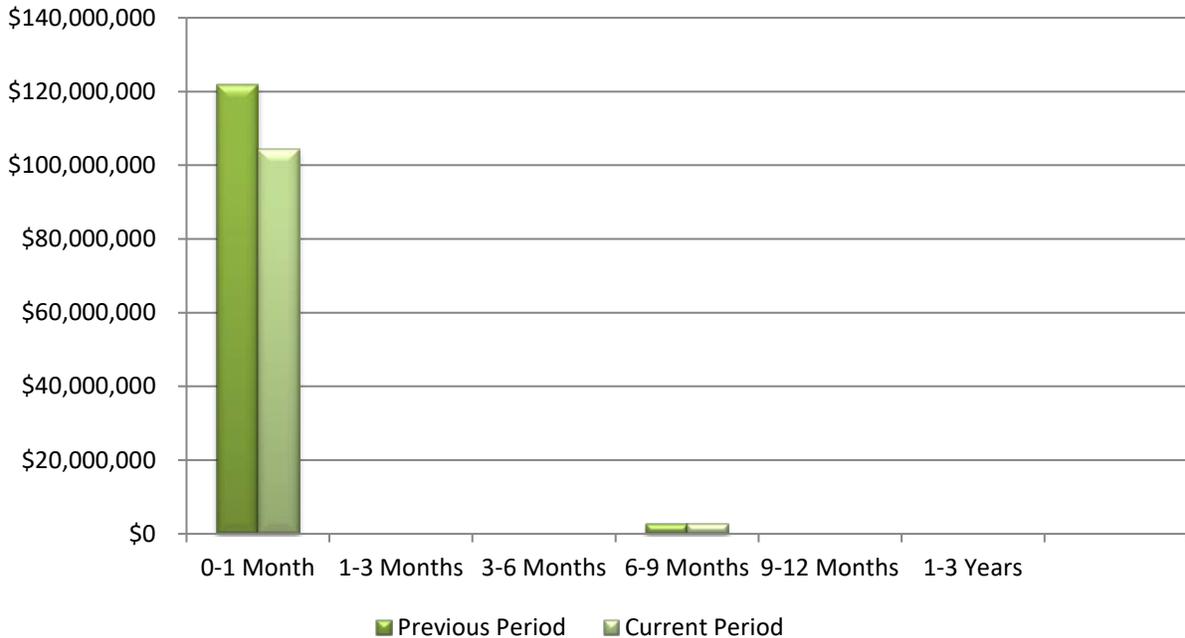


**Quarterly Investment Report
HAYS C. I. S. D.
4th Quarter 2019-2020**

Portfolio Composition at 6/30/2020



Maturity Aging - 3/31/2019 vs 6/30/2020



Detail of Investment Holdings

HAYS C. I. S. D. 4th Quarter 2019-2020

Description	CUSIP	Beginning Par Value	Ending Par Value	Beginning Book Value 3/31/2020	Ending Book Value 6/30/2020	Beginning Market Value 3/31/2020	Ending Market Value 6/30/2020	Current Period Earnings	Yield To Maturity	Maturity Date	Days to Maturity
199 - General Operating											
EdCouch ISD-B-Ref 5	279299KD2	1,565,000.00	1,565,000.00	1,597,595.09	1,597,595.09	1,564,217.50	1,564,217.50	10,322.14	2.520	02/15/2021	230
Lone Star LGIP	LONESTAR	4,684,563.02	10,214,454.56	4,684,563.02	10,214,454.56	4,684,563.02	10,214,454.56	5,620.55		N/A	1
Lone Star LGIP	LONESTARPAYROLL	779.45	-	779.45	-	779.45	-	0.39		N/A	1
McAllen ISD-B-Ref-TXBL 4	579100SR0	975,000.00	975,000.00	986,946.52	986,946.52	974,512.50	974,512.50	6,363.29	2.540	02/15/2021	230
TexasTERM LGIP	TEXASTERM	23,462,630.01	15,808,037.62	23,462,630.01	15,808,037.62	23,462,630.01	15,808,037.62	26,797.73		N/A	1
TexPool LGIP	TEXPOOL02	29,018,701.82	7,371,904.47	29,018,701.82	7,371,904.47	29,018,701.82	7,371,904.47	18,580.17		N/A	1
		59,706,674.30	35,934,396.65	59,751,215.91	35,978,938.26	59,705,404.30	35,933,126.65	67,684.27			
240-Food Service											
Lone Star LGIP	LONESTAR	8,181.28	40,555.89	8,181.28	40,555.89	8,181.28	40,555.89	8.11		N/A	1
TexasTERM LGIP	TEXASTERM	1,167,570.63	9,257,387.59	1,167,570.63	9,257,387.59	1,167,570.63	9,257,387.59	3,335.76		N/A	1
TexPool LGIP	TEXPOOL05	2,292,107.78	690,632.67	2,292,107.78	690,632.67	2,292,107.78	690,632.67	1,294.61		N/A	1
		3,467,859.69	9,988,576.15	3,467,859.69	9,988,576.15	3,467,859.69	9,988,576.15	4,638.48			
599-Debt Service											
Lone Star LGIP	LONESTAR	847,588.21	848,335.25	847,588.21	848,335.25	847,588.21	848,335.25	747.04		N/A	1
TexasTERM LGIP	TEXASTERM	1,104,835.19	1,106,175.88	1,104,835.19	1,106,175.88	1,104,835.19	1,106,175.88	1,340.69		N/A	1
TexPool LGIP	TEXPOOL03	27,807,271.39	28,558,170.51	27,807,271.39	28,558,170.51	27,807,271.39	28,558,170.51	21,985.36		N/A	1
		29,759,694.79	30,512,681.64	29,759,694.79	30,512,681.64	29,759,694.79	30,512,681.64	24,073.09			
614- 2014 Construction											
Lone Star LGIP	LONESTAR	1,040,215.28	1,178,213.71	1,040,215.28	1,178,213.71	1,040,215.28	1,178,213.71	1,002.57		N/A	1
TexasTERM LGIP	TEXASTERM	405,091.09	246.23	405,091.09	246.23	405,091.09	246.23	246.22		N/A	1
		1,445,306.37	1,178,459.94	1,445,306.37	1,178,459.94	1,445,306.37	1,178,459.94	1,248.79			
617-2017 Construction											
Lone Star LGIP	LONESTAR	0.00	0.00	0.00	-	0.00	-	2,085.03		N/A	1
TexasTERM LGIP	TEXASTERM	15,036,595.04	15,054,841.59	15,036,595.04	15,054,841.59	15,036,595.04	15,054,841.59	18,246.55		N/A	1
TexPool LGIP	TEXPOOL09	234,055.47	0.00	234,055.47	-	234,055.47	-	0.00		N/A	1
		15,270,650.51	15,054,841.59	15,270,650.51	15,054,841.59	15,270,650.51	15,054,841.59	20,331.58			
617.18- 2017 Construction											
Lone Star LGIP	LONESTAR	13,412,948.95	12,762,515.50	13,412,948.95	12,762,515.50	13,412,948.95	12,762,515.50	9,623.47		N/A	1
		13,412,948.95	12,762,515.50	13,412,948.95	12,762,515.50	13,412,948.95	12,762,515.50	9,623.47			
608- 2008 Construction											
Lone Star LGIP	LONESTAR	525,502.63	1,192,077.25	525,502.63	1,192,077.25	525,502.63	1,192,077.25	768.01		N/A	1
TexPool LGIP	TEXPOOL01	666,466.61	0.00	666,466.61	-	666,466.61	-	0.00		N/A	1
		1,191,969.24	1,192,077.25	1,191,969.24	1,192,077.25	1,191,969.24	1,192,077.25	768.01			
606- 2006 Construction											
Lone Star LGIP	LONESTAR	113,865.58	113,965.94	113,865.58	113,965.94	113,865.58	113,965.94	100.36		N/A	1
		113,865.58	113,965.94	113,865.58	113,965.94	113,865.58	113,965.94	100.36			
634- 2004 Construction											
Lone Star LGIP	LONESTAR	161,216.05	161,358.13	161,216.05	161,358.13	161,216.05	161,358.13	142.08		N/A	1
		161,216.05	161,358.13	161,216.05	161,358.13	161,216.05	161,358.13	142.08			
699- Construction											
Lone Star LGIP	LONESTAR	47,516.16	47,558.04	47,516.16	47,558.04	47,516.16	47,558.04	34.38		N/A	1
		47,516.16	47,558.04	47,516.16	47,558.04	47,516.16	47,558.04	34.38			
753- Self Insurance											
Lone Star LGIP	LONESTAR	0.00	0.00	0.00	0.00	0.00	0.00	0.00		N/A	N/A
		-	-	-	-	-	-	-			

Detail of Investment Holdings

HAYS C. I. S. D.

4th Quarter 2019-2020

Description	CUSIP	Beginning Par Value	Ending Par Value	Beginning Book Value 3/31/2020	Ending Book Value 6/30/2020	Beginning Market Value 3/31/2020	Ending Market Value 6/30/2020	Current Period Earnings	Yield To Maturity	Maturity Date	Days to Maturity
<u>Summary By Fund</u>											
199- General Operating		59,706,674.30	35,934,396.65	59,751,215.91	35,978,938.26	59,705,404.30	35,933,126.65	67,684.27			
240- Food Service		3,467,859.69	9,988,576.15	3,467,859.69	9,988,576.15	3,467,859.69	9,988,576.15	4,638.48			
599- Debt Service		29,759,694.79	30,512,681.64	29,759,694.79	30,512,681.64	29,759,694.79	30,512,681.64	24,073.09			
614- 2014 Construction		1,445,306.37	1,178,459.94	1,445,306.37	1,178,459.94	1,445,306.37	1,178,459.94	1,248.79			
617-2017 Construction		15,270,650.51	15,054,841.59	15,270,650.51	15,054,841.59	15,270,650.51	15,054,841.59	20,331.58			
617.18- 2017 Construction		13,412,948.95	12,762,515.50	13,412,948.95	12,762,515.50	13,412,948.95	12,762,515.50	9,623.47			
608- 2008 Construction		1,191,969.24	1,192,077.25	1,191,969.24	1,192,077.25	1,191,969.24	1,192,077.25	768.01			
606- 2006 Construction		113,865.58	113,965.94	113,865.58	113,965.94	113,865.58	113,965.94	100.36			
634- 2004 Construction		161,216.05	161,358.13	161,216.05	161,358.13	161,216.05	161,358.13	142.08			
699- Construction		47,516.16	47,558.04	47,516.16	47,558.04	47,516.16	47,558.04	34.38			
753- Self Insurance		0.00	0.00	0.00	0.00	0.00	0.00	0.00			
TOTAL PORTFOLIO		124,577,701.64	106,946,430.83	124,622,243.25	106,990,972.44	124,576,431.64	106,945,160.83	128,644.51			

**Quarterly Investment Report
HAYS C. I. S. D.
4th Quarter 2019-2020**

Current Period Purchases

Description	CUSIP	Purchase Date	Par Value	Principal Invested	Yield To Maturity
<u>199 - General Operating</u>					
<u>617 - 2017 Construction Fund</u>					

Current Period Maturities/Calls

Description	CUSIP	Maturity Date	Par Value	Principal Matured	Yield To Maturity
<u>General Operating</u>					

Glossary of Terms

- Market Value = How much money you would receive for a security, if you were to sell that security on a given date. Market value changes daily.
- Purchase Date = The date of the initial purchase/investment.
- Maturity Date = Securities which matured on the maturity date or were sold on a given date.
- Yield to Maturity = The interest rate earned on an investment if security is held to maturity date.
- Par Value = The face value of a bond.
- Book Value = For fixed income securities, book value is the face amount of the security plus the amount of unamortized premium or minus the unamortized discount. It can also be calculated by multiplying the face amount times the book price. For stock, mutual fund and money market, book value is the same as the cost.
- Days to Maturity (D-T-M) = Days remaining to maturity from end of the current reporting period.

Quarterly Investment Report
HAYS C. I. S. D.
4th Quarter 2019-2020

We, the approved Investment Officers of Hays CISD, hereby certify that the following Investment Report represents the investment position of the district as of **June 30, 2020** in compliance with the Board approved Investment Policy, the Public Funds Investment Act (*Texas Government Code 2256*), and, Generally Accepted Accounting Principles (GAAP).

Randall Rau
Chief Financial Officer



Rebecca Palmer,
Director of Finance



HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES

Date: August 24, 2020

Subject: Budget Amendments

Administrator Responsible/Position:

A. Purpose of Agenda Item:

Action needed

Information only

Receive input

B. Authority for This Action:

Local Policy

Law or Rule

N/A

C. Goal or Need Addressed:

D. Summary:

Previous board action relating to this item -

Future action anticipated -

Background information – The 2020-2021 budget has been approved by the Board of Trustees. Amendments to the budget must also be approved by the Board. There is no increase in the budget. The amendment involves cross function transfers only.

E. Scope of Options Reviewed:

Reasons for rejecting alternatives:

F. Comments Received:

Cabinet DLT FBOC Teacher Org. Reps. Other _____

From public -

G. Administrative Recommendation:

The administration recommends approval of the budget amendment as presented.

H. Fiscal Impact and Cost: Amount: \$0 – increase in revenue; \$0 increase in expenditures

Budget Bond Grant/Special Funds Other _____

(See attached detail)

I. Monitoring and Reporting Time Line:

Person responsible for evaluating this decision or action—

Evaluation method and time line -

Next report to the board -

J. Suggested Motion:

I move that the Board approve the budget amendment as presented.

BUDGET AMENDMENT 1 – August 24, 2020

RECOMMENDATION:

The Administration recommends the listed budget amendments and transfers be approved.

BACKGROUND INFORMATION:

In accordance with the TEA budget and accounting procedures and guidelines, the District’s official budget includes the General Fund, Food Service Fund, and the Debt Service Fund. The Board of Trustees should approve the adoption of the budgets associated with these funds, and subsequent amendments, at the *Fund Function* level. Other Special Revenue Funds for grants and capital projects should be approved on a *Project Basis*; and consequently, *are* not required to be approved with the same level of detail.

The administration routinely allows transfers of existing budgeted funds within the same fund function in order to accommodate the necessary operations of the requesting department or campus. These transfers usually become necessary due to account coding requirements. Requests for transfers of existing funds between functions are reviewed by the administration to ensure that the related expenditures will not exceed the overall approved budget at the function level. These requests allowed at the administrative level are subject to final approval by the Board of Trustees.

In addition to the transfers of existing budget funds outlined above, the Board of Trustees must approve requests for new appropriations prior to expenditure. These requests include appropriations from fund balance, and reappropriation of designated fund balances.

ADMINISTRATIVE CONSIDERATIONS:

Transfers: The Administration has reviewed the following transfers and determined that there will be **no impact to the budget.**

Cross Function Transfer Summary

Description	Increase (Decrease)
11 - Instruction	\$ 5,200
12 - Instructional Resources and Media Services	\$ 0
13 - Instructional Staff Development	\$ (71,712)
21 - Instructional Administration	\$ 69,512
23 - Campus Administration	\$ 7,000
31 - Guidance and Counseling Services	\$ 0
32 - Social Work Services	\$ 0
33 - Health Services	\$ 0
34 - Transportation	\$ 0
36 - Co curricular / Extracurricular	\$ (1,550)
41 - General Administration	\$ (8,450)
51 - Maintenance	\$ 5,500
52 - Security	\$ (5,500)
53 - Data Services	\$ 0
61 - Community Services	\$ 0
71 - Debt Service	\$ 0
81 - Facilities Acquisition & Construction	\$ 0
91 - Chapter 41 Payments	\$ 0
93 - Payments to Fiscal Agents	\$ 0
95 - Payments to JJAEP	\$ 0
99 - Other Intergovernmental Charges	\$ 0
Total Net Transfers	\$ 0

REQUESTS for Re-APPROPRIATIONS:

General Operating Fund:

No new appropriations.

General Operating Fund Re-Appropriations Summary			
Description	Official Budget	Increase/ (Decrease)	Amended Budget
<u>Revenues:</u>			
Total			
<u>Expenditures:</u>			
Total			
Total Net Appropriations (Revenues minus Expenditures)		\$ 0	

ACTION REQUIRED

Board Approval

SUPPORT INFORMATION

Additional information provided upon request.
Contact: Randall Rau – Chief Financial Officer

HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT
BOARD OF TRUSTEES

Date: August 24, 2020

Subject: Consideration and possible approval of Procurements

Administrator Responsible/Position: Cabinet Members

Purpose of Agenda Item:

- Action needed Information only Receive input

Authority for This Action:

- Local Policy - BE Law or Rule N/A

Goal or Need Addressed:

Procurement of necessary items for the district.

Summary:

- Previous board action relating to this item - Ongoing
- Future action anticipated - Monthly
- Background information – The following procurements will be presented for approval
 - a. Bulk Fuel – SC Fuel – Max Cleaver
 - b. Equipment Rental – United Rentals – Max Cleaver
 - c. Fire Alarm System Replacement – JM Electronic – Max Cleaver
 - d. HR Software TalentEd & SmartFind – PowerSchool – Marivel Sedillo
 - e. HVAC Supplies/Services – TD Industries & TX Airsystem Parts – Max Cleaver
 - f. Maintenance & Operations Supplies/Materials – Home Depot – Max Cleaver
 - g. Tires/Services for Transportation – Southern Tire Mart – Max Cleaver
 - h. Transportation Services – Longhorn Bus Sales & Rush Truck Center – Max Cleaver

Comments Received:

- Cabinet DLT FBOC Teacher Org. Reps. Other _____

All agenda items have been reviewed by the Superintendent's Cabinet.

Administrative Recommendation:

The Administration recommends approval of the August procurement items.

Fiscal Impact and Cost: Amount: as set forth in the procurement item.

Suggested Motion:

I move that the Board approve the procurement item as presented.

HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES

Date: 8/24/2020

Subject: Procurement: Orientation – Bulk Fuel – SC Fuels

Administrator Responsible/Position: Max Cleaver – Chief Operations Officer

A. Purpose of Agenda Item:

Action needed

Information only

Receive input

B. Authority for This Action:

Local Policy

Law or Rule

N/A

C. Goal or Need Addressed: The purpose of this agenda is to authorize the procurement of unleaded & diesel fuel for all fleet and transportation vehicles.

D. Summary:

Previous board action relating to this item – The board approved SC Fuels for bulk fuel on 08/26/2019

Future action anticipated –

Background information – The purchase of fuel is utilized by all district vehicles; Maintenance and Operations, Technology, SPED, and Transportation Departments. The initial contract was November 14, 2017 to November 13, 2019 with four additional one-year options to renew through 2021. The bid (#27-9701S) is based upon a differential from weekly OPIS Pad 3 report with estimated annual usage of 340,000 gallons of ultra-low sulfur diesel and 65,000 gallons of unleaded gasoline.

E. Scope of Options Reviewed: BID #27-091701SC

This is a one-year contract with one (1) option to renew through 11/13/2021.

Reasons for rejecting alternatives:

F. Comments Received:

Cabinet

DLT

FBOC

Teacher Org. Reps.

Other: Transportation, M&O, Technology, SPED, Central office Departments

From public -

G. Administrative Recommendation:

The administration recommends approval of the purchase of Unleaded & Diesel fuel through SC Fuels.

Advantages/benefits of this proposal – The bid is based upon a differential from weekly OPIS Pad 3 report with estimated annual usage of 340,000 gallons of Ultra low sulfur Diesel and 65,000 gallons of Unleaded Gasoline.

H. Fiscal Impact and Cost:

Total Amount: \$815,000.00

Diesel \$705,000

Unleaded \$110,000

Budget – General Operating Fund

Bond

Grant/Special Funds

Other _____

Prior Year Spending – \$727,374

50

Future/Ongoing – This procurement will be a recurring cost. (annually)

I. Monitoring and Reporting Time Line:

Person responsible for evaluating this decision or action— Filiberto Bonilla – Director of Transportation

Evaluation method and time line - Reviewed 18-19 budget year purchases with this vendor.
Did not reference 19-20 as this did not reflect an entire 12 months of fuel usage due to COVID19.

Next report to the board -

J. Suggested Motion:

I move that the Board approve SC Fuels for the procurement of Unleaded/ Diesel fuels for approximately \$815,000.00 per year, as presented

HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES

Date: 8/24/2020

Subject: Procurement: Orientation – Equipment Rental - United Rentals

Administrator Responsible/Position: Max Cleaver – Chief Operations Officer

- A. Purpose of Agenda Item:
 Action needed Information only Receive input
- B. Authority for This Action:
 Local Policy Law or Rule N/A
- C. Goal or Need Addressed: The purpose of agenda is to authorize the procurement of United Rentals for purchase of lifts, trailers, and the rental of heavy equipment (rock grapplers, skid steers, fresh air blowers, large lifts) and repairs to lifts.
- D. Summary:
 Previous board action relating to this item –
 Future action anticipated –
 Background information -
- E. Scope of Options Reviewed:
Choice Partners Cooperative Contract # 18/072KC-06
This is a one-year contract with two (2) options to renew until 10/16/2022.

Reasons for rejecting alternatives:
- F. Comments Received:
 Cabinet DLT FBOC Teacher Org. Reps. Other: Maintenance and Operations

 From public -
- G. Administrative Recommendation:
The administration recommends approval of the purchase and/or rentals of goods/services from United Rentals.
- H. Fiscal Impact and Cost: Total Amount: \$51,995
 Budget – General Operating Fund Bond Grant/Special Funds Other _____
Prior Year Spending – \$43,623
Future/Ongoing – This procurement will be a recurring cost (annually)
- I. Monitoring and Reporting Time Line:
Person responsible for evaluating this decision or action— Director of Maintenance, Michael Baker
Evaluation method and time line -
Next report to the board -
- J. Suggested Motion:
I move that the Board approve United Rentals for the purchase and or rentals of goods/services for approximately \$51,995 per year.

HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES

Date: 08/24/2020

Subject: Procurement: Orientation – Fire Alarm System Replacement – JM Electronic Engineering (JMEE)

Administrator Responsible/Position: Max Cleaver – Chief Operations Officer

A. Purpose of Agenda Item:

- Action needed Information only Receive input

B. Authority for This Action:

- Local Policy Law or Rule N/A

C. Goal or Need Addressed: This purpose of this agenda is to authorize the procurement of JMEE for fire alarm system replacements at Hays High School and Lehman High School.

D. Summary:

- Previous board action relating to this item –
 Future action anticipated –
 Background information – Future bond plans contain provisions for the replacement of the fire alarms at Hays HS and Lehman HS in conjunction with HVAC system replacement. Had there been a successful bond election in May 2020, these projects would have been in the queue for completion now.

These systems are becoming increasingly difficult to maintain as they near the end of their life cycle. Some parts are no longer available from the manufacturer and staff must make internet purchases from vendors such as eBay to keep them functioning.

Location	Description	Cost	Cost Plus 5% Contingency	Total
HHS	Replace Select Silent Knight Fire Alarm System Components	\$33,605.00	\$35,285.25	
HHS	Replace All Siemens Fire Alarm Components	\$75,450.00	\$79,222.50	
HHS	Music Hall Integration	\$20,265.00	\$21,278.25	
			Total HHS	\$135,786.00
LHS	Replace Siemens Fire Alarm	\$128,685.00	\$135,119.25	
LHS	Add 22 Remote Test Switches	\$17,160.00	\$18,018.00	
LHS	Upgrade Existing Silent Knight Components	\$48,955.00	\$51,402.75	
			Total LHS	\$204,540.00
			Project Total	\$340,326.00

E. Scope of Options Reviewed:

Cooperative Contract Buyboard #574-18
 This is a one-year contract with the option to renew through 11/30/2020

Reasons for rejecting alternatives:

F. Comments Received:

- Cabinet DLT FBOC Teacher Org. Reps. Other: Maintenance and Operations
 From public -

G. Administrative Recommendation:

The administration recommends approval of JMEE for fire alarm system replacement at both HHS & LHS.

H. Fiscal Impact and Cost: Total Amount: \$340,326

\$135,786 Hays High School

\$204,540 Lehman High School

Budget – General Operating Fund **Bond** **Grant/Special Funds** **Other: Fund Balance****

**The fire alarm systems at HHS and LHS are in need of repair. We anticipate this expense to be included in the next bond election. At this time we would like to make the necessary repairs and have the board execute the attached reimbursement resolution

Prior Year Spending – \$122,865.52

Future/Ongoing – This is a one-time purchase.

I. Monitoring and Reporting Time Line:

Person responsible for evaluating this decision or action— Michael Baker, Director of Maintenance

Evaluation method and time line -

Next report to the board -

J. Suggested Motion:

I move that the Board approve the vendor JMEE for fire alarm system replacement at both HHS & LHS for approximately \$340,326.

**RESOLUTION FOR BOND REIMBURSEMENT OF CAPITAL
EXPENDITURES**

WHEREAS, the Hays Consolidated Independent School District (the “Issuer”), an independent school district of the State of Texas, authorized to finance its activities by issuing and incurring obligations (“Obligations”) pursuant to the Texas Education Code, which may include Obligations the interest on which is excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended; and

WHEREAS, the Issuer has made, within the last 60 days, and will continue to make payments with respect to the acquisition of the projects listed on Exhibit A attached hereto (the “Financed Facilities and Improvements”); and

WHEREAS, the Issuer reasonably expects to issue Obligations to reimburse itself for the costs associated with the Financed Facilities and Improvements; and

WHEREAS, the Issuer desires to reimburse itself for the costs associated with the Financed Facilities and Improvements from the proceeds of Obligations to be issued subsequent to the date hereof; and

NOW, THEREFORE, be it resolved by the Board of Trustees of the Issuer that:

Section 1. The Issuer hereby declares its intent to reimburse itself for all costs paid within the last 60 days and that will be paid subsequent to the date hereof in connection with the acquisition of the Financed Facilities and Improvements from the proceeds of Obligations to be issued or incurred subsequent to the date hereof.

Section 2. The Issuer reasonably expects that the maximum principal amount of Obligations issued by the Issuer to finance costs associated with the Financed Facilities and Improvements will not exceed \$400,000.

Section 3. This Resolution will be kept in the books and records maintained by the Issuer with respect to the Obligations.

[Signature Page Follows]

PASSED AND APPROVED _____, 2020.

President, Board of Trustees

ATTEST:

Secretary, Board of Trustees

(SEAL)

EXHIBIT A

Financed Facilities and Improvements

Item or Fund - - Described by Character, Type or Purpose

Fire alarm system replacement, refurbishment, and upgrades at Hays High School and Lehman High School.

HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES

Date: 08/24/2020

Subject: Procurement: Orientation – HR Software TalentEd & SmartFind – Severin International (PowerSchool Group LLC)

Administrator Responsible/Position: Marivel Sedillo - Chief Human Resources Officer

A. Purpose of Agenda Item:

Action needed Information only Receive input

B. Authority for This Action:

Local Policy Law or Rule N/A

C. Goal or Need Addressed: The purpose of this agenda is to authorize the procurement for the renewal of PowerSchool Group LLC for HR Software TalentEd Recruit & Hire, TalentEd Records Perform, SmartFind Express & UT Candidate Assessment Teacher.

D. Summary:

Previous board action relating to this item – The board approved Severin International (PowerSchool Group LLC) 09/23/2019.

Future action anticipated –

Background information – PowerSchool Group LLC is utilized by the Human Resources department to assist with the recruit, hire, maintenance of an employee's history and manage guest teacher system. (Renewal 9/23/2020)

E. Scope of Options Reviewed:

Sole Source approved and verified by Purchasing (attached)

Reasons for rejecting alternatives:

F. Comments Received:

Cabinet DLT FBOC Teacher Org. Reps. **Other:** Human Resources
 From public -

G. Administrative Recommendation: The administration recommends approval of the vendor Severin International (PowerSchool Group LLC) for the renewal for PowerSchool Group LLC for HR Software TalentEd Recruit & Hire, TalentEd Records Perform & SmartFind Express & UT Candidate Assessment Teacher.

Advantages/benefits of this proposal – The advantage of this procurement will continue to assist HR with recruit, hire and maintain employee history, as well as managing our substitute (guest teacher) system.

H. Fiscal Impact and Cost: Total Amount: \$80,037.90

Budget – General Operating Fund **Bond** **Grant/Special Funds** **Other**

Prior Year Spending - \$85,859.52

Future/Ongoing – This procurement will be a recurring cost (annually)

I. Monitoring and Reporting Time Line:

Person responsible for evaluating this decision or action— Marivel Sedillo – Chief Human Resources Officer

Evaluation method and time line –

Next report to the board –

J. Suggested Motion:

I move that the Board approve the vendor PowerSchool Group LLC for the renewal for PowerSchool Group LLC for HR Software TalentEd Recruit & Hire, TalentEd Records Perform & SmartFind Express & UT Candidate Assessment Teacher for approximately \$80,037.90 per year.



Hays CISD

21003 Interstate 35
Kyle, Texas 78640 -4745
512-268-2141 ext. 46063

8/4/2020

Sole Source Exemption Memo

This Sole Source Exemption Memo serves to justify this purchase as exempt from competition under the Texas Education Code (TEC) and if Federal funds apply, the Education Department General Administrative Regulations (EDGAR).

Per the TEC, specifically Subchapter B, Section 44.031, item (j):

(j) Without complying with Subsection (a), a school district may purchase an item that is available from only one source, including:

- (1) An item for which competition is precluded because of the existence of a patent, copyright, secret process, or monopoly;
- (2) A film, manuscript, or book;
- (3) A utility service, including electricity, gas, or water
- (4) A captive replacement part or component for equipment.

Per EDGAR, specifically 2 CFR 200.320(f):

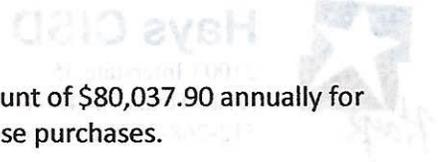
(f) Procurement by noncompetitive proposals. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

- (1) The item is available only from a single source;
- (2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- (3) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or
- (4) After solicitation of a number of sources, competition is determined inadequate.

In both of the above instances, Hays CISD further specifies that an item is Sole Source when:

1. There are no like products or services available for purchase that would serve the same purpose or function; and
2. There is only one source from which Hays CISD may make the purchase due to exclusive distributor rights or a direct to customer sales model having no authorized distributors.

In accordance with the above citations, Hays CISD declares the following purchase as a Sole Source:



Hays CISD seeks to contract with PowerSchool in the estimated amount of \$80,037.90 annually for software. Federal funds will not be used for these any portion of these purchases.

In contract with this vendor; see attached sole letter.

Official documentation from an authorized representative of the vendor is attached to this Sole Source Exemption Memo. This documentation describes the patent, copyright, secret process, or monopoly that precludes competition for this product/service and the details that the vendor only provides these products/services to the customer directly, with no authorized distributors or resellers.

I, the undersigned authorized representative for Hays CISD, affirm that I support and will justify Hays CISD's determination that this purchase is a Sole Source in accordance with the citations and explanations contained in this Sole Source Exemption Memo.

Marivel Sedillo, CHRO

Marivel Sedillo
Chief Human Resources Officer
Hays CISD

I, the undersigned Director of Purchasing or delegated signature authority representative for Hays CISD, affirm that this purchase complies with requirements to be considered a Sole Source in accordance with the citations and explanations contained in this Sole Source Exemption Memo.

Nicole Turner *and* *8/4/2020*

Nicole Turner
Director of Purchasing
Hays CISD



PowerSchool Group LLC
150 Parkshore Drive
Folsom, CA 95630
www.powerschool.com

RE: PowerSchool Group LLC Sole Source Affirmation

To Whom It May Concern:

The purpose of this letter is to inform you that PowerSchool Group, LLC and its affiliate companies (collectively, "**PowerSchool**") are the sole source from which your school, school district, other educational institution or governmental entities may purchase the PowerSchool software and accompanying support, including fixes and enhancements.

- PowerSchool software includes student information systems (SIS) and enrollment products such as PowerSchool SIS; PowerSchool eSchoolPlus SIS; PowerSchool iNow SIS; PowerSchool Trillium SIS, PowerSchool Enrollment; PowerSchool Enrollment Express; and PowerSchool Ecollect Forms.
- PowerSchool Unified Classroom™ solution which includes Performance Matters Assessment, Schoology Learning, Unified Classroom Assessment, Unified Classroom Learning, Unified Classroom Gradebook, and Unified Classroom Special Programs.
- PowerSchool Unified Administration™ solution which includes, Unified Administration eFinancePlus, Unified Administration BusinessPlus; Unified Administration Atrieve Finance; Unified Administration Atrieve HR; and Unified Administration Atrieve Payroll.
- PowerSchool Unified Talent™ solution include SchoolSpring Job Board; Applicant Tracking; Candidate Assessment; Employee Records; Perform; Professional Learning; and Absence Management.
- PowerSchool Unified Insights™ solution includes, Student; Talent for Absence Management; and Operations for Finance and HR.
- For those districts that do not currently utilize PowerSchool's Student Information System, PowerSchool also offers standalone products including PowerSchool Performance Matters (Assessment and Analytics modules respectively), Schoology Learning, PowerSchool Special Programs, and all other software that PowerSchool may offer as part of PowerSchool's product line in the future.
- PowerSchool also offers, under the PeopleAdmin brand: PeopleAdmin Applicant Tracking System, PeopleAdmin Position Management, PeopleAdmin Employee Records, PeopleAdmin Performance Management, PeopleAdmin Faculty Information System, PeopleAdmin Professional Learning, PACx, and all other software as part of PowerSchool's future product line.

Additionally, any services provided using the PowerSchool software including, without limitation, hosting and implementation services for the PowerSchool product are only available through PowerSchool, unless PowerSchool provides explicit approval for an outside party to provide Services on PowerSchool's behalf.

Sincerely,

DocuSigned by:

A handwritten signature in black ink that reads 'Gregg Cleverger'.

Gregg Cleverger
Chief Financial Officer

PowerSchool Group, LLC

Prepared By: Becca Lebowitz
 Customer Name: Hays Consolidated Independent
 School District
 Contract Term: 12 Months
 Start Date: 9/1/2020
 End Date: 8/31/2021

 Customer Contact: Marivel Sedillo
 Title: Chief Officer of Human Resources
 Address: 451 N Meyer Street
 City: Kyle
 State/Province: Texas
 Zip Code: 78640
 Phone #: (512) 268-8975

Product Description	Quantity	Unit	Unit Price	Extended Price
Initial Term 9/1/2020 - 8/31/2021				
License and Subscription Fees				
Unified Talent (TalentEd) Perform District	1.00	Students	USD 22,301.19	
SmartFind Express NonSub Eligible	1.00	Each	USD 2,646.80	
SmartFind Express Sub Eligible	1.00	Each	USD 14,817.97	
Unified Talent (TalentEd) Applicant Tracking Ext. Auth- LDAP	1.00	Each	USD 0.00	
TalentEd Records - Professional	1.00	Students	USD 18,285.70	
UT Applicant Tracking	1.00	Students	USD 6,386.24	

 License and Subscription Totals: **USD 64,437.90**
Quote Total

Initial Term	9/1/2020 - 8/31/2021
Initial Term Total	USD 64,437.90

On-Going PowerSchool Subscription/Maintenance and Support Fees are invoiced at the then current rates and enrollment per existing terms of the executed agreement between the parties. Any applicable state sales tax has not been added to this quote. Subscription Start and expiration Dates shall be as set forth above, which may be delayed based upon the date that PowerSchool receives your purchase order. If this quote includes promotional pricing, such promotional pricing may not be valid for the entire duration of this quote.

All invoices shall be paid before or on the due date set forth on invoice.

All purchase orders must contain the exact quote number stated within. Customer agrees that purchase orders are for administrative purposes only and do not impact the terms or conditions reflected in this quote and the applicable agreement.

This renewal quote will continue to be subject to and incorporate the terms and conditions found at <https://www.powerschool.com/wp-content/uploads/PowerSchool-Service-Agreements/PowerSchool-MASTER-SERVICES-AGREEMENT-01-01-20.pdf>.

THE PARTIES BELOW ACKNOWLEDGE THAT THEY HAVE READ THE AGREEMENT, UNDERSTAND IT AND AGREE TO BE BOUND BY ITS TERMS.

POWERSCHOOL GROUP LLC

Hays Consolidated Independent School District

Signature:

Signature:



Printed Name: Eric Shander

Printed Name:

Title: Chief Financial Officer

Title:

Date: 5-6-2020

Date:

PO Number: _____

Prepared By: Becca Lebowitz
 Customer Name: Hays Consolidated Independent
 School District
 Contract Term: 12 Months
 Start Date: 7/1/2020
 End Date: 6/30/2021

 Customer Contact: Jim Baker
 Title: Chief Human Resources Officer
 Address: 451 N Meyer Street
 City: Kyle
 State/Province: Texas
 Zip Code: 78640
 Phone #: (512) 268-8975 ext. 46007

Product Description	Quantity	Unit	Unit Price	Extended Price
License and Subscription Fees				
UT Candidate Assessment Teacher	10,000.00	Students	USD 1.56	USD 15,600.00

 License and Subscription Totals: **USD 15,600.00**

Year One Total	USD 15,600.00
-----------------------	----------------------

On-Going PowerSchool Subscription/Maintenance and Support Fees are invoiced at the then current rates and enrollment per existing terms of the executed agreement between the parties. Any applicable state sales tax has not been added to this quote. Subscription Start and expiration Dates shall be as set forth above, which may be delayed based upon the date that PowerSchool receives your purchase order. If this quote includes promotional pricing, such promotional pricing may not be valid for the entire duration of this quote.

All invoices shall be paid before or on the due date set forth on invoice.

All purchase orders must contain the exact quote number stated within. Customer agrees that purchase orders are for administrative purposes only and do not impact the terms or conditions reflected in this quote and the applicable agreement.

This renewal quote will continue to be subject to and incorporate the terms and conditions found at <https://www.powerschool.com/wp-content/uploads/PowerSchool-Service-Agreements/PowerSchool-MASTER-SERVICES-AGREEMENT-01-01-20.pdf>.

THE PARTIES BELOW ACKNOWLEDGE THAT THEY HAVE READ THE AGREEMENT, UNDERSTAND IT AND AGREE TO BE BOUND BY ITS TERMS.

POWERSCHOOL GROUP LLC

Hays Consolidated Independent School District

Signature:



Signature: _____

Printed Name: Gregg Clevenger

Printed Name: _____

Title: Chief Financial Officer

Title: _____

Date: 4-3-2020

Date: _____

PO Number: _____

HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES

Date: 8/24/2020

Subject: Procurement: Mechanical, Electric, and Plumbing Supplies & Services – TD Industries and Texas
Airsystems Inc

Administrator Responsible/Position: Max Cleaver – Chief Operations Officer

- A. Purpose of Agenda Item:
 Action needed Information only Receive input
- B. Authority for This Action:
 Local Policy Law or Rule N/A
- C. Goal or Need Addressed: The purpose of this agenda is to authorize the procurement of goods and services from both TD Industries and Texas Airsystems Inc.

- D. Summary:
 Previous board action relating to this item –
 Future action anticipated –
 Background information – TD Industries is currently used by the district to perform service work on buildings and kitchens, as needed, including plumbing, HVAC, electric, and inspections.

Texas Airsystems Inc. is a new vendor for the District, providing service and materials for Aeon Brand HVAC equipment that was installed in several 2017 Bond projects.

- E. Scope of Options Reviewed:
TD Industries: Cooperative Contract Buyboard #552-17 (HVAC Equipment, Supplies & Installation)
This is a one-year contract with 3 three options to renew through 11/30/2023
TD Industries: Cooperative Contract Buyboard #558-18 (Trade Services)
This is a one- year contract with 4 four option to renew through 02/28/2024

Texas Airsystems Inc: Cooperative Contract TIPS/TAPS #200201 (Trades, Labor & Materials JOC)
This is a one-year contract with 2 two options to renew through 04/30/2022
Texas Airsystems Inc: Cooperative Contract TIPS/TAPS #18010101 (Comprehensive HVAC Solutions & Services)
This is a one-year contract with 1 one option to renew through 03/26/2021
Texas Airsystems Inc: Cooperative Contract TIPS/TAPS #18010102 (Comprehensive HVAC Solutions & Services JOC)
This is a one-year contract with 1 one option to renew through 03/26/2021

Reasons for rejecting alternatives:

- F. Comments Received:
 Cabinet DLT FBOC Teacher Org. Reps. Other: Maintenance and Operations

 From public -

G. Administrative Recommendation:

The administration recommends approval of the purchase of goods and services from both TD Industries and Texas Airsystems Inc.

H. Fiscal Impact and Cost: Total Amount: \$255,000 (TD Industries \$180,000; Texas Air Systems \$75,000)

Budget – General Operating Fund Bond Grant/Special Funds Other _____

Prior Year Spending – TD Industries: \$180,559
Texas Airsystems Inc: \$0

Future/Ongoing – This procurement will be a recurring cost (annually)

I. Monitoring and Reporting Time Line:

Person responsible for evaluating this decision or action— Director of HVAC Services, Albert Flores

Evaluation method and time line -

Next report to the board -

J. Suggested Motion:

I move that the Board approve both TD Industries and Texas Airsystems Inc. for the purchase of goods and services for approximately \$255,000 combined per year.

HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES

Date: 8/24/2020

Subject: Procurement: Orientation – Maintenance & Operations Supplies/Materials – Home Depot

Administrator Responsible/Position: Max Cleaver – Chief Operations Officer

- A. Purpose of Agenda Item:
 Action needed Information only Receive input
- B. Authority for This Action:
 Local Policy Law or Rule N/A
- C. Goal or Need Addressed: This purpose of this agenda is to authorize the procurement of goods and services from Home Depot.
- D. Summary:
 Previous board action relating to this item – The board approved both Home Depot on 10/29/2019
 Future action anticipated –
 Background information – District wide purchasing source for items needed to repairs facilities and grounds and to purchase items related to industrial and shop instruction. Preferred vendor due to competitive pricing and supplies in stock, available as needed.
- E. Scope of Options Reviewed:
Cooperative Contract OMINA Partners #16154 (Maintenance, Repair, Operating Supplies, Industrial Supplies & Related Products & Services) This is a one-year contract with 6 six options to renew through 12/31/2026
Cooperative Contract OMINA Partners #170009 (Paint & Paint Supplies)
This is a one-year contract with 5 five options to renew through 02/28/2025
- Reasons for rejecting alternatives:
- F. Comments Received:
 Cabinet DLT FBOC Teacher Org. Reps. Other: Maintenance & Operations
 From public -
- G. Administrative Recommendation:
The administration recommends approval of the purchase of supplies & materials from Home Depot
- H. Fiscal Impact and Cost: Total Amount: \$135,600
 Budget – General Operating Fund Bond Grant/Special Funds Other _____
Prior Year Spending – \$118,050
Future/Ongoing – This procurement will be a recurring cost (annually)
- I. Monitoring and Reporting Time Line:

Person responsible for evaluating this decision or action— Max Cleaver – Chief Operations Officer
Evaluation method and time line -
Next report to the board -
- J. Suggested Motion:
I move that the Board approve Home Depot for the purchase of goods & services for approximately \$135,600 per year.

HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES

Date: 8/24/2020

Subject: Procurement: Orientation – Tire/Services for Transportation – Southern Tire Mart

Administrator Responsible/Position- Max Cleaver – Chief Operations Officer

A. Purpose of Agenda Item:

Action needed

Information only

Receive input

B. Authority for This Action:

Local Policy

Law or Rule

N/A

C. Goal or Need Addressed: The purpose of this agenda item is to authorize the procurement of Southern Tire Mart for tires and tire services.

D. Summary:

Previous board action relating to this item – The board approved 08/26/2019

Future action anticipated –

Background information

E. Scope of Options Reviewed:

Cooperative Contract Buyboard #553-18

This is a one-year contract with 4 four options to renew through 02/28/2024

Reasons for rejecting alternatives:

F. Comments Received:

Cabinet DLT FBOC Teacher Org. Reps. Other: Maintenance & Operations, Transportation

From public -

G. Administrative Recommendation:

The administration recommends approval of the purchases of tire and tire services from Southern Tire Mart.

Advantages/benefits of this proposal – The potential procurement of supplies and services with a percentage discount off catalog or list prices.

H. Fiscal Impact and Cost: Total Amount: \$75,000.00

Budget – General Operating Fund

Bond

Grant/Special Funds

Other _____

Prior Year Spending – \$74,034

Future/Ongoing – This procurement will be a recurring cost (annually)

I. Monitoring and Reporting Time Line:

Person responsible for evaluating this decision or action— Filiberto Bonilla – Director of Transportation

Evaluation method and time line -

Next report to the board -

J. Suggested Motion:

I move that the Board approve the purchase of tires and tires services through Southern Tire Mart for approximately \$75,000.00 per year.

HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES

Date: 08/24/2020

Subject: Procurement: Orientation – Transportation Services - Longhorn International Trucks LTD and Rush Truck Center of Texas

Administrator Responsible/Position: Max Cleaver – Chief Operations Officer

A. Purpose of Agenda Item:

Action needed

Information only

Receive input

B. Authority for This Action:

Local Policy

Law or Rule

N/A

C. Goal or Need Addressed: The purpose of this agenda item is to authorize the procurement of Transportation supplies and services with a percentage discount off catalog or list prices.

D. Summary:

Previous board action relating to this item – The board approved Longhorn International Trucks LTD and Rush Truck Center of Texas on 08/26/2019

Future action anticipated –

Background information –

E. Scope of Options Reviewed:

Longhorn International Trucks LTD: Cooperative Contract Buyboard #549-17
This is a one-year contract with 3 three options to renew through 11/30/2023

Rush Truck Centers of Texas: Cooperative Contract Buyboard #601-19
This is a one-year contract with 5 five options to renew through 11/30/2025

Reasons for rejecting alternatives:

F. Comments Received:

Cabinet

DLT

FBOC

Teacher Org. Reps.

Other: Transportation

From public -

G. Administrative Recommendation:

The administration recommends approval of the purchase of supplies and services from Longhorn International Trucks and Rush Truck Center of Texas

Advantages/benefits of this proposal – Approximately 90% of our fleet are International, which Longhorn provides the bus parts and 10% of our fleet are Blue Bird, which Rush Truck provides the bus parts.

H. Fiscal Impact and Cost:

Total Amount: \$210,000

\$150,000.00 (Longhorn International)

\$60,000.00 (Rush Trucks)

Budget – General Operating Fund

Bond

Grant/Special Funds

Other _____

Prior Year Spending – \$141,141.07 (Longhorn International)

\$27,070.81 (Rush Trucks)

Future/Ongoing – This procurement will be a recurring cost (annually)

I. Monitoring and Reporting Time Line:

Person responsible for evaluating this decision or action— Filiberto Bonilla – Director of Transportation

Evaluation method and time line -

Next report to the board -

J. Suggested Motion:

I move that the Board approve Longhorn International and Rush Trucks for approximately \$210,000 combined per year.

HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES

Date: August 24, 2020

Subject: Consideration and possible approval of the Appraisal Calendar and List of Certified Appraisers

Administrator Responsible/Position: Marivel Sedillo, CHRO

A. Purpose of Agenda Item:

Action needed

Information only

Receive input

B. Authority for This Action:

Local Policy DNA (Legal/Local)

Law or Rule

N/A

C. Goal or Need Addressed: Request approval of the 2020-2021 Teacher Appraisal Calendar and List of Certified Appraisers for teachers.

D. Summary:

Previous board action relating to this item - Board approved the list of certified appraisers on August 26, 2019. However, some of our new administrators had not attended T-TESS appraisal training in August.

Future action anticipated -

Background information - Annual compliance of appraisal process for certified teachers in accordance with DNA (Legal/ Local) and Commissioner's Rule, §150.1003(d), and Commissioner's Rule §150.1006.

In accordance with the Commissioner's Rule, §150.1003(d), Appraisals, Data Sources and Conferences, each school district shall adopt a calendar for the appraisal of teachers. The local Board of Trustees must approve days that will be identified for exclusion purposes from the formal observation process. The calendar, which will designate specific time frames for appraisal purposes, must be disseminated to all appraisers and teachers before the appraisal process begins.

In accordance with the Commissioner's Rule §150.1006, Appraiser Qualification, the Board of Trustees must also approve individuals who serve as appraisers for teachers.

E. Administrative Recommendation: The administration recommends approval of the 2020-2021 Teacher Appraisal Calendar and List of Certified Appraisers for Teachers

Advantages/benefits of this proposal – Provide our administrators and teachers with a specific time frame for appraisal purposes. This action will also inform who is certified to perform teacher appraisals.

F. Monitoring and Reporting TimeLine:

Person responsible for evaluating this decision or action— Marivel Sedillo, CHRO

Evaluation method and time line – Ensure all administrators are certified appraisers and the timeline aligns with the Commissioner's Rules and our academic school calendar.

Next report to the board -

G. Suggested Motion:

I move that the Board approve of the 2020-2021 Teacher Appraisal Calendar and List of Certified Appraisers for Teachers

Last Name	First Name	Position	Location
SEDILLO	MARIVEL	CHIEF HR OFC	Human Resources
GARCIA-EDWARDSSEN	JENNIFER	DEPUTY ACAD OFFICER	C&I
GOMEZ	JESUS	DEPUTY ACAD OFFICER	C&I
KINSEY	SAMI	DEPUTY ACAD OFFICER	C&I
NOBLE	MARY	DIR FEDERAL PROGRAMS	Finance
FOX	SEAN	PRINCIPAL ES	Elementary - Blanco Vista
SALINAS RODRIGUEZ	LIZETTE	ASST PRINCIPAL ES	Elementary - Blanco Vista
ROBINSON	TIM	PRINCIPAL ES	Elementary - Buda
FARMER	SAVANNAH	ASST PRINCIPAL ES	Elementary - Buda
SOLIZ	ELVA	PRINCIPAL ES	Elementary - Camino Real
CARDENAS	JUAN	ASST PRINCIPAL ES	Elementary - Camino Real
IBARRA	ELSA	ASST PRINCIPAL ES	Elementary - Camino Real
BORDEAU	GINGER	PRINCIPAL ES	Elementary - Carpenter Hill
MAXWELL	SHAWN	ASST PRINCIPAL ES	Elementary - Carpenter Hill
FAULKS	KATHRYN	PRINCIPAL ES	Elementary - Elm Grove
MANCO	PATTY	ASST PRINCIPAL ES	Elementary - Elm Grove
BUTCHER	REGINA	PRINCIPAL ES	Elementary - Fuentes
HOWARD	SHEA	ASST PRINCIPAL ES	Elementary - Fuentes
SALAS-TRUHILL	MONICA	PRINCIPAL ES	Elementary - Hemphill
CHAFFEE	ELIZABETH	ASST PRINCIPAL ES	Elementary - Hemphill
LUCITA	KAREN	PRINCIPAL ES	Elementary - Kyle
GARCIA	HERLINDA	ASST PRINCIPAL ES	Elementary - Kyle
CROWTHER	MELODY	PRINCIPAL ES	Elementary - Negley
LUMBRERAS	LINDSAY	ASST PRINCIPAL ES	Elementary - Negley
NOACK	KATHLEEN	PRINCIPAL ES	Elementary - Ralph Pfluger
MARSHALL	EMILY	ASST PRINCIPAL ES	Elementary - Ralph Pfluger
RAMOS	IRIC	PRINCIPAL ES	Elementary - Science Hall
KLIMA	LELLAND	ASST PRINCIPAL ES	Elementary - Science Hall
NERIO	LUCIA	ASST PRINCIPAL ES	Elementary - Science Hall
DIPALMA	ALISA	PRINCIPAL ES	Elementary - Tobias
RUSS	AMELIA	ASST PRINCIPAL ES	Elementary - Tobias
HANNA	JENNIFER	PRINCIPAL ES	Elementary - Tom Green
JONES	JENNIFER	ASST PRINCIPAL ES	Elementary - Tom Green
VASQUEZ	CLAUDIA	ASST PRINCIPAL ES	Elementary - Tom Green
VASQUEZ	CYNTHIA	PRINCIPAL ES	Elementary - Uhland
GONZALEZ	JAVIER	ASST PRINCIPAL ES	Elementary - Uhland
MURO	AMANDA	ASST PRINCIPAL ES	Elementary - Uhland
LOYD	AARON	PRINCIPAL MS	Middle School - Barton
JOINER	RACHEL	ASST PRINCIPAL MS	Middle School - Barton
MIZE	CODY	ASST PRINCIPAL MS	Middle School - Barton
WALLS	LISA	PRINCIPAL MS	Middle School - Chapa
MIRANDA	CHRISTINA	ASST PRINCIPAL MS	Middle School - Chapa

VELA	JULIO	ASST PRINCIPAL MS	Middle School - Chapa
GINN	DEDRAH	PRINCIPAL MS	Middle School - Dahlstrom
FOSTER	SALLY	ASST PRINCIPAL MS	Middle School - Dahlstrom
CRUZ	JAMES	PRINCIPAL MS	Middle School - McCormick
MEDELLIN	PEDRO	ASST PRINCIPAL MS	Middle School - McCormick
ZAPATA	CYNTHIA	ASST PRINCIPAL MS	Middle School - McCormick
WATSON	MICHAEL	PRINCIPAL MS	Middle School - Simon
BRIONES	LAURA	ASST PRINCIPAL MS	Middle School - Simon
SALINAS	RICARDO	ASST PRINCIPAL MS	Middle School - Simon
HODGES	SARAH	PRINCIPAL MS	Middle School - Wallace
HERNANDEZ	VICTOR	ASST PRINCIPAL MS	Middle School - Wallace
MITCHELL	JOE	ASST PRINCIPAL MS	Middle School - Wallace
PIERCE	DAVID	PRINCIPAL HS	High School - Hays
ZEMBIK	MEGAN	ACADEMIC DEAN	High School - Hays
HENSARLING	ROBERT	ASST PRINCIPAL HS	High School - Hays
JACOBSON	TIMOTHY	ASST PRINCIPAL HS	High School - Hays
KALLFELZ	TONYA	ASST PRINCIPAL HS	High School - Hays
RAMIREZ	RICARDO	ASST PRINCIPAL HS	High School - Hays
STIGALL	EARRICK	ASST PRINCIPAL HS	High School - Hays
VILLEJO	SYLVIA	PRINCIPAL HS	High School - Impact
WHITIS	TIFFANY	ASST PRINCIPAL HS	High School - Impact
MIKSCH	BRETT	PRINCIPAL HS	High School - Johnson
HUDSON	REBECCA	ACADEMIC DEAN	High School - Johnson
CHAIRES	CATHERYN	ASST PRINCIPAL HS	High School - Johnson
PRUETT	MEAGAN	ASST PRINCIPAL HS	High School - Johnson
SOLIS	JAVIER	ASST PRINCIPAL HS	High School - Johnson
STIDEVENT	BRENTON	ASST PRINCIPAL HS	High School - Johnson
ZUNIGA	KAREN	PRINCIPAL HS	High School - Lehman
LYTLE	JOANNE	ACADEMIC DEAN	High School - Lehman
GONZALEZ	HOMERO	ASST PRINCIPAL HS	High School - Lehman
HODGES	J	ASST PRINCIPAL HS	High School - Lehman
LARA	CITLALLY	ASST PRINCIPAL HS	High School - Lehman
SEITZ	WILLIAM	ASST PRINCIPAL HS	High School - Lehman
AGNEW	JAMES	PRINCIPAL HS	High School - Live Oak Academy
DECHICK	JAMES	ASST PRINCIPAL HS	High School - Live Oak Academy



2020-2021 EMPLOYEE APPRAISAL CALENDAR & TIMELINE

Date	Appraisal Activity
August 10, 2020	Annual T-TESS orientation for <i>New to District Teachers ONLY</i>
August 26, 2020	Make-up T-TESS orientation for <i>New to District Teachers ONLY</i>
September 8, 2020 to September 30, 2020	No Formal Observations Allowed
October 1, 2020 to May 14, 2021	Formal Teacher Observation Period
October 13, 2020	No observations allowed
October 16, 2020	T-TESS Goal Setting and Professional Development due to appraiser (<i>for existing and new teachers</i>)
November 13, 2020	Student Learning Objective (SLO) Complete
November 20, 2020	No observations allowed
Prior to Thanksgiving Break	Formal Observations for <i>New Teachers</i> Complete
December 14, 2020 – December 18, 2020	No observations allowed
Prior to Winter Break	Formal Observations for Teachers <i>New to Hays CISD</i> Complete
January 4, 2021 – January 8, 2021	No observations allowed
January 19, 2021	No observations allowed
January 29, 2021	T-TESS Formal Observations for teachers who may be considered for nonrenewal/termination at the end of the school year should be complete.
February 12, 2021	TNLC Contract Recommendations due to HR
February 15, 2021	No observations allowed
February 26, 2021	Administrator Contract Recommendations due to HR
March 12, 2021	No observations allowed
March 22, 2021	No observations allowed
March 26, 2021	Nurse, Librarian, and Counselor Appraisals Due

March 29, 2021	Administrator Contracts Presented to the Board
April 1, 2021	No observations allowed
April 5, 2021	TNLC Contracts Presented to the Superintendent
April 26, 2021	Non-renewals or Terminations Presented to Board
May 14, 2021	Last Day to Conduct Formal Observations
May 20, 2021	Last Day for Summative Conferences (<i>Teachers ONLY</i>)
June 1, 2021	Paraprofessional/Auxiliary Appraisal Conferences Complete
June 8, 2021	Paraprofessional/ Auxiliary Appraisals Due
June 15, 2021	Last Day of School
June 23, 2021	Administrator/ Professional Appraisal Conferences Complete
June 30, 2021	Administrator/ Professional Appraisals Due

**HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT
BOARD OF TRUSTEES**

Date: August 24, 2020

Subject: Consideration and possible approval of Application for Optional Flexible School Day Program at Live Oak Academy for the 2020-2021 School Year

Administrator Responsible/Position: Doug Agnew, Principal, LOA
Jesus Gomez, Deputy Academic Officer

A. Purpose of Agenda Item:

Action Needed **Information Only** **Receive Input**

B. Authority for This Action

Local Policy **Law or Rule** **N/A**

C. Goal or Need Addressed:

- We wish to provide flexible school hours with additional support and interventions to students who are at risk of dropping out of a traditional school or have decided they want to continue past their 4th year of high school. Many of these students are unable to attend school in a traditional setting due to work and family commitments.
- We want to improve student performance by increasing the number of students successfully completing courses thus reducing the dropout rate at all high schools.
- We want to increase student attendance by offering students the opportunity to participate in a flexible school day.
- We want to increase the number of students re-enrolling to complete their high school education by offering flexible school hours.
- We will provide effective transition services to post-secondary education and/or career of choice through continued monitoring of course progress, attendance, and assessment performance.

It is our hope that the flexible schedule increases opportunities for students to complete required core academic coursework; graduate from high school; and realize a future of college and/or career options.

D. Summary:

- Previous board action relating to this item** – The Board approved the Application for the Optional Flexible School Day Program for the 2019-2020 school year on May
- Future action anticipated -**
- Background information -**

E. Comments Received:

Cabinet **DLT** **FBOC** **Teacher Org. Reps.** **Other** _____

From public -

All agenda items are reviewed by the Superintendent’s Cabinet.

G. Administrative Recommendation:

The administration recommends the board approve the Optional Flexible School Day Program Application, as presented.

H. Fiscal Impact and Cost: Amount \$ _____

Budget – General Operating Fund **Bond** **Grant/Special Funds** **Other** _____

Prior Year Spending: \$ _____

Future/Ongoing: \$ _____

I. Monitoring and Reporting Time Line:

Person responsible for evaluating this decision or action – Jesus Gomez

Evaluation method and time line -

Next report to the board -

J. Suggested Motion

I move that the Board approve the Optional Flexible School Day Program Application, as presented

Texas Education Agency



APPLICATION

Optional Flexible School Day Program (OFSDP)

2020-2021 School Year

ELIGIBLE APPLICANTS: The Texas Education Agency (TEA) will make available to eligible school districts and open-enrollment charter schools an application form that must be completed and submitted to the TEA for approval.

Definition of Program Provisions

Eligible Students

A student is eligible to participate in an optional flexible school day program (OFSDP) authorized under the Texas Education Code (TEC) §29.0822, if:

1. the student meets one of the following conditions:
 - the student is at risk of dropping out of school, as defined by the TEC, §29.081; or
 - the student, as a result of attendance requirements under the TEC, §25.092, will be denied credit for one or more classes in which the student has been enrolled;
 - the student is attending a school with an approved early college high school program designation; or
 - the student is attending an academically unacceptable campus implementing a campus turnaround plan approved by the commissioner under TEC 39A Subchapter C; or
 - **the student is attending a community-based dropout recovery education program as defined by TEC, §29.081 (e-1) or(e-2).**

and

2. the student, if less than 18 years of age and not emancipated by marriage or court order, and the student's parent, or person standing in parental relation to the student, agree in writing to the student's participation.

Assessment

The student must take the required state assessments specified under the TEC, §39.023, during the regularly scheduled assessment calendar.

Participation in University Interscholastic League (UIL)

A student enrolled in an OFSDP under the TEC, §29.0822, may participate in a competition or other activity sanctioned or conducted under the authority of the University Interscholastic League (UIL) only if he or she meets all UIL eligibility criteria.

Attendance Credit

A student attending an OFSDP under the TEC, §29.0822, may be counted in attendance for purposes of funding under the TEC, Chapters 46, 48, and 49, only for the actual number of contact hours the student receives, not to exceed 720 hours or 43,200 minutes per 12-month period. **Students in enrolled in the traditional program for part of the year and the OFSDP program for part of the year may not earn more than one ADA.**

Board Approval

The board of trustees of a school district must include the OFSDP as an item on a regular agenda for a board meeting. Board of trustees of a school district must discuss the progress of the program before approving the program and applying to operate an OFSDP. (see Appendix Two).

Continuation or Revocation of Program Authorization

Applications are approved for a period of one (1) school year. Continuation of the approval for the OFSDP will be contingent on the demonstrated success of the program. Determination of success will include a review and analysis of data provided in the mandatory final progress report(s). The commissioner of education may revoke authorization for participation in the OFSDP after consideration of relevant factors, including performance of students participating in the program on assessment instruments required under the TEC, Chapter 39; the percentage of students participating in the program who graduate from high school; and other criteria agreed to in the application and adopted by the commissioner of education. A decision to revoke approval of the program by the commissioner of education is final and may not be appealed.

Reporting Requirements

Following approval of the application, the applicant may be required to submit progress reports based on criteria selected by the applicant and agreed to by the commissioner. When requested, reports will require applicants to disclose the overall progress of the students in the program, the number of students enrolled in the program (disaggregated by ethnicity, age, gender, and socioeconomic status), the number of students graduating from high school (disaggregated by ethnicity, age, gender, and socioeconomic status), and additional criteria selected by the applicant and agreed to by the commissioner. The TEA will provide notice to applicants and additional instructions for completion of reports at least 45 days before the date a report is due, or as soon as possible, in order to give school districts and charter schools adequate time to prepare and submit the reports to the TEA. The TEA may request additional reports as necessary to monitor and assess progress of students participating in the program.

Article I - Parties to Agreement

Provisions of Agreement

This agreement is entered into by and between the Texas Education Agency, an agency of the State of Texas, hereinafter referred to as the "TEA," and

Hays Consolidated Independent School District

(Legal Name of School District or Open-Enrollment Charter School)

located at

21003 Interstate 35 Frontage Road, Kyle, Texas 78640

(Physical Address)

hereinafter referred to as "district."

Article II - Period of Agreement

The period of the agreement, as detailed by participating campus in **Appendix 5**, is for a maximum of one school year plus an additional 30 school days if the district is applying for credit recovery. **Please note that the agreement term is subject to annual renewal.**

Article III - Purpose of Agreement

The district must perform all the functions and duties set out in the agreement, the authorizing program statute, and applicable regulations.

Article IV - Reporting Requirements

The district may be required to submit progress reports based on criteria selected by the applicant and agreed to by the commissioner. The TEA may request additional reports as necessary to monitor and assess progress of students participating in the program.

Article V - General and Special Provisions to the Agreement

Attached hereto and made a part hereof by reference is each of the provisions indicated below with an "X" beside it:

- Appendix One, Assurances
- Appendix Two, Board Approval
- Appendix Three, Attendance and Compliance Procedures of Proposed Program (Attach File)
- Appendix Four, Contact Sheet
- Appendix Five, Participating Campuses, Student Eligibility, and Period of Agreement (Attach File)

Article VI - Application Process

- For questions or assistance regarding this application, please email opflex@tea.texas.gov or call 512-463-9294.
- Applications should be submitted 30 days prior to the start of the program, please make sure the start date(s) on Appendix 5 is 30 days or more after the application is submitted.
- Applications submitted by July 15th should be approved by August 15th.
- Please email the complete application and attachments to: opflex@tea.texas.gov .
- Email subject line should indicate: 2020-2021 OFSDP Application - District Name, County District Number

Article VII - Agreement

AGREED and accepted on behalf of the school district or open-enrollment charter school to be effective on the earliest date written above by a person authorized to bind the district.

Typed Name	<u>Dr. Eric Wright</u>	<u>_____</u>
Typed Title	<u>Superintendent</u>	Authorized Signature

Appendix One Assurances

The definition of terms of the application applies to this Appendix One. Assurances. The school district or open-enrollment charter school hereinafter called “district” does hereby certify and agree to the following conditions of the agreement.

PAGE LIMIT: SUBMIT NO ADDITIONAL PAGES FOR APPENDIX ONE. ALL INFORMATION REQUESTED MUST BE INCLUDED WITH THIS FORM.

The district agrees to enroll only eligible students to participate in an OFSDP authorized under this application. A student is eligible to participate in an OFSDP authorized under the TEC, §29.0822, if:

1. the student meets one of the following conditions:
 - the student is at risk of dropping out of school, as defined by the TEC, §29.081; or
 - the student, as a result of attendance requirements under the TEC, §25.092, will be denied credit for one or more classes in which the student has been enrolled;
 - the student is attending a school with an approved early college high school program designation; or
 - the student is attending an academically unacceptable campus implementing a campus turnaround plan approved by the commissioner under TEC 39A Subchapter C; or
 - the student is attending a community-based dropout recovery education program as defined by TEC, §29.081 (e-1) or (e-2).

and

2. the student, if less than 18 years of age and not emancipated by marriage or court order, and the student’s parent, or person standing in parental relation to the student, agree in writing to the student’s participation.

The district agrees:

1. to administer mandatory assessment instruments during the regular assessment cycle to students enrolled in OFSDPs;
2. All instructional materials and facilities must be comparable to or exceed the required standards for students in similar programs;
3. that the students participating in an OFSDP will not be isolated from other academic and vocational programs of the school district and that all students will have access to school counselors for pre- and post-entry counseling, academic or personal counseling, and career counseling;
4. to provide faculty and administrators with baccalaureate or advanced degrees, highly qualified staff, and certified teachers as required by 19 Texas Administrative Code §129.1027 for the program;
5. to adopt a policy that does not penalize students participating in an OFSDP in accordance with the 90% rule (TEC, §25.092[a]) or the 75% to 90% rule for class credit (TEC, §25.092[a-1]);
6. to adopt a policy to require students to attend regularly scheduled instruction for the OFSDP with penalties for nonattendance including filing truancy charges, if appropriate;
7. to track the number of minutes the student receives instruction each day and to comply with applicable sections of the [Student Attendance Accounting Handbook](#).

- 8. to comply with all reporting requirements established by the TEA;
- 9. not to discriminate based on disability, race, color, national origin, religion, or sex; and
- 10. to prohibit a student participating in an OFSDP from participating in a competition or other activity sanctioned or conducted under the authority of the UIL unless the student meets all UIL eligibility requirements.

AGREED and accepted terms and conditions of Appendix One on behalf of the school district or open-enrollment charter school by persons authorized to bind the district.

Esperanza Orosco, Board President, 512-268-2141

Name, Title, and Telephone Number of School Board President

Signature of School Board President Date

Dr. Eric Wright, Superintendent, 512-268-2141

Name, Title, and Telephone Number of District Superintendent or Charter School Chief Operations Officer

Signature of Person Authorized to Bind the District or Charter School Date

Appendix Two Board Approval

The definition of terms of the application applies to this Appendix Two, Board Approval. The school district or open-enrollment charter school hereinafter called "district" does hereby certify and agree to the following conditions of the agreement.

1. The board of trustees of the school district or the governing board of the open-enrollment charter school **agrees to include the OFSDP as an item of agenda** concerning the proposed application.
2. The board of trustees of the school district or the governing board of the open-enrollment charter school must discuss the progress of the program before applying to operate an OFSDP.

The pre-application for the OFSDP Program was on the agenda and discussed at the board meeting below:

Month: August

Day: 24

Year: 2020

Time: 6:30 pm

Location: Hays Consolidated Independent School District

AGREED and accepted on behalf of the school district or open-enrollment charter school by persons authorized to bind the district.

Esperanza Orosco, Board President, 512-268-2141

Name, Title, and Telephone Number of School Board President

Signature of SchoolBoard President

Date

Dr. Eric Wright, Superintendent, 512-268-2141

Name, Title, and Telephone Number of District Superintendent or Charter School Chief Operations Officer

Signature of Person Authorized to Bind the District or Charter School

Date

Appendix Three

Attendance and Compliance Procedures of Proposed Program

The definition of terms of the application applies to this Appendix Three. Attendance Procedures of Proposed Program. The school district or open-enrollment charter school hereinafter called “district” does hereby certify and agree to the following conditions of the agreement.

Concisely provide the information below on separate 8 ½” x 11” sheets of paper:

1. Please indicate the number of OFSDP students that will be served per teacher.
2. **If** the OFSDP program will offer special education, career and technology education, pregnancy related services or bilingual education, please indicate how services will be provided, the teacher certification standards in each program area, and how services will comply with the [Student Attendance Accounting Handbook](#).
3. OFSDP requires a teacher of record to record the actual number of students’ instructional minutes on any given day. Please explain the following:
 - a. How the classroom teacher will verify the number of minutes of instruction a student receives each day.
 - b. How the district will make sure that minutes for students who did not attend a minimum of 45 minutes on a particular day are not reported for funding.
 - c. How the district will make sure that students transferring from the traditional program (ADA Codes 0-6) to OFSDP (ADA Codes 7-8) will not generate more than one ADA in total for the school year and that students will not receive more than 10,800 minutes per course. It is recommended that the district apply the following formula to determine the maximum OFSDP minutes a student is eligible = (Calendar School Days - Traditional Days Present x 240).
 - d. How the district will ensure that attendance practices and records comply with Sections 2.2.3 and 11.6 of the [Student Attendance Accounting Handbook](#).
 - e. How Student Detail Audit reports for the OFSDP track will be reviewed and certified each six-weeks.

NOTE: absences and days present do not exist in the OFSDP program

4. **If** students are attending a community-based dropout recovery education program offered online as defined by TEC, §29.081 (e-2), please include the following:
 - a. Describe the curriculum credentials, certifications, or other course offerings that relate directly to employment opportunities in the state.
 - b. Describe the individual learning plan or process used to monitor each student’s progress.
 - c. Indicate how student will be served by an academic coach and local advocate.
 - d. Indicate the date of the month that monthly student progress reports will be provided to the student’s school district.
 - e. Describe the educational software utilized and explain how the software will track and certify the number of instructional minutes each student receives each day.

Appendix Four Contact Sheet

The definition of terms of the application applies to this Appendix Four, Contact Sheet. The school district or open-enrollment charter school hereinafter called “district” does hereby certify and agree to the following conditions of the agreement:

PAGE LIMIT: SUBMIT NO ADDITIONAL PAGES FOR APPENDIX FOUR, CONTACT SHEET. ALL INFORMATION REQUESTED MUST BE INCLUDED WITH THIS FORM.

District Contact for the Application

Contact Name:	Dr. Eric Wright
District Superintendent or Charter School Chief Operations Officer:	Superintendent
Mailing Address:	21003 Interstate 35 Frontage Road
City, State, Zip Code:	Kyle, Texas 78640
Telephone Number:	512-268-2141
Alternate Telephone Number:	830-998-1881
Fax Number:	512-268-2147
Email Address:	eric.wright@hayscisd.net

Contact Name:	James D. Agnew
Email Address:	doug.agnew@hayscisd.net

Contact Name:	Sandra Dowdy
Email Address:	sandra.dowdy@hayscisd.net

Contact Name:	Jesus Gomez
Email Address:	jesus.gomez@hayscisd.net

NOTE: The majority of the contact for the approved OFSDP is done via email. Please make sure that a valid email address or valid email addresses are submitted on this form. More than one email address may be submitted. Please provide the full name(s) of the person or persons who are the email contact(s) to ensure that the TEA has accurate information.

Appendix Five

Participating Campuses, Student Eligibility, and Period of Agreement

Click and download the link below to complete the template:

[2020-2021 Participating Campuses, Student Eligibility, and Period of Agreement Template.](#)

*Note: Make sure to include the district number circled in red.

Once Completed please email the application, Appendix three in MS Excel file format, and Appendix 5 to OPFLEX@tea.texas.gov.

Appendix Three
Narrative Description of Proposed Program
The Phoenix Program at Live Oak Academy

The proposed Optional Flexible School Day Program (OFSDP) serves students from Lehman High School, Hays High School, Johnson High School, and Live Oak Academy High School (LOA), who are at risk of dropping out or did not complete high school on a Hays CISD campus within four years of initial enrollment into the ninth grade and want to return to complete the work needed to earn a diploma. The program is housed on the Live Oak Campus and served by teachers and staff at Live Oak. By providing flexible hours and a self-paced curriculum for students to attend we hope to accomplish the following goals and objectives:

1. Number of students served per teacher in OFSD program:
 - a) The OFSD program at LOA has 2 full time teachers in the room for all periods of the day. During peak hours a third teacher is assigned to the room. The certifications of the teachers assigned to the OFSD program are Math, CTE, and SPED. One instructional aide is also in the room for the duration of the program daily. Attendance is usually 30-45 students during a 4 hour block and the ratio of students to teacher is 10:1 and during peak hours 15:1

2. Serving SPED, CTE, PEP, and Bilingual services for OFSD students.
 - Students who are SPED are served by the LOA sped certified teacher. This teacher is assigned to the lab for multiple periods in the morning and again in the afternoon to ensure that they have the opportunity to work with all sped students no matter what hours they attend the program.
 - A CTE teacher is assigned to the lab and all CTE courses that are available to LOA students is also available to the OFSD students.
 - Parenting Education services are offered through the PEP program at LOA. The PEP teacher is in the lab for the first two periods. Students in PEP are schedule into the class at LOA.
 - Bilingual services are offered through the Hays CISD bilingual department. Bilingual staff are housed on the same campus as the OFSD program and will participate directly with students who need services or request services.
 - In addition to the services above, the OFSD program will also provide effective transition services to post-secondary education and/or career of choice through continued monitoring of course progress, attendance, and assessment performance.

3. Tracking Attendance for those students participating in the OFSDP:

Students participating in the optional flexible school day program are able to attend classes at any time between 8:00 a.m. and 7:00 p.m. on Monday through Friday.

- a) The classroom teacher will keep track of the number of minutes students attend each day. The teacher will certify the minutes daily with their signature and then again weekly to ensure proper accounting of minutes served. If a student does not attend for a minimum of 45 minutes, no data is recorded. This is again verified at the teacher level, and also again by the attendance clerk when the attendance log is turned in for reporting.
- b) At the district level, attendance is audited on a six-week basis and the minutes that are entered into the SIS are verified against the paper logs mentioned above. The SIS does not allow the end user to save minutes a total less than 45 a day.
- c) In order to meet the ADA requirements, no student can have their code changed within a six-week period. This ensures that no student can generate more ADA than allowed. This is also audited at the district level each six-weeks.
- d) Our SIS department has audit procedures and meets each six weeks at the campus to ensure that we are following the SAAH
- e) Our SIS department has audit procedures and meets each six weeks at the campus with attendance personnel and administration.

4. Students attending a community-based dropout recovery program:

- a) By the time students are assigned to the community-based dropout program (CBDP), they most likely have completed any training that they may have desired and are now focused on receiving a diploma. This program is designed to meet the student's individual needs and get them a diploma for either college entry, military, or the current job market.
- b) Students who are in the CBDP are first required to meet with the school counselor to develop an individual graduation plan. This plan is shared and monitored by our Phoenix teacher who monitors and tracks student progress. Regular phone calls and emails are sent to both students and parents to monitor and track progress toward completion.
- c) The Phoenix teacher is the students' academic coach. This person regularly emails and calls both student and parent to keep them updated on students' progress. Parents have a personal login to the online learning platform to see student progress in real time.
- d) Our online learning platform shows real time progress toward completion and the academic coach will send an email at the first of each month showing progress in all subjects.
- e) Edgenuity is our online learning platform and it delivers personalized learning to meet the needs of every student. The core curriculum, credit recovery courses, intervention programs, are used in online learning implementations to ensure students and teachers have access to engaging resources that propel success and meet students' diverse learning needs; pairing online curriculum and real-time data. To track attendance, reports of log-in and log-out times will be generated from the

system and the academic coach will track this time on the attendance form. If a student does not log-in and actively work on assignments for a minimum of 45 minutes, no data is recorded. This is again verified at the teacher level, and also again by the attendance clerk when the attendance log is turned in for reporting.

Optional Flexible School Day Program (OFSDP)

School Year 2020-2021

District Number	Hays CISD																
105906	ELIGIBILITY DESIGNATION 1 = TEC §29.081 At-Risk Students 2 = TEC §25.092 Minimum Attendance 3 = TEC §29.908 Early College HS 4 = TEC §39A Campus Turnaround Plan 5 = Credit Recovery 6 = TEC §29.081 (e-1) Campus Dropout Recovery 7 = TEC §29.081 (e-2) Online Dropout Recovery									School Year Period of Agreement (Reported in TSDS PEIMS Summer Collection 3) <u>A Student may not report more than one ADA IN TOTAL on the 42400 Basic Attendance Collection 3 and 42500 Flex Attendance in collections 3 and 4)</u>				Credit Recovery Summer Period of Agreement <u>Only for Eligibility Designation 5 not to exceed 30 school days (Reported in TSDS PEIMS Extended Collection 4)</u> <u>A Student may not report more than one ADA IN TOTAL on the 42400 Basic Attendance collection 3 and 42500 Flex Attendance in collections 3 and 4)</u>			
Nine Digit District and Campus Number	Campus Name	1	2	3	4	5	6	7	Estimated Total Students	Start Date	End Date	Proposed Days: SUMT WTHFS	Minutes Per Day	Start Date	End Date	Proposed Days: SUMT WTHFS	Minutes Per Day
105906001	JACK C HAYS H S	1	2			5	6		100	8/20/2020	5/28/2021	MTWTHF	420	5/31/2021	7/30/2021	MTWTHF	420
105906004	LIVE OAK ACADEMY	1	2			5	6		100	8/20/2020	5/28/2021	MTWTHF	420	5/31/2021	7/30/2021	MTWTHF	420
105906005	LEHMAN H S	1	2			5	6		100	8/20/2020	5/28/2021	MTWTHF	420	5/31/2021	7/30/2021	MTWTHF	420
105906006	MOE AND GENE JOHNSON H S	1	2			5	6		100	8/20/2020	5/28/2021	MTWTHF	420	5/31/2021	7/30/2021	MTWTHF	420

HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES

Date: August 24, 2020

Subject: Property, School Liability, Automobile and Worker's Compensation Insurance

Administrator Responsible/Position: Max Cleaver, Chief Operations Officer
Marivel Sedillo, Chief Human Resources Officer

A. Purpose of Agenda Item:

Action Needed Information Only Receive Input

B. Authority for This Action

Local Policy Law or Rule N/A

C. Goal or Need Addressed:

To protect the district's investments in real and personal property and to protect the board, district, and its employees from claims asserted against them.

D. Summary:

Previous board action relating to this item – June 24, 2019

Future action anticipated -

Background information –

The cost impact is summarized in the following table

The cost impact is summarized in the following table:

Coverage	Expiring Premium 2019-20	Proposed Premium 2020-2021	Cost Increase
Property and Equipment Breakdown	\$611,013	\$659,895	\$48,882
School Liability and Privacy & Information Security	\$72,267	\$82,731	\$10,464
Auto Liability	\$56,307	\$64,753	\$8,446
Auto Comprehensive and Collison	\$40,282	\$48,655	\$8,373
Worker's Compensation	\$549,602	\$571,535	\$21,933
Totals	\$1,329,471	\$1,427,569	\$98,098

E. Comments Received:

Cabinet DLT FBOC Teacher Org. Reps. Other _____
 From public -

All agenda items are reviewed by the Superintendent's Cabinet.

G. Administrative Recommendation:

The administration recommends the board approve the school liability, automobile, and worker's compensation insurance coverage from the Texas Association of School Boards (TASB) Risk Management Fund in the amount of \$1,427,569 as presented.

H. Fiscal Impact and Cost: Amount \$ 1,427,569

Budget – General Operating Fund Bond Grant/Special Funds Other _____

Prior Year Spending: \$ 1,329,471 95

Future/Ongoing: \$ _____

I. Monitoring and Reporting Time Line:

Person responsible for evaluating this decision or action – Max Cleaver & Marivel Sedillo

Evaluation method and time line -

Next report to the board -

J. Suggested Motion

I move that the Board approve the school liability, automobile, and worker's compensation insurance coverage from the Texas Association of School Boards (TASB) Risk Management Fund in the amount of \$1,427,569 as presented.

**HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT
BOARD OF TRUSTEES**

Date: August 17, 2020

Subject: Order to Declare the Postponed May 2020 Bond Moot for the November 2020 Election

Administrator Responsible/Position: Tim Savoy

A. Purpose of Agenda Item:

Action Needed Information Only Receive Input

B. Authority for This Action

Local Policy Law or Rule N/A

C. Goal or Need Addressed: Close the open May 2020 bond election that was postponed.

D. Summary:

- Previous board action relating to this item – Ordering of the May 2020 bond election and the subsequent postponement of it in accordance with directives from the governor of Texas in response to the coronavirus pandemic.
- Future action anticipated – Vote whether to declare the May 2020 bond election moot for the November 2020 election cycle.
- Background information –

Based on the uncertainty still surrounding COVID-19 and specifically, the pandemic’s unknown affect on our enrollment, tax collection rate and bonding capacity, economic ramifications on project costs, and longer-term affects on practices and operations, the administration is recommending that the Board declare the 2020 bond moot for November 2020, which effectively cancels the election. A declaration that the propositions are moot is the only statutory way for the Board to cancel the election.

The Board has an August 17, 2020 deadline to make necessary revisions to the election order to include dates, times, and locations if the Board wishes to proceed with the bond election in November. While there is no deadline to declare an election moot and cancel it, the Board would need to take action on the election order in August if it has not declared the election moot.

Declaring the bond election moot would not preclude the Board from calling a new bond election next year for the May 2021 uniform election date. Administration does not believe our needs list will substantially change, so we do not believe we need to repeat the tremendous work the Facilities and Bond Oversight Committee undertook last fall to identify and prioritize needs. If the Board declares the 2020 bond election moot for November and later decides to call for a May 2021 election, the Board would need to review the current measures to see if they are still applicable, remain within acceptable cost parameters, and that the district’s bonding capacity can support them.

E. Scope of Options Reviewed: Administration has discussed with bond counsel the option to proceed with the election in November or recommend that the Board declare it moot.

Reasons for rejecting alternatives – The administration’s determination not to recommend proceeding in November is based on the unknowns surrounding the coronavirus effects on the district that are discussed above.

F. Comments Received:

Cabinet DLT FBOC Teacher Org. Reps. Other: Bond Counsel
 From public –

All agenda items are reviewed by the Superintendent’s Cabinet.

G. Suggested Motion: I move the Board adopt the order cancelling the 2020 bond election.

ORDER CANCELLING BOND ELECTION AND PROVIDING FOR OTHER MATTERS INCIDENTAL AND RELATED THERETO

WHEREAS, the Hays Consolidated Independent School District (the “*District*”) is a political subdivision of the State of Texas (the “*State*”), and the Board of Trustees of the District (the “*Board*”) has previously approved that certain Order Calling School Building Bond Election (the “*Bond Election Order*”) calling an election to be held within the District on May 2, 2020 (the “*Election*”); and

WHEREAS, the public health risks posed by Coronavirus Disease 2019 (“*COVID-19*”) resulted in the closure of schools and businesses and numerous governmental decrees restricting and prohibiting public gatherings statewide and such closures, restrictions and prohibitions were reasonably anticipated to interfere with the Election; and

WHEREAS, pursuant to Section 418.018, Texas Government Code, the Governor issued a proclamation on March 13, 2020 certifying that COVID-19 poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in the State; and

WHEREAS, pursuant to Section 418.016, Texas Government Code, the Governor issued a proclamation on March 18, 2020 suspending certain provisions of the Texas Election Code to allow all local political subdivisions utilizing the May 2, 2020 uniform election date to postpone their elections to the November 3, 2020 uniform election date (collectively with the proclamation issued on March 13, 2020, the “*Proclamation*”); and

WHEREAS, in response to the Proclamation, the Texas Secretary of State provided guidance to election officials advising and ultimately directing election officials to postpone all May 2, 2020 elections; and

WHEREAS, pursuant to the Proclamation and the Secretary of State’s advisories, on March 30, 2020, the Board approved that certain Order Declaring Postponement of the Election (the “*Postponement Order*”), which postponed the Election until the November 3, 2020 uniform election date; and

WHEREAS, the Board has determined that the adversity, economic disruption and turmoil caused by COVID-19 and the related measures implemented by national, state and local governmental authorities, business organizations and other stakeholders in response to COVID-19 are expected to endure for many months and throughout the remainder of this year, resulting in (i) unknown operational and financial challenges in the nation, the State and the District and (ii) potential changes to the manner in which the District provides educational services to students and the means, resources and facilities required by the District to discharge its educational mission, and

WHEREAS, in light of the foregoing, District staff and the Board are unable to accurately determine the impact of COVID-19 on the District’s future needs for bond-financed improvements and, accordingly, regardless of the outcome of the Election, neither District staff nor the Board can reasonably conclude that the projects identified for financing through the issuance of bonds

contemplated by the Election are in the District's best interest at this time and, therefore, the District is unable to proceed with such projects; and

WHEREAS, pursuant to Section 2.081, Texas Election Code, the Board hereby finds and determines that the measures to be presented to voters in the Election (consisting of Proposition A, Proposition B, Proposition C, Proposition D, Proposition E, and Proposition F) have been rendered moot by virtue of the inability of District staff and the Board to reasonably determine the District's future needs for bond-financed improvements, and such measures should be removed from the ballot for the Election;

NOW THEREFORE, BE IT ORDERED BY THE BOARD OF TRUSTEES OF HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT THAT:

Section 1. The declarations, determinations and findings set forth in the recitals of this Order are hereby restated and incorporated into and made a part of this Order for all purposes and are adopted as a part of the judgment and findings of the Board.

Section 2. The measures to be submitted to voters at the Election (consisting of Proposition A, Proposition B, Proposition C, Proposition D, Proposition E, and Proposition F) have been rendered moot and, because such measures were the only measures to be presented to voters in the Election, the Election is hereby cancelled, and all proceedings and actions to date with respect to such Election shall be of no force or effect.

Section 3. The Board further authorizes and directs the Superintendent and the President and Secretary of the Board to take any and all necessary action contemplated by this Order to facilitate the cancellation of the Election, including posting notice of the cancellation of the Election on the District's website, notifying the appropriate county election officer and providing any other notice legally required or deemed appropriate in connection with the cancellation.

Section 4. All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Order are hereby repealed to the extent of such conflict, and the provisions of this Order shall be and remain controlling as to the matters resolved herein.

Section 5. This Order shall be construed and enforced in accordance with the laws of the State and the United States of America.

Section 6. It is officially found, determined, and declared that the meeting at which this Order is adopted was held in compliance with the advisory issued by the Governor and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Order, was given, all as required by Chapter 551, Texas Government Code as amended.

Section 7. This Order shall be in force and effect from and after the date of its adoption.

[Signature Page Follows]

PASSED AND APPROVED this ____ day of _____ 2020.

Esperanza Orosco, President, Board of Trustees
Hays Consolidated Independent School District

Attest:

Vanessa Petrea, Secretary, Board of Trustees
Hays Consolidated Independent School District

(SEAL)

HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES

Date: August 24, 2020

Subject: Proposed Defeasance and Redemption of a Portion of Outstanding Bonds

Administrator Responsible/Position:

A. Purpose of Agenda Item:

Action needed

Information only

Receive input

B. Authority for This Action:

Local Policy

Law or Rule

N/A

C. Goal or Need Addressed:

D. Summary:

Previous board action relating to this item -

Future action anticipated -

Background information – 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.

E. Scope of Options Reviewed:

Reasons for rejecting alternatives:

F. Comments Received:

Cabinet DLT FBOC Teacher Org. Reps. Other _____

From public -

G. Administrative Recommendation:

The administration recommends approval of the defeasance resolution as presented.

H. Fiscal Impact and Cost:

Budget

Amount:

Bond

Grant/Special Funds

Other _____

(See attached detail)

I. Monitoring and Reporting Time Line:

Person responsible for evaluating this decision or action —

Randy Rau

J. Suggested Motion:

I move that the Board approve the resolution as presented.

RESOLUTION EXPRESSING INTENT TO DEFEASE AND REDEEM
CERTAIN OF THE DISTRICT'S OUTSTANDING BONDS

STATE OF TEXAS	§
COUNTIES OF HAYS, CALDWELL AND TRAVIS	§
HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT	§

WHEREAS, the Hays Consolidated Independent School District (the "District") has duly issued and there is now outstanding approximately \$465,770,000 of unlimited tax bonds (the "Outstanding Bonds"); and

WHEREAS, the Board of Trustees (the "Board") of the District has determined to express its present intention to defease and redeem approximately \$10,000,000 in aggregate principal amount of such Outstanding Bonds during the fiscal year that commenced on July 1, 2020, thereby (i) increasing the District's capacity to pay debt service on school building bonds that may be issued in the future, (ii) terminating the payment of interest on such bonds on the date of their redemption and (iii) reducing the District's aggregate debt service requirements in the years subsequent to the redemption date.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT THAT:

Section 1. The Board hereby declares its present intent to defease and redeem approximately \$10,000,000 in aggregate principal amount of Outstanding Bonds in the fiscal year that commenced on July 1, 2020. The Board hereby directs the Superintendent, the Chief Financial Officer and any other employees and agents of the District to identify Outstanding Bonds as candidates for redemption prior to their stated maturity as contemplated by this Resolution.

Section 2. The Board intends to take subsequent action to identify such bonds and make due provision for their defeasance and redemption. Notwithstanding the foregoing, the Board reserves the right not to defease or redeem any of the Outstanding Bonds upon a determination by the Board that the funds of the District intended for such purpose could be better utilized for (i) the payment of regularly scheduled debt service on any Outstanding Bonds or unlimited tax bonds to be issued, (ii) the contribution to any refunding of any Outstanding Bonds or (iii) the reduction of future interest and sinking fund tax levies of the District.

PASSED AND APPROVED this _____, 2020.

Esperanza Orosco, President, Board of Trustees
Hays Consolidated Independent School District

Vanessa Petrea, Secretary, Board of Trustees
Hays Consolidated Independent School District

(SEAL)

HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES

Date: August 24, 2020

Subject: 2020-21 Certified Property Values

Administrator Responsible/Position: Randy Rau

A. Purpose of Agenda Item:

Action needed

Information only

Receive input

B. Authority for This Action:

Local Policy

Law or Rule

N/A

C. Goal or Need Addressed:

D. Summary:

Previous board action relating to this item – August 26, 2019 information presented to the board.

Future action anticipated -

Background information – The 2020-2021 budget has been approved by the Board of Trustees based on April 2020 Certified Estimates. Certified Values were received on July 25, 2020 (see attached summary). Net taxable values for 2020 tax year (2020-21 fiscal year) from the Hays, Caldwell and Travis appraisal districts have increased \$1,001,626,874 or 11.36 percent compared to the tax year 2019 (2019-20 fiscal year).

E. Comments Received:

Cabinet DLT FBOC Teacher Org. Reps. Other _____

F. Administrative Recommendation:

The administration recommends acceptance of the certified values as presented.

G. Fiscal Impact and Cost:

Budget

Bond

Grant/Special Funds

Other _____

H. Suggested Motion:

I move that the Board accept the certified values as presented in the attached summary.

Hays Consolidated Independent School District
Summary of Certified Values
for the Tax Year 2020 and Budget Year Ending June 30, 2021

<u>Tax Year</u>	<u>Appraisal District</u>	<u>"Certified" ARB Net Taxable Value</u>	<u>Under ARB Review (60% and Appraiser's Opinion)</u>	<u>Total Certified Values</u>
2020	Hays	\$ 8,661,069,529	\$ 1,100,115,391	\$ 9,761,184,920
2020	Caldwell	\$ 41,894,512	\$ 1,434,494	\$ 43,329,006
2020	Travis	\$ 12,112,111	\$ 2,763,376	\$ 14,875,487
	Total	\$ 8,715,076,152	\$ 1,104,313,261	\$ 9,819,389,413
2019	Hays	\$ 8,637,931,066	\$ 129,639,003	\$ 8,767,570,069
2019	Caldwell	\$ 36,053,646	\$ 2,244,302	\$ 38,297,948
2019	Travis	\$ 10,149,085	\$ 1,745,437	\$ 11,894,522
	Total	\$ 8,684,133,797	\$ 133,628,742	\$ 8,817,762,539
	Difference			\$ 1,001,626,874
	% Increase/(decrease)			11.36%

HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES

Date: August 24, 2020

Subject: 2020-21 Tax Rate Adoption

Administrator Responsible/Position: Randy Rau

- A. Purpose of Agenda Item:
 Action needed Information only Receive input
- B. Authority for This Action:
 Local Policy Law or Rule N/A
- C. Goal or Need Addressed:
- D. Summary:
 Previous board action relating to this item – August 26, 2019.
 Future action anticipated – Annually in August.
 Background information – In accordance with the Property Tax Code Section 26.05, the Board of Trustees must approve the tax rate of the District. A public hearing regarding the 2021 proposed budget and tax rate was held on June 22, 2020 in accordance with law. The 2020-2021 budget as adopted requires a tax rate of \$1.4037 (\$.9060 – M&O and \$.4977 I&S). The proposed tax rate is \$.064 less than the rate adopted in fiscal year 2019-2020 and represents a total decrease of \$.1340 over the past two years.
- E. Comments Received:
 Cabinet DLT FBOC Teacher Org. Reps. Other _____
- F. Administrative Recommendation:
The administration recommends adoption of the tax rate ordinance as presented.
- G. Fiscal Impact and Cost: Amount:
 Budget Bond Grant/Special Funds Other _____
- H. Suggested Motion:
I move that the Board approve the tax rate as presented in the attached ordinance.

**HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT
ADOPTION OF TAX RATE ORDINANCE
FOR FISCAL YEAR 2020-2021**

On this date, the Board of Trustees of the Hays Consolidated Independent School District, at a duly called meeting held in accordance with all applicable legal requirements, including open meeting laws, hereby set the tax rate for the District at a total tax rate of \$1.4037, to be assessed and collected as follows:

Maintenance & Operations Rate of	\$0.9060
Interest & Sinking Rate of	\$0.4977
Combined Total Tax Rate of	\$1.4037

The Board of Trustees hereby moves, that the property tax rate be increased by the adoption of a tax rate of \$1.4037, which is effectively a .9638 percent increase in the tax rate. This percent is the percentage by which the proposed tax rate exceeds the no-new-revenue tax rate.

**THIS TAX RATE WILL RAISE MORE TAXES FOR
MAINTENANCE AND OPERATIONS THAN LAST YEAR'S
TAX RATE.**

PASSED AND APPROVED this 24th day of August 2020.

ATTEST:

By: _____
Esperanza Orosco, President

By: _____
Vanessa Petrea, Secretary

HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES

Date: August 24, 2020

Subject: Revision of County Line Special Utility District Access Easement near Uhland Elementary School

Administrator Responsible/Position: Max Cleaver, Chief Operations Officer

A. Purpose of Agenda Item:

Action needed Information only Receive input

B. Authority for This Action:

Local Policy Law or Rule N/A

C. Goal or Need Addressed:

Provide access for CLSUD to existing utility infrastructure near Uhland ES

D. Summary:

Previous board action relating to this item -

Future action anticipated -

Background information:

In June 2020, the Board approved the construction of a playfield at Uhland ES. The existing access easement must be modified so it does not conflict with the new field.

The original access easement was approximately 0.513 acres, the vacated portion of the original easement is approximately 0.2 acres and the newly requested easement is approximately 0.299 acres, for a revised easement total of 0.612 acres.

E. Comments Received:

Cabinet DLT FBOC Teacher Org. Reps. Other:

From public –

F. Administrative Recommendation:

Administration recommends approval of a revised access easement to existing CLSUD utility infrastructure near UES.

G. Fiscal Impact and Cost: Amount: Not to exceed \$300,000

Budget Bond Grant/Special Funds Other

Prior Year Spending – not applicable

Future/Ongoing – not applicable

H. Monitoring and Reporting Time Line:

Person responsible for evaluating this decision or action: Max Cleaver

Evaluation method and time line -

Next report to the board -

I. Suggested Motion:

I move the Board approve and grant a revised access easement to the County Line Special Utility District, as presented.

**THE BOARD OF TRUSTEES OF THE HAYS CONSOLIDATED
INDEPENDENT SCHOOL DISTRICT**

**RESOLUTION OF AUGUST 24, 2020
Revised Access Easement for County Line S.U.D.
Water Tower Site – Uhland Elementary School**

Whereas, the County Line Special Utility District previously requested and was granted an easement consisting of 0.513 acres across that tract or real property conveyed to the Hays Consolidated Independent School District by special warranty deed recorded at Volume 3365, Page 790, deed records of Hays County, Texas, such easement having been recorded as Document No. 18011567, deed records of Hays County; and,

Whereas, the Hays CISD desires an amendment realigning such easement to accommodate additional improvements on such property to be constructed by the school district, consisting of a net increase in the former easement of 0.299 acres; and,

Whereas, the proposed Revised Access Easement is attached as Exhibit 1 to this Resolution; and,

Whereas, the Board of Trustees finds that the real property interests described in the Special Warranty Deed attached as Exhibit A are not necessary for the operation of the District and are surplus; and,

Whereas, the County Line Special Utility District is a political subdivision of the State of Texas with the power of eminent domain;

Whereas, the Board of Trustees finds that the consideration to be received pursuant to the transaction, including the release of such portions of the easement recorded at Document No. 18011567 as are necessary to effect the school district's improvement, is of value that is equal to or in excess of the value of the real property interests to be conveyed;

It is therefore RESOLVED:

1. That Esperanza Orosco, in her capacity as Board President, is hereby authorized to execute on behalf of the district the Easement in substantially the same form as the attached Exhibit 1, contingent upon execution of the easement agreement by an authorized representative of the County Line Special Utility District; and
2. That all persons are entitled to rely upon an original or copy of this Resolution as evidence of the acceptance and authority granted herein;

CERTIFICATE FOR RESOLUTION

I hereby certify that the foregoing resolution was presented to the Board of Trustees of the Hays Consolidated Independent School District during a properly called and noticed meeting on August 17, 2020. A quorum of the Board of Trustees being then present, it was then duly moved and seconded that the resolution be adopted, and such resolution was then adopted according to the following vote:

Ayes: _____
Nays: _____
Abstentions: _____

To certify which, witness my hand and the official seal of the District this ____ day of August, 2020.

Vanessa Petrea
Secretary, Board of Trustees

[EXHIBIT 1 FOLLOWS]

RESOLUTION EXHIBIT 1

IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

THE STATE OF TEXAS

§

ACCESS EASEMENT

COUNTY OF HAYS

§

§

Know all by these presents: That for and in consideration of Ten and no/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged,

GRANTOR: HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT
21003 Interstate 35
Kyle, Texas 78640,

does hereby grant and convey unto,

GRANTEE: COUNTY LINE SPECIAL UTILITY DISTRICT
131 South Camino Real
Uhland, Texas 78640,

an easement over that 224.25 acre tract real property conveyed to Grantor by deed recorded at Volume 3365, Page 468 (Document No. 8009468), deed records of Hays County, Texas:

EASEMENT

PROPERTY: A tract of land consisting of 0.299 acres, more or less, being more particularly described in the Exhibits "A" and "B", which includes a field note description and sketch, and which are incorporated herein and made a part of this instrument for all purposes.

To have and to hold such easement, together with all and singular the rights and appurtenances belonging in any way to the easement, to Grantee, Grantee's successors and permitted assigns for so long as such easement shall remain in effect. Grantor binds Grantor and Grantor's successors in interest to warrant and forever defend all and singular the easement to Grantee and Grantee's successor and permitted assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantee, but not otherwise.

The following terms and conditions shall apply to the easement:

EASEMENT PURPOSE: The easement shall be used for the purpose of accessing that 0.46 acre, more or less, tract of land deeded to Grantee by deed recorded as Document No. 16024633, Deed Records of Hays County, Texas.

EASEMENT NOT EXCLUSIVE: Grantor reserves the right to grant easement rights to additional public and private utility providers and other persons or entities, including but not limited to, water, wastewater, electrical, or telecommunications providers over all or any portion of the Easement Property. Provided, however, that any subsequent grants of easement rights shall: (1) be subject to restrictions or limitations imposed by any state or local building or health and safety statute or code; and. (2) be subject to and not inconsistent with Grantee's uses of the easement.

TERM: The easement shall remain in full force and effect for so long as Grantee or Grantee's assigns shall use the Easement Property for purposes of accessing portions of a public wastewater system located on that tract of land deeded to Grantee by deed recorded as Document No. 16024633, Deed Records of Hays County, Texas, and for one year thereafter, following which the property shall automatically revert to Grantor.

EXISTING EASEMENTS: Grantor does not warrant or guarantee that the Easement Property described herein is not subject to one or more pre-existing easements, whether recorded or not recorded. In the event any pre-existing easement has been granted over the Easement Property, this easement is made subject to and subordinate to such pre-existing easement.

ASSIGNMENT: The easement may not be assigned, in whole or in part, by Grantee, except to another governmental unit or public or private utility provider, or with the express, written consent of Grantor.

ACCESS: Grantee shall have the right of ingress and egress at all times upon Easement Property for the above stated purposes. In the event immediate access to the Easement Property is not reasonably available over the Easement Property, and only in that event, then Grantee shall have the right of ingress and egress over existing roads across the adjacent property of Grantor for the purpose of obtaining such access. Grantor agrees that Grantor shall not place any structure in or on the permanent Easement Property without written approval of Grantee.

PARTIAL ABANDONMENT OF PRIOR EASEMENT: As additional consideration for the conveyance contained herein, Grantee County Line Special Utility District does hereby forever abandon, surrender, and return to Grantor those portions of the Easement noted on the sketch herein as "portion of 16' access easement recorded in Doc. 18081567, O.P.R.H.C.Tx, vacated hereon."

ENTIRE AGREEMENT: This Easement agreement contains the entire agreement between the parties relating to the rights granted and the obligations assumed. This easement agreement shall bind and inure to the benefits of the parties, their heirs, legal representatives, successors and assigns, and may not be assigned without the prior, written consent of Grantor, its successors or assigns.

Executed this _____ day of _____, 2020.

**BOARD OF TRUSTEES OF THE HAYS
CONSOLIDATED INDEPENDENT
SCHOOL DISTRICT**

By: Esperanza Orosco
President, Board of Trustees

STATE OF TEXAS

COUNTY OF HAYS

|
| **ACKNOWLEDGMENT**
|

On this day personally appeared Esperanza Orosco, known to me to be the person whose signature appears on the foregoing instrument, and having been sworn upon her oath, stated that she was the President of the Board of Trustees of the Hays Consolidated Independent School District; that she was authorized to execute such instrument pursuant to resolution of the Board of Trustees adopted on August 17, 2020; and that said instrument is executed as the free and voluntary act and deed of such governmental unit for the purposes and consideration expressed therein.

To certify which, witness my hand and seal of office affixed this ____ day of _____, 2020.

Notary Public in and for the State of Texas

Executed this _____ day of _____, 2020.

COUNTY LINE SPECIAL UTILITY
DISTRICT

By:
Title:

STATE OF TEXAS

|
|
|
|

ACKNOWLEDGMENT

COUNTY OF HAYS

On this day personally appeared _____, known to me to be the person whose signature appears on the foregoing instrument, and having been sworn upon his/her oath, stated that he/she was the _____ of the County Line Special Utility District, and that said instrument is executed as the free and voluntary act and deed of such governmental unit for the purposes and consideration expressed therein.

To certify which, witness my hand and seal of office affixed this ____ day of _____, 2020.

Notary Public in and for the State of Texas

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[FIELD NOTES AND SKETCH FOLLOW]



SPOT ON SURVEYING

Land Surveying & Mapping

Exhibit "A"

Access Easement Area

DESCRIPTION OF 0.299 ACRES OUT OF THAT 224.25 ACRES WITHIN THE THOMAS B. WESTBROOK SURVEY NO. 7, ABSTRACT NO. 468, HAYS COUNTY, TEXAS, DESCRIBED IN SPECIAL WARRANTY DEED TO HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT AS TRACTS 1 AND 2, RECORDED AS DOCUMENT NO. 80009468, IN VOLUME 3365, PAGE 790, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS (O.P.R.H.C.TX.), SAID 0.299 ACRE TRACT BEING A STRIP OF LAND 16.00 FEET IN WIDTH WITHIN SAID TRACTS 1 AND 2, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a found iron rod with cap stamped "KENT McMILLEN RPLS SURVEYOR 4341 509", accepted as a point in the Northeast Right-Of-Way limits of High Road, also being accepted as an interior corner of said Tract 1 and being accepted as the Southeasterly common corner of said Tract 2;

THENCE, N 46° 26' 27" W, 41.58 feet along the common limits of said Tract 2 and said Right Of Way to the most Westerly corner of that 16.00 foot Access Easement conveyed to County Line Special Utility District by Document No. 18011567, (O.P.R.H.C.TX.);

THENCE N 44° 07' 47" E, 40.39 feet with the Northwesterly limits of said Access Easement, through the interior of said Tract 2 to the calculated TRUE POINT OF BEGINNING hereof, for the most Westerly corner hereof, said calculated point being the beginning of a curve concave Westerly, having a radius of 19.00 feet;

THENCE leaving said Access Easement, through the interior of said Tracts 1 and 2, the following 7 courses:

1. Northerly along said curve to the left through a central angle of 76° 10' 37" an arc length of 25.26 feet to the end of said curve, having a chord bearing and distance of N 06° 02' 29" E, 23.44 feet to the end of said curve;
2. N 32° 02' 50" W, 135.24 feet to the beginning of a curve concave Easterly having a radius of 41.00 feet;
3. Northerly along said curve to the right through a central angle of 76° 44' 05" an arc length of 54.91 feet to the end of said curve, having a chord bearing and distance of N 06° 19' 12" E, 50.90 feet to the end of said curve;
4. N 44° 41' 15" E, 394.45 feet to the beginning of a curve concave Southerly having a radius of 41.00 feet;
5. Easterly along said curve to the right through a central angle of 90° 00' 00" an arc length of 64.40 feet to the end of said curve, having a chord bearing and distance of N 89° 41' 15" E, 57.98 feet to the end of said curve;
6. S 45° 18' 45" E, 107.98 feet to the beginning of a curve concave Northerly, having a radius of 19.00 feet;
7. Easterly along said curve to the left through a central angle of 92° 26' 10" an arc length of 30.65 feet to a point of intersection with the Northwesterly limits of said Access Easement, having a chord bearing and distance of N 88° 28' 10" E, 27.44 to the end of said curve;

THENCE S 47° 44' 55" E, 16.00 feet through the interior of said Access Easement to a point of intersection with the Southeasterly limits of said Access Easement and with a curve being parallel with and 16.00 feet Southeasterly of the previously described curve, said point being the beginning of a curve concave Northerly, having a radius of 35.00 feet, for the most Easterly corner hereof;

THENCE leaving the Southeasterly limits of said Access Easement, along said parallel limits of the previously described lines and curves the following 7 courses;

1. Westerly along said curve to the right through a central angle of 92° 26' 10" an arc length of 56.47 feet to the end of said curve, having a chord bearing and distance of S 88° 28' 10" W, 50.54 feet to the end of said curve;
2. N 45° 18' 45" W, 107.98 feet to the beginning of a curve concave Southerly, having a radius of 25.00 feet;
3. Westerly along said curve to the left through a central angle of 90° 00' 00" an arc length of 39.27 feet to the end of said curve, having a chord bearing and distance of S 89° 41' 15" W, 35.36 feet to the end of said curve;
4. S 44° 41' 15" W, 394.45 feet to the beginning of a curve concave Easterly having a radius of 25.00 feet;
5. Southeasterly along said curve to the left through a central angle of 76° 44' 05" an arc length of 33.48 feet to the end of said curve, having a chord bearing and distance of S 06° 19' 12" W, 31.04 feet to the end of said curve;
6. S 32° 02' 50" E, 135.24 feet to the beginning of a curve concave Westerly, having a radius of 35.00 feet;
7. Southerly along said curve to the right through a central angle of 76° 10' 37" an arc length of 46.53 feet to a point of intersection with the Southeasterly limits of said Access Easement, having a chord bearing and distance of S 06° 02' 29" W, 43.18 feet to the end of said curve;

THENCE, N 45° 52' 13" W, 16.00 feet through the interior of said Access Easement to the POINT OF BEGINNING hereof. Containing a calculated area of 13,010.7 Sq. Ft., 0.299 Acres. Said easement being described in accordance with a survey made on the ground by me or under my direction and Exhibit "B" Easement Sketch prepared by Spot On Surveying attached hereto and made a part hereof. All bearings shown are based on the Texas Coordinate System NAD 83, Texas South Central Zone.

Scott A. Hahn, RPLS 6375
Spot On Surveying, Inc.-TX Firm No. 10193894
614 Jerrys Ln., Buda, TX. 78610 (512) 523-8092

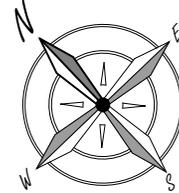


June 23, 2020

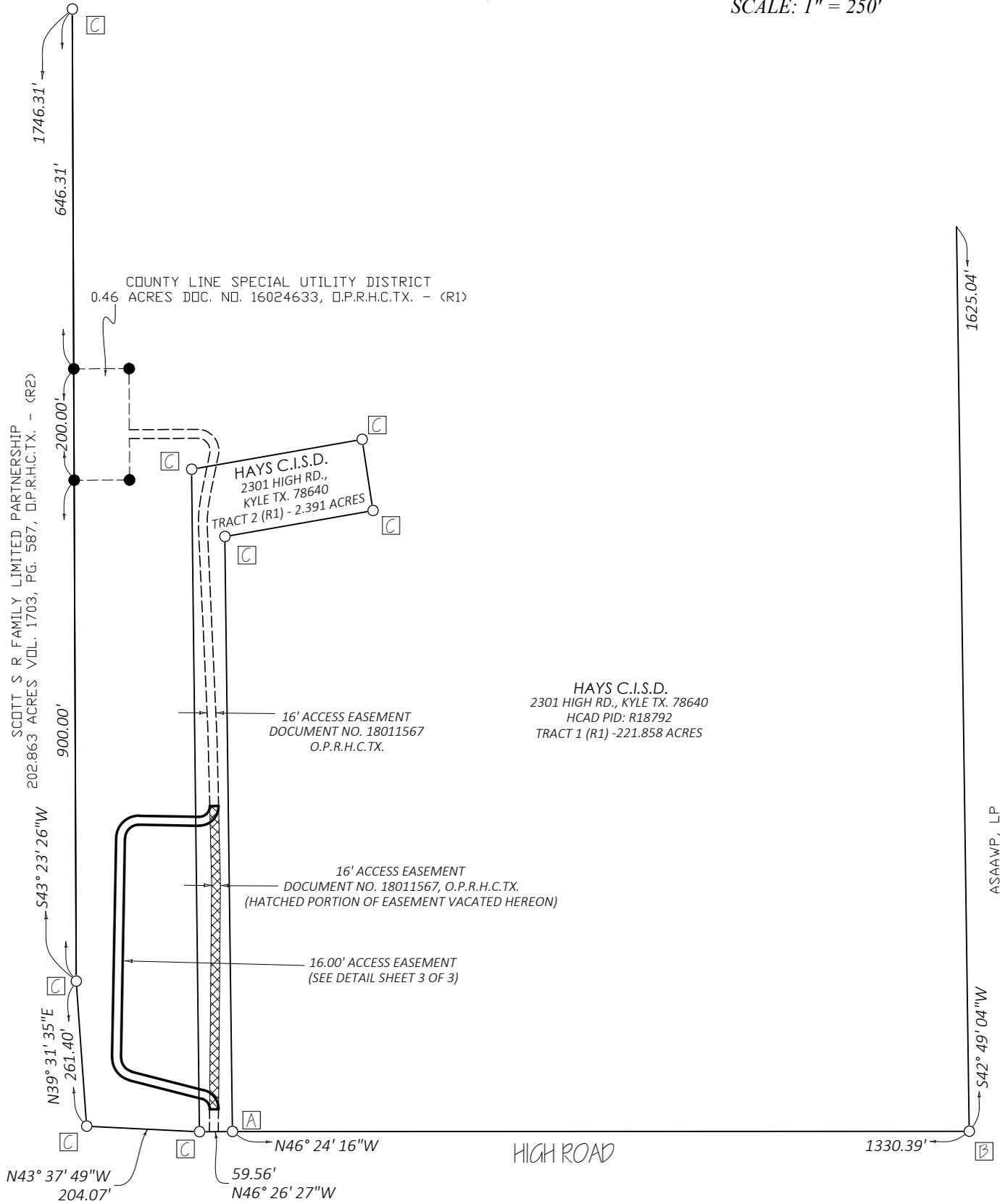
Date

Exhibit B

SURVEY SKETCH (16' WIDE ACCESS EASEMENT AREA) EASEMENT AREA: 0.299 ACRES - 13,010.73 SQ. FT.



SCALE: 1" = 250'



LEGEND:

O.P.R.H.C.TX. = OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS.
P.O.C. = POINT OF COMMENCEMENT
T.P.O.B. = TRUE POINT OF BEGINNING

MONUMENT LEGEND:

- = MONUMENT FOUND AS DESCRIBED
- = 5/8" IRON ROD W/ CAP STAMPED "SPOT ON SURVEYING"
- Ⓐ = FD. 1" IRON ROD WITH CAP STAMPED "KENT McMILLEN SURVEYOR RPLS 4341 509".
- Ⓑ = FD. SPIKE
- Ⓒ = FD. 1/2" IRON ROD.

LINETYPE LEGEND

- EASEMENTS
- ===== BOUNDARY
- EASEMENT BOUNDARY

PREPARED FOR:

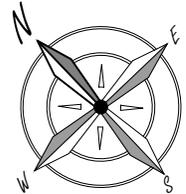
COUNTY LINE S.U.D.
ATTN: DANIEL HEIDEMAN
131 S. CAMINO REAL
UHLAND, TX. 78640

REFERENCE LEGEND:

(R1) = VOL. 3365, PG. 790, O.P.R.H.C.TX.
(R2) = DOC. NO. 16024633, O.P.R.H.C.TX.
(R3) = VOL. 1703, PG. 587, O.P.R.H.C.TX.
(R4) = VOL. 4618, PG. 769, O.P.R.H.C.TX.

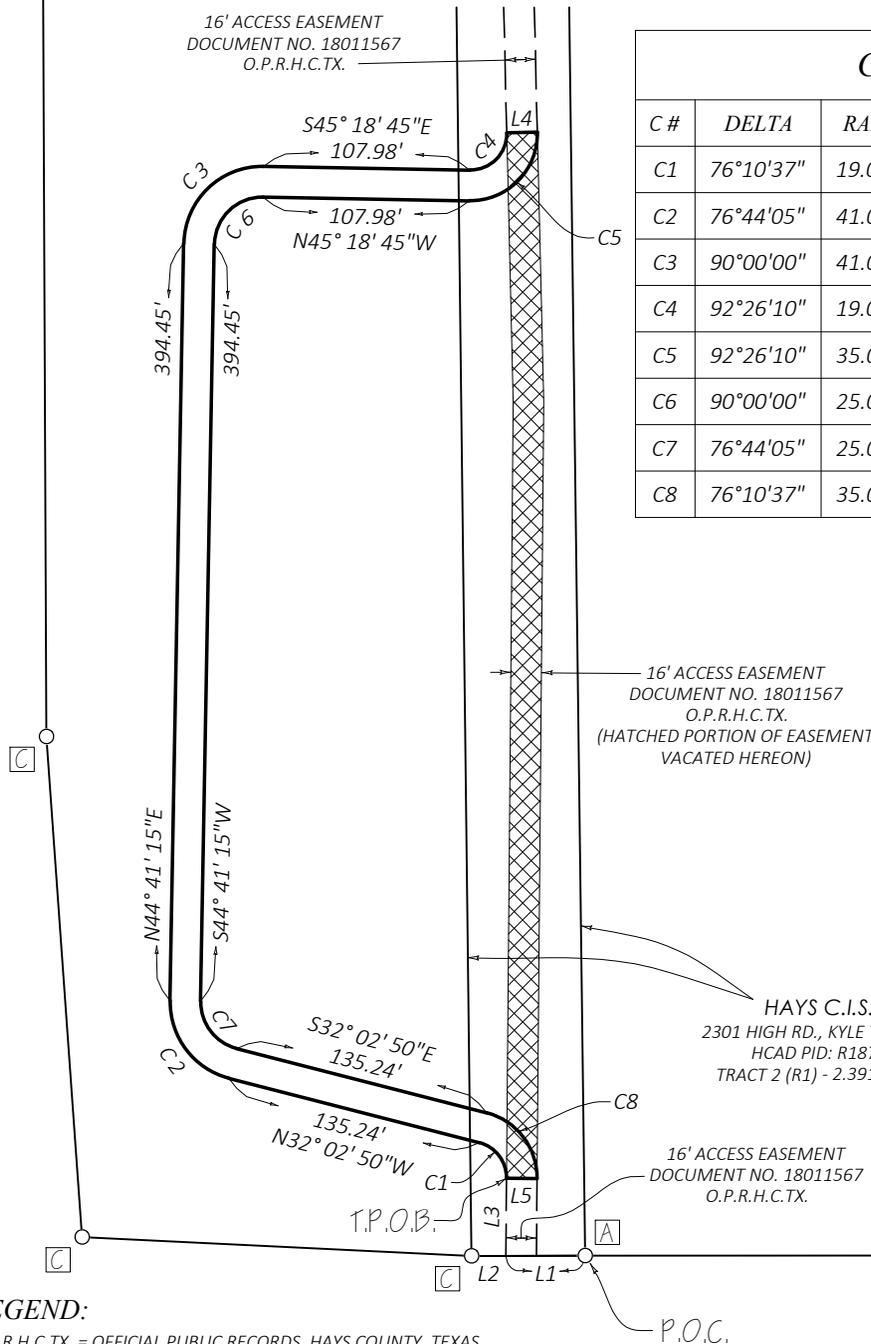
Exhibit B

SURVEY SKETCH (16' WIDE ACCESS EASEMENT AREA) EASEMENT AREA: 0.299 ACRES - 13,010.73 SQ. FT.



SCALE: 1" = 100'

HAYS C.I.S.D.
2301 HIGH RD., KYLE TX. 78640
HCAD PID: R18792
TRACT 1 (R1) - 221.858 ACRES



C #	DELTA	RAD.	LENGTH	CHD BRG	CHD L.
C1	76°10'37"	19.00'	25.26'	N6° 02' 29"E	23.44'
C2	76°44'05"	41.00'	54.91'	N6° 19' 12"E	50.90'
C3	90°00'00"	41.00'	64.40'	N89° 41' 15"E	57.98'
C4	92°26'10"	19.00'	30.65'	N88° 28' 10"E	27.44'
C5	92°26'10"	35.00'	56.47'	S88° 28' 10"W	50.54'
C6	90°00'00"	25.00'	39.27'	S89° 41' 15"W	35.36'
C7	76°44'05"	25.00'	33.48'	S6° 19' 12"W	31.04'
C8	76°10'37"	35.00'	46.53'	S6° 02' 29"W	43.18'

HAYS C.I.S.D.
2301 HIGH RD., KYLE TX. 78640
HCAD PID: R18792
TRACT 1 (R1) - 221.858 ACRES

HAYS C.I.S.D.
2301 HIGH RD., KYLE TX. 78640
HCAD PID: R18792
TRACT 2 (R1) - 2.391 ACRES

LEGEND:

O.P.R.H.C.TX. = OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS.
P.O.C. = POINT OF COMMENCEMENT
T.P.O.B. = TRUE POINT OF BEGINNING

MONUMENT LEGEND:

- = MONUMENT FOUND AS DESCRIBED
- = 5/8" IRON ROD W/ CAP STAMPED "SPOT ON SURVEYING"
- ⊠ = FD. 1" IRON ROD WITH CAP STAMPED "KENT McMILLEN SURVEYOR RPLS 4341 509".
- ⊞ = FD. SPIKE
- ⊞ = FD. 1/2" IRON ROD.

LINETYPE LEGEND

- — — — — EASEMENTS
- — — — — BOUNDARY
- — — — — EASEMENT BOUNDARY

= PORTION OF 16' ACCESS EASEMENT RECORDED IN DOC. 18081567, O.P.R.H.C.TX. VACATED HEREON.

NOTES:

- * THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. THERE MAY BE EASEMENTS OR OTHER MATTERS OF RECORD NOT SHOWN.
- ** OWNER INFORMATION SHOWN HEREON WAS DERIVED FROM INFORMATION PROVIDED BY THE COUNTY OF HAYS, PUBLIC RECORDS GIS WEBSITE, AND COUNTY CLERK RECORDS. NO TITLE SEARCH WAS PERFORMED BY SPOT ON SURVEYING DURING THE COURSE OF THIS SURVEY.
- *** THE PURPOSE OF THIS SURVEY IS TO ACCURATELY DEPICT MEASURED AND/OR RECORD BOUNDARY LINES SUFFICIENT FOR WATERLINE EASEMENT DESCRIPTION PURPOSES. THIS IS NOT A BOUNDARY SURVEY.

BASIS OF BEARINGS

THE BASIS OF BEARINGS OF THIS SURVEY SHOWN HEREON, IS THE TEXAS COORDINATE SYSTEM NAD83, SOUTH CENTRAL ZONE, UTILIZING STATIC OBSERVATIONS WITH CORRECTIONS PERFORMED BY THE NGS-OPUS WEBSITE.

SURVEYOR'S STATEMENT

I, SCOTT A. HAHN, REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND BY ME OR UNDER MY DIRECTION AND THAT THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SCOTT A. HAHN
RPLS 6375
TBPS FIRM #: 10193894
614 JERRYS LN.,
BUDA, TX. 78610
512-523-8092
SOS J/N-0013-16-001
DATE: 2020/06/23

www.spotonsurveying.com



L #	BEARING	LENGTH
L1	N46°26'27"W	41.58'
L2	N46°26'27"W	17.98'
L3	N44°07'47"E	40.39'
L4	S47°44'55"E	16.00'
L5	N45°52'13"W	16.00'

**HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT
BOARD OF TRUSTEES**

Date: August 24, 2020

Subject: Water Line Easement for Goforth Special Utility District on Dacy Lane

Administrator Responsible/Position: Max Cleaver, Chief Operations Officer

A. Purpose of Agenda Item:

Action needed

Information only

Receive input

B. Authority for This Action:

Local Policy

Law or Rule

N/A

C. Goal or Need Addressed:

Provide a water line easement to Goforth Special Utility District (GSUD) in conjunction with the ongoing Dacy Lane improvements near the Child Nutrition Warehouse and McCormick Middle School.

D. Summary:

Previous board action relating to this item -

Future action anticipated -

Background information:

Due to the widening of Dacy Lane, GSUD plans to move the public water line out from under the new proposed roadway section. GSUD is requesting an easement consisting of approximately 0.258 acres near the Child Nutrition Warehouse and McCormick MS.

E. Comments Received:

Cabinet

DLT

FBOC

Teacher Org. Reps.

Other:

From public –

F. Administrative Recommendation: Administration recommends the approval of a waterline easement for GSUD.

G. Fiscal Impact and Cost: Amount: No expenditures anticipated

Budget

Bond

Grant/Special Funds

Other

Prior Year Spending – not applicable

Future/Ongoing – not applicable

H. Monitoring and Reporting Time Line:

Person responsible for evaluating this decision or action: Rod Walls

Evaluation method and time line -

Next report to the board -

I. Suggested Motion:

I move the Board approve and grant a water line easement to Goforth Special Utility District, as presented.

**THE BOARD OF TRUSTEES OF THE HAYS CONSOLIDATED
INDEPENDENT SCHOOL DISTRICT**

RESOLUTION OF AUGUST 24, 2020

(Goforth Special Utility District – McCormick Middle School
and Child Nutrition/Textbook Warehouse)

Whereas, the Goforth Special Utility District requires an approximately 0.258 acre water utility easement out of that approximately 51.149 acre tract of real property conveyed to the school district by deed recorded at Volume 3860, Page 791 (Document No. 10008914) of the deed records of Hays County; and,

Whereas the easement to be conveyed is more particularly described in the attached Exhibit 1; and,

Whereas, in consideration of the granting of such easement, the Utility District has agreed to provide upgraded utility service to real property in accordance with the Utility District's established rate schedules, which utility service the Board of Trustees finds is necessary for the use and operation of the property; and,

Whereas, the Board of Trustees finds that the value of such improvements exceeds the fair market value of the easement rights granted, and that the Utility District has the power of eminent domain; and,

Whereas, the Board of Trustees finds that the real property interests described in the Dedication of Public Right-of-Way are no longer necessary for the operation of the District and are surplus; and,

Whereas, the Board of Trustees finds that the consideration to be received pursuant to the easement is of value that is equal to or in excess of the value of the real property interests to be conveyed;

It is therefore RESOLVED:

1. That the grant of a water utility easement in substantially the form as set forth in Exhibit 1 is hereby approved;
2. That Esperanza Orosco, in her capacity as Board President is hereby authorized to execute the utility easement on behalf of the District; and,
3. That all persons are entitled to rely upon an original or copy of this Resolution as evidence of the acceptance and authority granted herein;

CERTIFICATE FOR RESOLUTION

I hereby certify that the foregoing resolution was presented to the Board of Trustees of the Hays Consolidated Independent School District during a properly called and noticed meeting on August 17, 2020. A quorum of the Board of Trustees being then present, it was then duly moved and seconded that the resolution be adopted, and such resolution was then adopted according to the following vote:

Ayes: _____
Nays: _____
Abstentions: _____

To certify which, witness my hand and the official seal of the District this ____ day of August, 2020.

Vanessa Petrea
Secretary, Board of Trustees

[EXHIBIT 1 FOLLOWS]

EXHIBIT 1

IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

THE STATE OF TEXAS

§

§

WATER LINE EASEMENT

COUNTY OF HAYS

§

Know all by these presents: That for and in consideration of Ten and no/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged,

GRANTOR: HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT

21003 Interstate 35

Kyle, TX 78640,

does hereby grant and convey unto,

GRANTEE: GOFORTH SPECIAL UTILITY DISTRICT

8900 Niederwald Strasse

Kyle, Texas 78640,

an easement over the following described real property conveyed to Grantor by deed recorded at Volume 3860, Page 791 (Document No. 10008914), deed records of Hays County, Texas:

EASEMENT PROPERTY: A twenty (20) foot wide tract of land consisting of 0.258 acres, more or less, being more particularly described in the Exhibits "A" and "B", which includes a field note description and sketch, and which are incorporated herein and made a part of for all purposes.

To have and to hold such easement, together with all and singular the rights and appurtenances belonging in any way to the easement, to Grantee, Grantee's successors and permitted assigns for so long as such easement shall remain in effect. Grantor binds Grantor and Grantor's successors in interest to warrant and forever defend all and singular the easement to Grantee and Grantee's successor and permitted assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantee, but not otherwise.

The following terms and conditions shall apply to the easement:

EASEMENT PURPOSE: The easement shall be used for the purpose of excavating for, laying, constructing, operating, maintaining, reconstructing, replacing, rebuilding, upgrading, renewing, removing, inspecting, patrolling, changing, modifying, making connections to or repairing of water supply lines and related appurtenances upon and across the Easement Property.

PROJECT: Water lines and all necessary or desirable appurtenances thereto including, without limitations, valves, vaults, and meters.

EASEMENT NOT EXCLUSIVE: Grantor reserves the right to grant easement rights to additional public and private utility providers, including but not limited to, water, wastewater, electrical, or telecommunications providers over all or any portion of the Easement Property. Provided, however, that any subsequent grants of easement rights shall: (1) be subject to restrictions or limitations imposed by any state or local building or health and safety statute or code; (2) be subject to and not inconsistent with Grantee's existing uses of the easement, and; (3) not permit additional utilities to be located within 36 inches of Grantee's facilities. This easement is subject to any prior easements granted in whole or in part over the Easement Property.

TERM: The easement shall remain in full force and effect for so long as Grantee or Grantee's assigns shall use the Easement Property for purposes of providing a public water system, and for one year thereafter, following which the property shall automatically revert to Grantor.

ASSIGNMENT: The easement may not be assigned, in whole or in part, by Grantee, except to another special utility district or other governmental unit providing potable water service, or with the express, written consent of Grantor.

ACCESS: Grantee shall have the right of ingress and egress at all times upon Easement Property for the above stated purposes. In the event immediate access to the Easement Property is not reasonably available over the Easement Property, and only in that event, then Grantee shall have the right of ingress and egress over existing roads across the adjacent property of Grantor for the purpose of obtaining such access. Grantor agrees that Grantor shall not place any structure in or on the permanent Easement Property without written approval of Grantee.

Executed this _____ day of August, 2020.

BOARD OF TRUSTEES OF THE HAYS
CONSOLIDATED INDEPENDENT
SCHOOL DISTRICT

Esperanza Orosco
President, Board of Trustees

STATE OF TEXAS

|
|
|

ACKNOWLEDGMENT

COUNTY OF HAYS

On this day personally appeared Esperanza Orosco, known to me to be the person whose signature appears on the foregoing instrument, and having been sworn upon her oath, stated that she was the President of the Board of Trustees of the Hays Consolidated Independent School District; that she was authorized to execute such instrument pursuant to resolution of the Board of Trustees adopted on August 17, 2020; and that said instrument is executed as the free and voluntary act and deed of such governmental unit for the purposes and consideration expressed therein.

To certify which, witness my hand and seal of office affixed this ____ day of August, 2020.

Notary Public in and for the State of Texas

[EXHIBITS A AND B FOLLOW]



SPOT ON SURVEYING

Land Surveying & Mapping

EXHIBIT "A"

20' WATER LINE EASEMENT

BEING 0.258 ACRES OF LAND, MORE OR LESS, OUT OF THE JESSE B. EAVES SURVEY NO. 5, ABSTRACT NO. 166, AND THE WILLIS A. MOORE SURVEY, ABSTRACT NO. 331, SITUATED IN HAYS COUNTY, TEXAS, SAID 0.258 ACRE TRACT OF LAND BEING A PORTION OF THAT CERTAIN 51.149 ACRE TRACT CONVEYED TO HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT BY SPECIAL WARRANTY DEED RECORDED AS INSTRUMENT NO. 10008914, IN VOLUME 3860, PAGE 791, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS (O.P.R.H.C.TX.), SAID 0.258 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a found 1/2" iron rod with cap stamped "CHAPARRAL BOUNDARY" said point being accepted as the Northeasterly corner of that certain 0.848 acre tract conveyed to Hays County, Texas by Warranty Deed recorded as Instrument No. 16020970, (O.P.R.H.C.TX.), also being accepted as the Easterly Right Of Way line of Dacy Lane, variable in width, also being accepted as the Southeasterly corner of that certain 0.456 acre tract conveyed to Hays County, Texas in Document No. 20000999, (O.P.R.H.C.TX.), also being accepted as the Southwesterly corner of the remainder of that certain 6.021 acre tract conveyed to Deborah Villegas by Special Warranty Deed recorded as Document No. 13006829, in Volume 4568, Page 618, (O.P.R.H.C.TX.), and being accepted as the Northwesterly corner of the remainder of said 51.149 acre tract, for the Northwesterly corner hereof;

THENCE N 88° 18' 43" E, 20.00 feet leaving the Easterly line of said Dacy Lane, with the common Southerly limits of said 6.021 acre tract and the Northerly limits of said 51.149 acre tract to a calculated point of intersection with a line being parallel with and 20.00 feet Easterly of the Easterly limits of said 0.848 acre tract, for the Northeasterly corner hereof;

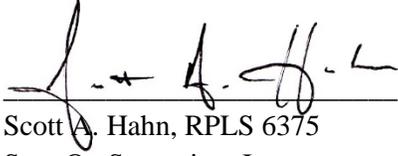
THENCE S 01° 18' 38" E, 580.61 feet leaving said 6.021 acre tract, through the interior of said 51.149 acre tract, with said parallel line to a calculated point of intersection in the Southerly limits of said 51.149 acre tract, also being the Northerly limits of that certain 0.554 acre tract conveyed to John Wrigley as Tract 2 by General Warranty Deed recorded as Document No. 12030034, in Volume 4463, Page 711, (O.P.R.H.C.TX.), for the Southeasterly corner hereof;

THENCE with the common Northerly limits of said 0.554 acre tract and the Southerly limits of said 51.149 acre tract, the following three (3) courses:

1. S 80° 49' 13" W, 7.13 feet to a found iron rod with cap stamped "RPLS 1926";
2. N 00° 23' 14" W, 30.93 feet to a found iron rod with cap stamped "CHAPARRAL BOUNDARY";
3. S 88° 04' 51" W, 13.44 feet to a found iron rod with cap stamped "CHAPARRAL BOUNDARY" said point being accepted as the Southeasterly corner of said 0.848 acre tract, and for the Northwesterly corner of the remainder of said 0.554 acre tract, also being accepted as the Northeasterly corner of that certain 0.636 acre tract conveyed to Hays County, Texas by Deed recorded as Instrument No. 16025848, (O.P.R.H.C.TX.), and the Southwesterly corner of the remainder of said 51.149 acre tract, for the Southwesterly corner hereof;

THENCE N 01° 18' 38" W, 550.68 feet with the common Easterly limits of said 0.848 acre tract and the Westerly limits of the remainder of said 51.149 acre tract to the POINT OF BEGINNING hereof, containing a calculated area of 11,220.2 sq. ft., 0.258 acres said field notes being described in accordance with a survey made on the ground by me or under my direction. See Exhibit "A" Survey Sketch attached hereto and made a part hereof.

All bearings shown are based on NAD 83 Texas State Plane Coordinate System, South Central Zone. All distances shown are surface or ground distances.



Scott A. Hahn, RPLS 6375

Spot On Surveying, Inc.

614 Jerrys Lane

Buda, TX. 78610

(512)523-8092

TBPLS Firm# 10193894

SOS J/N: 0069-20-001 – TRACT 57

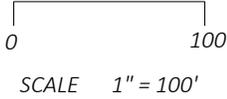
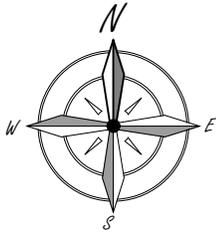


March 24, 2020

Date

Exhibit A

WATERLINE EASEMENT SURVEY SKETCH



LINE TABLE		
L #	BEARING	LENGTH
L1	N88°18'43"E	20.00'
L2	S80°49'13"W	7.13'
L3	N0°23'14"W	30.93'
L4	S88°04'51"W	13.44'

LEGEND:

P.O.B. = POINT OF BEGINNING
 D.R.H.C.TX. = DEED RECORDS, HAYS COUNTY, TEXAS
 O.P.R.H.C.TX. = OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS
 WM = WATER METER
 WV = WATER VALVE

LINETYPE LEGEND

--- = ADJOINING LOT LINES
 ——— = WATERLINE EASEMENT LIMITS
 - - - - = TEMPORARY CONSTRUCTION EASEMENT
 = BOUNDARY LIMITS

MONUMENT LEGEND / NOTES:

○ = FOUND MONUMENT AS DESCRIBED.

▲ = CALCULATED POINT.

- A FOUND IRON ROD W/ CAP STAMPED "CHAPARRAL BOUNDARY".
- B FOUND IRON ROD W/ CAP STAMPED "KENT MCMILLAN".
- C FOUND 1/2" IRON ROD.
- D FOUND IRON ROD W/ CAP STAMPED "RPLS 1926".

BASIS OF BEARINGS

THE BASIS OF BEARINGS OF THIS SURVEY SHOWN HEREON, IS THE TEXAS COORDINATE SYSTEM NAD83, SOUTH CENTRAL ZONE, UTILIZING STATIC OBSERVATIONS WITH CORRECTIONS PERFORMED BY THE NGS-OPUS WEBSITE.

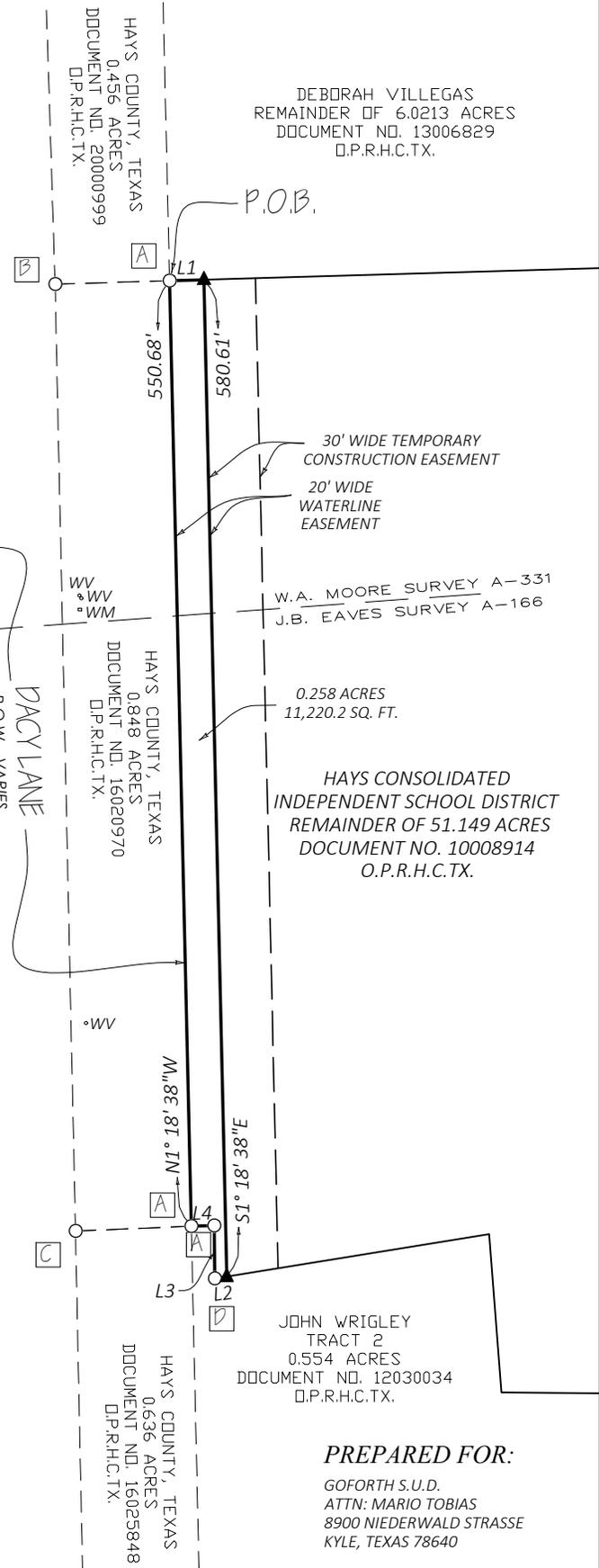
NOTES:

- * THERE MAY BE EASEMENTS OR OTHER MATTERS OF RECORD NOT SHOWN.
- ** OWNER INFORMATION SHOWN HEREON WAS DERIVED FROM INFORMATION PROVIDED BY THE COUNTY OF HAYS, PUBLIC RECORDS GIS WEBSITE, AND COUNTY CLERK RECORDS. NO TITLE SEARCH WAS PERFORMED BY SPOT ON SURVEYING DURING THE COURSE OF THIS SURVEY.
- *** THE PURPOSE OF THIS SURVEY IS TO ACCURATELY DEPICT MEASURED AND/OR RECORD BOUNDARY LINES SUFFICIENT FOR WATERLINE EASEMENT DESCRIPTION PURPOSES. THIS IS NOT A COMPLETE BOUNDARY SURVEY.

SURVEYOR'S STATEMENT

I, SCOTT A. HAHN, REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND BY ME OR UNDER MY DIRECTION AND THAT THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. SEE EXHIBIT "A" SHEET 1 METES AND BOUNDS ATTACHED HERETO AND MADE A PART HEREOF.


 SCOTT A. HAHN RPLS 6375
 SPOT ON SURVEYING, INC.
 TBPS FIRM #: 10193894
 614 JERRYS LN.,
 BUDA, TX. 78610
 512-523-8092
 www.spotonsurveying.com
 DATE 2020/03/18
 SOS J/N: 0069-20-001 - TRACT 57



PREPARED FOR:
 GOFORTH S.U.D.
 ATTN: MARIO TOBIAS
 8900 NIEDERWALD STRASSE
 KYLE, TEXAS 78640

**HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT
BOARD OF TRUSTEES**

Date: August 24, 2020

Subject: Joint Use Agreement for Parking Facilities with City of Kyle Reinvestment Zone Number Two

Administrator Responsible/Position: Max Cleaver, Chief Operations Officer

A. Purpose of Agenda Item:

Action needed Information only Receive input

B. Authority for This Action:

Local Policy Law or Rule N/A

C. Goal or Need Addressed:

Provide additional parking and maintenance thereof in the vicinity of the Performing Arts Center.

D. Summary:

- Previous board action relating to this item -
- Future action anticipated -
- Background information:

The District owns approximately 1.546 acres of land located west of the Performing Arts Center that was once contemplated to be developed as part of a new administrative complex.

This notion is no longer valid for the District, but the City of Kyle has continued to create a master plan and secure funding to develop the area.

In the spirit of the original land donation to the District, the City of Kyle Reinvestment Zone Number Two is requesting consideration of a joint use agreement for the construction and maintenance of shared parking facilities on District owed land.

In addition to the construction and maintenance of the parking facilities near the PAC which the District can utilize free of charge, the agreement causes the City of Kyle Reinvestment Zone Number Two to install and maintain landscaping for the property. To date, the City of Kyle has already begun to provide landscape maintenance services to the subject property.

The purpose of this agenda item is to gain conceptual approval of the parking agreement. Staff will incorporate the metes and bounds description of the subject tract into Exhibit A when the survey is complete. If additional easements or right of way is required, staff will bring those items to the Board for consideration.

E. Comments Received:

Cabinet DLT FBOC Teacher Org. Reps. Other:

From public –

F. Administrative Recommendation: The administration recommends the board approve the Joint Use Agreement with City of Kyle Reinvestment Zone Number Two for Parking Facilities near the Performing Arts Center.

G. Fiscal Impact and Cost: Amount: No cost anticipated

Budget Bond Grant/Special Funds Other

Prior Year Spending – not applicable

Future/Ongoing – not applicable

H. Monitoring and Reporting Time Line:

Person responsible for evaluating this decision or action: Max Cleaver, Chief Operations Officer

Evaluation method and time line -

Next report to the board -

I. Suggested Motion:

I move the Board approve the Joint Use Agreement with the City of Kyle Reinvestment Zone Number Two for parking facilities near the Hays CISD Performing Arts Center, as presented.

Joint Use Agreement – HCISD Parking Facilities

This Joint Use Agreement—HCISD Parking Facilities (the “Agreement”) is entered into between the City of Kyle Reinvestment Zone Number 2 (the “Zone”), a tax increment financing zone created under Chapter 311, Texas Tax Code (the “Zone”), and Hays Consolidated Independent School District (the “District”), a public school district of the State of Texas. The Zone and the District are referred to herein together as the “Parties”.

Recitals

Whereas, the District is the owner of real property in the Zone, generally shown in **Exhibit A**;

Whereas, the Zone has adopted a Project and Financing Plan (the “Plan”) that addresses the development of projects within the Zone to promote economic development and creation of recreational facilities within the Zone, including trail systems and sports fields;

Whereas, the District benefits from increase in property values that will result from the development of the land and the projects within the Zone and the creation of recreational facilities that are available to students and families of the community;

Whereas, the District desires to support the success of the projects and development of the land within the Zone by entering into this Agreement to allow use of the Property for public parking facilities by members of the community and customers who visit the recreational facilities and businesses within the Zone;

Whereas, under appropriate circumstances publicly held lands and facilities should be used most efficiently to maximize use and increase recreational and economic opportunities for the community;

Whereas, Chapter 311, Texas Tax Code, authorizes the Board of Directors of the Zone to enter into agreements as the Board may consider necessary to implement the Plan and achieve the purposes of the Zone; and

Whereas, this Agreement is necessary to implement the Project and Financing Plan and to achieve the purposes of the Zone;

NOW, THEREFORE, in consideration of the mutual promises and agreements herein contained, the Parties hereto agree as follow:

Section 1. Cooperative Use of Parking Facilities.

- (a) As provided herein, the District and the Zone hereby agree that the Property may be used for the construction an installation of parking facilities located on the property described in Exhibit A (the “Parking Facilities”) for use as public parking (the “Public Parking Hours”) at all times except for the times set forth in the schedule provided by

the District as described in Section 1(b) (the “***District Parking Hours***”). After this Agreement is approved and executed, the Parties’ Representatives are authorized to add metes and bounds description of the Property to Exhibit A.

(b) On an annual basis, the District shall provide the Zone a schedule of all District events for each school year that will use the Parking Facilities as soon as such schedule is prepared. The District shall notify the Zone of any additional events, not originally scheduled, as soon as practicable and such District events shall take priority over any other previously scheduled event.

(c) At all other times and subject to the schedule developed by the Zone and the District, the Zone, the public, and third parties authorized by the Zone will be entitled to use.

Section 2. Construction and Repair of Parking Facilities; Landscaping. In consideration of the District’s agreement to allow the Zone and the public to use the Property for Parking Facilities as provided in this Agreement, the Zone shall be responsible for the installation, construction, maintenance, and repair, or for causing the installation, construction, maintenance, and repair of the Parking Facilities during the term of this Agreement. The Zone shall also be responsible for installing and maintaining landscaping for the Property. If the Parties determines that it is useful and necessary to do so for the purpose of establishing a budget for ongoing maintenance, after the construction of the Parking Facilities is complete, the Parties’ Representatives shall meet annually in April for the purpose of discussing and establishing a budget for the Zone’s maintenance and repairs to the Parking Facilities and for Landscaping installation and/or maintenance for the next fiscal year. The proposed budget shall be presented to the Zone Board, and repairs and maintenance to the Parking Facilities for the fiscal year shall be made in accordance with the approved budget. The Parties shall cooperate in good faith to provide for maintenance and repairs that are not addressed in the approved budget; provided that the District shall not be obligated to pay for maintenance or repair of the Parking Facilities. The financial obligations of the Zone under this Section shall be paid out of current funds.

Section 3. Communication. The District and the Zone shall respectively designate a contact person with whom the other party, or any authorized agent of the party, may confer regarding the terms of this Agreement (the “Representatives”). The designated Representatives of the District and the Zone shall meet at least annually, to discuss operations and scheduling of the Facility and make any necessary adjustments.

Section 4. Term. This Agreement will begin on August 24, 2020 and will continue for a period of forty years, and then shall be automatically renewed on an annual basis.

Section 5. Current Funds. The financial obligations of the Zone shall be subject to there being funds received, appropriated, and budgeted for the purposes set forth herein.

Section 6. No Indemnification. It is specifically agreed that, as between the parties, each party to this Agreement shall be individually and respectively responsible for responding to, dealing with, insuring against, defending and otherwise handling and managing liability and potential liability pursuant to this Agreement; each party hereto reserves and does not waive any defense available at

law or in equity to any claim or cause of action whatsoever that may arise or result from the services provided and/or any circumstances arising under this Agreement; this Agreement shall not be interpreted nor construed to give rise to any claim or cause of action to any third party; and that neither the Zone nor the District shall be held legally liable for any claim or cause of action arising pursuant to, or out of this Agreement except as specifically provided by law.

Section 7. Default. Notwithstanding anything herein to the contrary, no party shall be deemed to be in default hereunder until the passage of thirty (30) business days after receipt by such party of notice of default from the other party. Upon the passage of thirty (30) business days without cure of the default, such party shall be deemed to have defaulted for purposes of this Agreement. In the event of default, the non-defaulting party to this Agreement may pursue the remedy of specific performance or other equitable or legal remedy not inconsistent with this Agreement or applicable state law. All remedies will be cumulative and the pursuit of one authorized remedy will not constitute an election of remedies or a waiver of the right to pursue any other authorized remedy.

Section 8. Notices and Contacts. All notices, statements, demands, requests, consents, approvals, authorizations, appointments or designations hereunder by either party to the other shall be in writing and shall be sufficiently given and served upon the other party, if sent by United States registered mail, return receipt requested, postage prepaid and addressed:

District:

**Hays CISD
Chief Operations Officer
21003 IH 35
Kyle, Texas 78640**

Zone:

Either party may change its address or contact person by giving notice to the other party.

Section 9. Governmental Services - Independent Contractor. Notwithstanding any provision to the contrary herein, this Agreement is a contract for and with respect to the performance of governmental functions by governmental entities.

(a) The services provided for herein are governmental functions and the Zone and the District shall be engaged in the conduct of a governmental function while providing and or performing any service pursuant to this Agreement.

(b) The relationship of the District and the Zone shall, with respect to that part of any service or function undertaken as a result of or pursuant to this Agreement, be that of independent contractors.

Section 10. Other Services. Nothing in this Agreement shall be deemed to create, by implication or otherwise, any duty, responsibility or right as to either the District or the Zone except with respect to the use, maintenance, and repair of the Parking Facilities specifically set forth in this Agreement. This Agreement does not and shall not be interpreted to limit or extend any governmental or proprietary authority for or with respect to the provision of any service or the undertaking of any function or level of service except as specifically set forth herein.

Section 11. Jurisdiction. Nothing in this Agreement shall be deemed to extend, increase or limit the jurisdiction or authority of either the Zone or the District except as necessary to implement, perform and obtain the services and duties provided for in this Agreement. Save and except only as specifically provided in this Agreement, all governmental functions and services traditionally provided by the District, and all governmental and proprietary functions and services traditionally provided by the Zone, shall be and remain the sole responsibility of each such respective party.

Section 12. Governmental Immunity. Nothing in this Agreement shall be deemed to waive, modify or amend any legal defense available at law or in equity to either the Zone or the District nor to create any legal rights or claim on behalf of any third party. Neither the District nor the Zone waives, modifies, or alters to any extent whatsoever the availability of the defense of governmental immunity under the laws of the State of Texas.

Section 13. Assignment. In the event the Zone terminates before the end of the term of this Agreement, this Agreement shall be assigned to the City of Kyle (the "City"), and the City shall be responsible for the obligations of the Zone under this Agreement from and after the date of assignment of this Agreement.

Section 14. Amendments and Modifications. This Agreement may not be amended or modified except by written amendment executed by the Zone and the District and authorized by their respective governing bodies.

Section 15. Severability. In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof, but rather this entire Agreement will be construed as if not containing the particular invalid or unenforceable provision or provisions, and the rights and obligations of the parties hereto shall be construed and enforced in accordance therewith. The parties hereto acknowledge that if any provision of this Agreement is determined to be invalid or unenforceable, it is their desire and intention that such provision be reformed and construed on such a manner that it will, to the maximum extent practicable, be deemed to be validated and enforceable.

Section 16. Gender, Number and Headings. Words of any gender used in this Agreement shall be held and construed to include any other gender, and words in the singular number shall be held to include the plural, unless the context otherwise requires. The headings and section numbers are for convenience only and shall not be considered in interpreting or construing this Agreement.

Section 17. Execution in Counterparts. This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall be considered fully

executed when all parties have executed an identical counterpart, notwithstanding that all signatures may not appear on the same counterpart.

IN WITNESS WHEREOF, the parties have executed and attested this Agreement by their officers thereunto duly authorized, effective as of the date first written above.

**CITY OF KYLE REINVESTMENT ZONE
NUMBER 2**

Attest:

By: _____
Name:
Title:

By: _____
Name:
Title:

ATTEST:

HAYS CONSOLIDATED

INDEPENDENT SCHOOL DISTRICT

By: _____
Name: Vanessa Petrea
Title: Board Secretary

By: _____
Name: Esperanza Orosco
Title: President, Board of Trustees

The City of Kyle is executing this Agreement for the purpose of consenting to assignment of the Agreement pursuant to Section 13 of this Agreement.

CITY OF KYLE, TEXAS

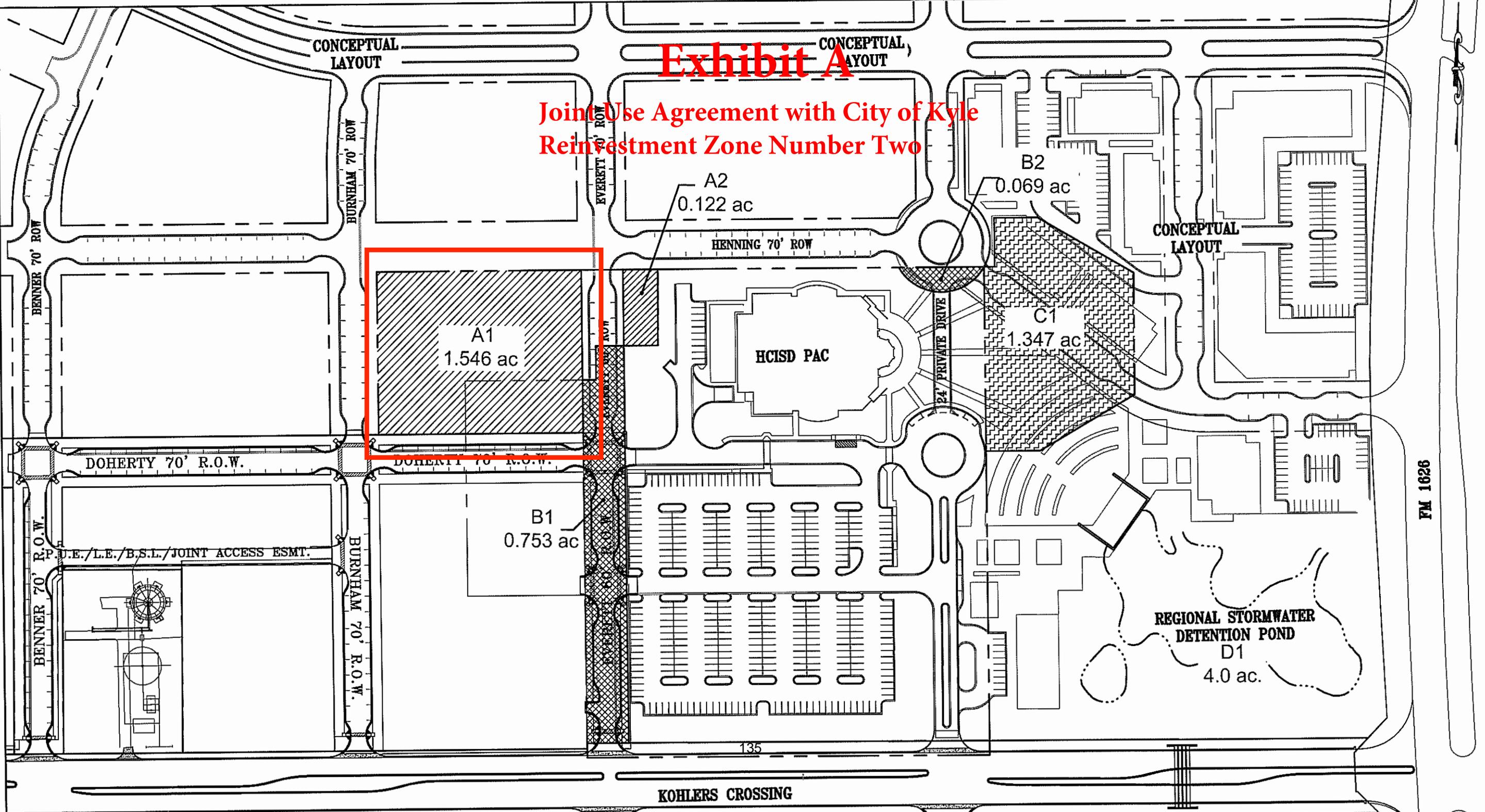
Attest:

By: _____
Name:
Title:

By: _____
Name:
Title:

Exhibit A

Joint Use Agreement with City of Kyle Reinvestment Zone Number Two



HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES

Date: 08/24/2020

Subject: Procurement: Orientation – Autism Professional Development – STAR Autism Support LLC

Administrator Responsible/Position: Sandra Dowdy – Chief Academic Officer

- A. Purpose of Agenda Item:
 Action needed Information only Receive input
- B. Authority for This Action:
 Local Policy Law or Rule N/A
- C. Goal or Need Addressed: This purpose of this agenda is to authorize the procurement of STAR Autism Support LLC to provide teacher & parent training and programming/curriculum for early childhood students with autism or related disorders.

- D. Summary:
 Previous board action relating to this item –
- Future action anticipated – This is a 2-year grant that provides funding up to \$555,000 during the 2-year period, for Hays CISD.

Background information – This procurement is for the approval of STAR Autism Support LLC, as a part of our application and award of the TEA Cycle 2 Autism Grant. This 2-year grant is providing **1,000,000.00, shared between Hays CISD, Lockhart ISD, San Marcos ISD, and Liberty Hill ISD**, to focus on a comprehensive model of services designed to improve cognitive, language, behavior, social, and academic skills of students with autism between the ages for 3-9 years. The model creates high quality, inclusive learning environments through comprehensive professional development, real-time coaching and advanced technology video training. The focus of this grant is to provide comprehensive training in evidence-based practices (EBPs) to preschool and elementary educators serving students with autism in self-contained, collaborative, and inclusive classrooms. The model establishes exemplary, model classrooms and districtwide coaches. Comprehensive parent training is part of the model and includes face-to-face, advanced remote video training, and online training modules.

The STAR Program (Arick, Loos, Falco, Krug, 2004) teaches children with autism the critical skills identified by the National Research Council. The ABA (Applied Behavior Analysis) instructional methods of discrete trial training, pivotal response training and teaching functional routines form the instructional base of this comprehensive program for children with autism. Because of the comprehensive nature of STAR Autism, this was the most appropriate choice to meet the needs of our teachers, students, and families.

- E. Scope of Options Reviewed:
RFP #25-031804VL
This is a one-year contract with two (2) one-year options to renew through 04/30/2022.

Reasons for rejecting alternatives:

- F. Comments Received:
 Cabinet DLT FBOC Teacher Org. Reps. Other: Special Education
- From public -

G. Administrative Recommendation:

The administration recommends approval of STAR Autism Support LLC, for staff training, student supports and curriculum materials during the two-year cycle of the TEA Cycle 2 Autism Grant.

H. Fiscal Impact and Cost: Total Amount: \$515,000

- \$440,000 Professional/Contract Services
- \$50,000 Curriculum
- \$25,000 Software/Technology

- Budget – General Operating Fund Bond Grant/Special Funds: TEA Cycle 2 Autism Grant
 Other _____

Prior Year Spending – \$0

Future/Ongoing – This procurement will be a recurring cost (annually)

I. Monitoring and Reporting Time Line:

Person responsible for evaluating this decision or action— Nadine Hogan, Director of Special Education & Shelli Cervenka, Coordinator of Early Childhood Services

Evaluation method and time line –

A rigorous evaluation design will collect and analyze data in three main areas: student outcome data; educator’s ability to implement instructional strategies with fidelity; and teacher, administrator and parent perception of the success of the project. **Student outcome data** collected will include, but is not limited to, the following:

- All students with autism served in the district classrooms will be assessed at baseline and updated weekly using the STAR Student Learning Profile, SLP, (Arick, Loos, Falco and Krug, 2015) to measure many of the core features of autism including social communication skills, spontaneous communication skills, cognitive skills, social interaction and play skills and academic skills. These data are collected daily as part of student instruction. These data are reviewed throughout the day as part of the STAR curricula and decisions are made by the instructors based on these data. If needed, adjustments are made in student lessons based on the data collected.
- Functional routine (FR) task analysis data will also be collected in all district classrooms to measure improvement in student behavior and independence in a variety of environments and to measure the reduction in repetitive behaviors. These measures will provide quantitative data on the ability of the student to perform needed skills and activities in a variety of environments.
- Students in the model training sites will be assessed at baseline and at the end of the school year with the Autism Behavior Checklist, the Sample of Vocal Behavior and the Social Interaction Assessment from the Autism Screening Instrument for Educational Planning (Krug, Arick and Almond, 2012) to **directly measure the overall change in the core features of autism with standardized norm-referenced measures.**
- An Inclusion Survey and review of student schedules will be used to collect data on student access to more inclusive settings. The survey will be distributed in September, January and May. Data from this survey will identify if the project is achieving the goal of increasing inclusion opportunities for students. If movement towards this goal has not been met by January, the networking team will evaluate project data and make recommendations for adjusting activities to address inclusion opportunities.
- **Fidelity of implementation of instructional strategies.** During in-class coaching, consultation forms will be completed providing educators with immediate feedback on instructional practices. Both self-assessment and consultant rating scales will be used to evaluate when instructional staff are implementing with fidelity. Additional support will be provided for educators who do not meet fidelity, as measured by the fidelity checklists.
- **Participation levels and participant survey of usefulness, satisfaction and knowledge.** Throughout the project, data will be collected on the number of educational staff participating in training activities, students impacted and family participation. Additional data collected will include student attendance and behavioral referrals. Participant and parent knowledge and satisfaction with the project will be collected at the middle and end of the project. Data from the surveys will be analyzed to determine modifications that might need to be made to achieve project goals.

Next report to the board -

J. Suggested Motion:

I move that the Board approve STAR Autism Support LLC, for staff training, student supports and curriculum materials during the two-year cycle of the TEA Cycle 2 Autism Grant for approximately \$515,000 per year, as presented.

F. Administrative Recommendation:

The administration recommends the board adopt the 2020-2021 Student Code of Conduct, as presented.

H. Fiscal Impact and Cost: Amount \$ N/A

Budget – General Operating Fund Bond Grant/Special Funds Other _____

Prior Year Spending: \$ _____

Future/Ongoing: \$ _____

I. Monitoring and Reporting Time Line:

Person responsible for evaluating this decision or action – Jesus Gomez/Adrianna Price

Evaluation method and time line -

Next report to the board -

J. Suggested Motion

I move that the Board adopt the 2020-2021 Student Code of Conduct, as presented.

Hays CISD Student Code of Conduct 2020–2021 School Year

If you have difficulty accessing the information in this document because of disability, please contact the Office of Student Services at 512-268-2141.

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Student Code of Conduct

Accessibility

If you have difficulty accessing the information in this document because of disability, please contact the Office of Student Services at 512-268-2141.

Purpose

The Student Code of Conduct (“Code”) is the district’s response to the requirements of Chapter 37 of the Texas Education Code.

The Code provides methods and options for managing students in the classroom and on school grounds, disciplining students, and preventing and intervening in student discipline problems.

The law requires the district to define misconduct that may—or must—result in a range of specific disciplinary consequences including removal from a regular classroom or campus, out-of-school suspension, placement in a disciplinary alternative education program (DAEP), placement in a juvenile justice alternative education program (JJAEP), or expulsion from school.

This Student Code of Conduct has been adopted by the Hays CISD Board of Trustees and developed with the advice of the district-level committee. This Code provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline. It remains in effect during summer school and at all school-related events and activities outside the school year until an updated version adopted by the board becomes effective for the next school year. The district does not discriminate against students on the basis of race, gender, gender identity, sexual orientation, age, immigration status, national origin, disability, religion, color, ethnicity or any other basis prohibited by law when enforcing the provisions of the SCC.

In accordance with state law, the Code shall be posted at each school campus or shall be available for review at the office of the campus principal. Additionally, the Code shall be available at the office of the campus behavior coordinator and posted on the district’s website. Parents shall be notified of any conduct violation that may result in a student being suspended, placed in a DAEP or JJAEP, expelled, or taken into custody by a law enforcement officer under Chapter 37 of the Education Code.

Because the Student Code of Conduct is adopted by the district’s board of trustees, it has the force of policy; therefore, in case of conflict between the Code and the Student Handbook, the Code shall prevail. If there is conflict between the SCC and district policy, the more recently adopted item will control.

Please note: The discipline of students with disabilities who are eligible for services under federal law (Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973) is subject to the provisions of those laws.

School District Authority and Jurisdiction

School rules and the authority of the district to administer discipline apply whenever the interest of the district is involved, on or off school grounds, in conjunction with or independent of classes and school-sponsored activities.

The district has disciplinary authority over a student:

1. During the regular school day, including any remote instruction activity regardless of location and while the student is going to and from school or a school-sponsored or school-related activity on district transportation;
2. During lunch periods in which a student is allowed to leave campus;
3. While the student is in attendance at any school-related activity, regardless of time or location;
4. For any school-related misconduct, regardless of time or location;
5. When retaliation against a school employee, board member, or volunteer occurs or is threatened, regardless of time or location;
6. When a student engages in cyberbullying, as provided by Education Code 37.0832;
7. When criminal mischief is committed on or off school property or at a school-related event;
8. For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
9. For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
10. When the student commits a felony, as provided by Education Code 37.006 or 37.0081; and
11. When the student is required to register as a sex offender.

Campus Behavior Coordinator

As required by law, a person at each campus must be designated to serve as the campus behavior coordinator. The designated person may be the principal of the campus or any other campus administrator selected by the principal. The campus behavior coordinator is primarily responsible for maintaining student discipline. The district shall post on its website for each campus, the email address and telephone number of the person serving as campus behavior coordinator. Contact information may be found at <https://www.hayscisd.net/>.

Threat Assessment and Safe and Supportive School Team

The campus behavior coordinator or other appropriate administrator will work closely with the campus threat assessment safe and supportive school team to implement the district's threat assessment policy and procedures, as required by law, and shall take appropriate disciplinary action in accordance with the Code of Conduct.

Searches

A student's clothing, personal property, electronic equipment, method of transportation, or school property used by the student (such as lockers or desks) may be searched when there is reasonable suspicion to believe the search will reveal articles or materials prohibited by the district, whether or not a student is present. Students are responsible for ensuring that any

personal property, method of transportation, or school property used by the student does not contain prohibited items. Students may be disciplined for possession of prohibited items discovered during a search. For more information about searches, please review the district's Parent-Student Handbook and policy FNF (LOCAL).

Use of district-owned technology equipment and its network systems is not private and will be monitored by the district. [See policy CQ]

Any searches of personal telecommunications, technology, or other personal electronic devices will be conducted in accordance with law, and the device may be confiscated in order to perform a lawful search. A confiscated device may be turned over to law enforcement to determine whether a crime has been committed. [See policy FNF (LEGAL)]

Reporting Crimes

The principal or campus behavior coordinator and other school administrators as appropriate shall report crimes as required by law and shall call local law enforcement when an administrator suspects that a crime has been committed on campus. Because school discipline is independent of criminal proceedings, disciplinary consequences may not be postponed pending the outcome of any criminal proceeding or affected by the outcome of any criminal proceeding.

Security Personnel

To ensure sufficient security and protection of students, staff, and property, the board employs Texas Peace Officers through Hays County Sheriff's Office as SROs. In accordance with law, the board has coordinated with the campus behavior coordinator and other district employees to ensure appropriate law enforcement duties are assigned to security staff. The law enforcement duties of district peace officers are listed in policy CKE(LOCAL). The law enforcement duties of school resource officers are: determined by inter-local agreement/MOU approved by the Board. The law enforcement duties of district security personnel are: determined by the job description approved by the Board and signed by the employee.

"Parent" Defined

Throughout the Code of Conduct and related discipline policies, the term "parent" includes a parent, legal guardian, or other person having lawful control of the child.

Participating in Graduation Activities

The district has the right to limit a student's participation in graduation activities for violating the district's Code.

Participation might include a speaking role, as established by district policy and procedures.

Students eligible to give the opening and closing remarks at graduation shall be notified by the campus principal. Notwithstanding any other eligibility requirements, in order to be considered as an eligible student to give the opening or closing remarks, a student shall not have engaged

in any misconduct in violation of the district's Code resulting in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

The valedictorian and salutatorian may also have speaking roles at graduation. No student shall be eligible to have such a speaking role if he or she engaged in any misconduct in violation of the district's Code resulting in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

See **Other DAEP Issues** on page 22, for information regarding a student assigned to DAEP at the time of graduation.

Unauthorized Persons

In accordance with Education Code 37.105, a school administrator, school resource officer (SRO), or district police officer shall have the authority to refuse entry or eject a person from district property if the person refuses to leave peaceably on request and:

1. The person poses a substantial risk of harm to any person; or
2. The person behaves in a manner that is inappropriate for a school setting, and the person persists in the behavior after being given a verbal warning that the behavior is inappropriate and may result in refusal of entry or ejection.

Appeals regarding refusal of entry or ejection from district property may be filed in accordance with policies FNG(LOCAL) or GF(LOCAL), as appropriate. However, the timelines for the district's grievance procedures shall be adjusted as necessary to permit the person to address the board in person within 90 days, unless the complaint is resolved before a board hearing.

Standards for Student Conduct

Each student is expected to:

- Demonstrate courtesy, even when others do not.
- Behave in a responsible manner, always exercising self-discipline.
- Attend all classes, regularly and on time.
- Prepare for each class; take appropriate materials and assignments to class.
- Meet district and campus standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other district staff and volunteers.
- Respect the property of others, including district property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.

Because of significant variations in student conduct, it is not always possible for the SCC to address each and every act of student misbehavior. To that end, the district retains discretion to address student misconduct that is inconsistent with these nine standards even though the conduct may not be specifically included in the SCC.

General Conduct Violations

The categories of conduct below are prohibited at school, in vehicles owned or operated by the district, and at all school-related activities, but the list does not include the most severe offenses. In the subsequent sections on **Out-of-School Suspension** on page 17, **DAEP Placement** on page 19, **Placement and/or Expulsion for Certain Offenses** on page 26, and **Expulsion** on page 29, certain offenses that require or permit specific consequences are listed. Any offense, however, may be severe enough to result in **Removal from the Regular Educational Setting** as detailed in that section on page 15.

Disregard for Authority

Students shall not:

- Fail to comply with directives given by school personnel (insubordination).
- Leave school grounds or school-sponsored events without permission.
- Disobey rules for conduct in district vehicles.
- Refuse to accept discipline management techniques assigned by a teacher or principal.

Mistreatment of Others

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Horseplay, roughhousing, and other playful behavior that, though not intended to harm, presents a reasonable risk of harm and threatens the safety of others.
- Name-calling, ethnic or racial slurs, or derogatory statements that school employees reasonably believe could substantially disrupt the school environment or incite violence
- Fight or scuffle. (For assault, see **DAEP—Placement and/or Expulsion for Certain Offenses** on page 26.)
- Threaten a district student, employee, or volunteer, including off school property, if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, cyberbullying, harassment, or making hit lists. (See **glossary** for all four terms.)
- Release or threaten to release intimate visual material of a minor or a student who is 18 years of age or older without the student’s consent.
- Engage in conduct that constitutes sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including a district student, employee, board member, or volunteer.
- Consensual hugging, touching, or other displays of affection that interfere with, detract from, or disrupt the school environment
- Engage in conduct that constitutes dating violence. (See **glossary**.)
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. (See **glossary**.)

- Cause an individual to act through the use of or threat of force (coercion).
- Commit extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee, or volunteer.
- Record the voice or image of another without the prior consent of the individual being recorded or in any way that disrupts the educational environment or invades the privacy of others.
- Retaliating against a student for (1) reporting either a violation of the SCC or bullying, or (2) participating in an investigation of a violation of the SCC or bullying

Property Offenses

Students shall not:

- Damage or vandalize property owned by others. (For felony criminal mischief, see **DAEP— Placement and/or Expulsion for Certain Offenses** on page 26.)
- Deface or damage school property—including textbooks, technology and electronic resources, lockers, furniture, and other equipment—with graffiti or by other means.
- Steal from students, staff, or the school.
- Attempting to start or starting a fire on or in any property owned, used, or controlled by a student, the district, or district **employees**, officials, or volunteers that does not rise to the level of arson or criminal mischief
- Commit or assist in a robbery or theft, even if it does not constitute a felony according to the Penal Code. (For felony robbery, aggravated robbery, and theft, see **DAEP— Placement and/or Expulsion for Certain Offenses** on page 26.)

Possession of Prohibited Items

Students shall not possess or use:

- Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
- A razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
- A “look-alike” weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon;
- An air gun or BB gun;
- Ammunition;
- A hand instrument designed to cut or stab another by being thrown;
- Knuckles;
- *A location-restricted knife;
- *A club;
- *A firearm;

- A stun gun;
- A pocketknife or any other small knife;
- Mace or pepper spray;
- Pornographic material;
- Tobacco products; cigarettes; e-cigarettes; and any component, part, or accessory for an e-cigarette device;
- Matches or a lighter;
- A laser pointer for other than an approved use; or
- Any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists.

*For weapons and firearms, see **DAEP—Placement and/or Expulsion for Certain Offenses** on page 26. In many circumstances, possession of these items is punishable by mandatory expulsion under federal or state law.

Possession of Telecommunications or Other Electronic Devices

Students shall not:

- Use a telecommunications device, including a cellular telephone, or other electronic device in violation of district and campus rules.

Illegal, Prescription, and Over-the-Counter Drugs

Students shall not:

- Possess, use, give, or sell alcohol or an illegal drug. (Also see **DAEP Placement** on page 19 and **Expulsion** on page 29 for mandatory and permissive consequences under state law.)
- Possess or sell seeds or pieces of marijuana in less than a usable amount.
- Possess, use, give, or sell paraphernalia related to any prohibited substance. (See **glossary** for “paraphernalia.”)
- Possess, use, abuse, or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- Abuse the student’s own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person’s prescription drug on school property or at a school-related event. (See **glossary** for “abuse.”)
- Abuse over-the-counter drugs. (See **glossary** for “abuse.”)
- Be under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties. (See **glossary** for “under the influence.”)
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by district policy.

Misuse of Technology Resources and the Internet

Students shall not:

- Violate policies, rules, or agreements signed by the student or the student's parent regarding the use of technology resources.
- Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
- Attempt to alter, destroy, or disable district technology resources including, but not limited to, computers and related equipment, district data, the data of others, or other networks connected to the district's system, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use the internet or other electronic communications to threaten or harass district students, employees, board members, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Send, post, deliver, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including cyberbullying and "sexting," either on or off school property, if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Use the internet or other electronic communication to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.

Safety Transgressions

Students shall not:

- Possess published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety.
- Engage in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, or school property.
- Make false accusations or perpetrate hoaxes regarding school safety.
- Engage in any conduct that school officials might reasonably believe will substantially disrupt the school program or incite violence.
- Throw objects that can cause bodily injury or property damage.
- Discharge a fire extinguisher without valid cause.

Miscellaneous Offenses

Students shall not:

- Violate dress and grooming standards as communicated in the Student Handbook.

The district prohibits any clothing, grooming, or display of images that cause, or in the principal or designee's judgment may reasonably be predicted to cause, disruption of or interference with school activities. The district also prohibits the wearing or display of pictures, writings,

images, or symbols that: 1) are lewd, vulgar, sexually-explicit, or obscene; 2) seek to demonstrate or recruit gang membership; 3) are discriminatory, harassing, or threatening towards others on the basis of their race, sex, disability, ethnicity, religion, or gender (including, but not limited to, display of the confederate flag); or 4) advertise or promote tobacco products, alcoholic beverages, drugs, or any other substance prohibited by policy.

- Display of the confederate flag while on district property and while at district or school sponsored events.
- Cheat or copy the work of another.
- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Inappropriate exposure of a student's private body parts which are ordinarily covered by clothing, including through such acts as mooning, streaking, or flashing
- Attempting to or successfully evading, avoiding, or delaying questioning by a district employee
- Failing to wear and provide proper identification upon request of a district employee
- Failing to immediately report to a school employee knowledge of a device, object, substance, or event that could cause harm to self or others
- Enticing or preventing another student from attending school, class, or a school activity the student is required to attend
- Violating policies or rules for computer use, Internet access, technology, or other electronic communications or imaging devices
- Academic dishonesty, including cheating, copying the work of another, plagiarism, or unauthorized collaboration with another person in preparing an assignment
- Failing to comply with guidelines applicable to student speakers who are speaking at school-sponsored or school-related events
- Repeatedly violate other communicated campus or classroom standards of conduct.

Additional Rules

Students may be subject to campus, classroom, transportation, extracurricular, and/or organization rules in addition to those found in the SCC. Students may face consequences under these additional rules as well as possible disciplinary action under the SCC. Further, to the extent a student engages in misconduct that is not specifically addressed in the SCC, the student may still be disciplined if the misconduct disrupts or interferes with the educational process, learning environment, or school safety.

Discipline Management Techniques

Discipline shall be designed to improve conduct and to encourage students to adhere to their responsibilities as members of the school community. Disciplinary action shall draw on the professional judgment of teachers and administrators and on a range of discipline management techniques, including restorative practices. Discipline shall be based on the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements.

Students with Disabilities

The discipline of students with disabilities is subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, the district shall comply with federal law. For more information regarding discipline of students with disabilities, see policy FOF(LEGAL).

In accordance with the Education Code, a student who receives special education services may not be disciplined for conduct meeting the definition of bullying, cyberbullying, harassment, or making hit lists (see **glossary**) until an ARD committee meeting has been held to review the conduct.

In deciding whether to order suspension, DAEP placement, or expulsion, regardless of whether the action is mandatory or discretionary, the district shall take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

Techniques

The following discipline management techniques may be used alone, in combination, or as part of progressive interventions for behavior prohibited by the Student Code of Conduct or by campus or classroom rules:

- Verbal correction, oral or written.
- Cooling-off time or a brief "time-out" period, in accordance with law.
- Seating changes within the classroom or vehicles owned or operated by the district.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, school counselors, or administrative personnel.
- Parent-teacher conferences.
- Behavior coaching.
- Anger management classes.
- Mediation (victim-offender).
- Classroom circles.
- Family group conferencing.
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.

- Detention, including outside regular school hours.
- Sending the student to the office or other assigned area, or to in-school suspension.
- Assignment of school duties, such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in individual student organizations' extracurricular standards of behavior.
- Restriction or revocation of district transportation privileges.
- School-assessed and school-administered probation.
- Out-of-school suspension, as specified in **Out-of-School Suspension** on page 17.
- Placement in a DAEP, as specified in **DAEP** on page 19.
- Placement and/or expulsion in an alternative educational setting, as specified in **Placement and/or Expulsion for Certain Offenses** on page 26.
- Expulsion, as specified in **Expulsion** on page 29.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- Other strategies and consequences as determined by school officials.

Prohibited Aversive Techniques

Aversive techniques are prohibited for use with students and are defined as techniques or interventions intended to reduce the reoccurrence of a behavior by intentionally inflicting significant physical or emotional discomfort or pain. Aversive techniques include:

- Using techniques designed or likely to cause physical pain, other than corporal punishment as permitted by district policy. [See policy FO(LOCAL).]
- Using techniques designed or likely to cause physical pain by electric shock or any procedure involving pressure points or joint locks.
- Directed release of noxious, toxic, or unpleasant spray, mist, or substance near a student's face.
- Denying adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility.
- Ridiculing or demeaning a student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse.
- Employing a device, material, or object that immobilizes all four of a student's extremities, including prone or supine floor restraint.
- Impairing the student's breathing, including applying pressure to the student's torso or neck or placing something in, on, or over the student's mouth or nose or covering the student's face.
- Restricting the student's circulation.
- Securing the student to a stationary object while the student is standing or sitting.

- Inhibiting, reducing, or hindering the student's ability to communicate.
- Using chemical restraints.
- Using time-out in a manner that prevents the student from being able to be involved in and progress appropriately in the required curriculum or any applicable individualized education program (IEP) goals, including isolating the student by the use of physical barriers.
- Depriving the student of one or more of the student's senses, unless the technique does not cause the student discomfort or complies with the student's IEP or behavior intervention plan (BIP).

Notification

The campus behavior coordinator shall promptly notify a student's parent by phone or in person of any violation that may result in in-school or out-of-school suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The campus behavior coordinator shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code. A good faith effort shall be made on the day the action was taken to provide to the student for delivery to the student's parent written notification of the disciplinary action. If the parent has not been reached by telephone or in person by 5:00 p.m. of the first business day after the day the disciplinary action was taken, the campus behavior coordinator shall send written notification by U.S. Mail. If the campus behavior coordinator is not able to provide notice to the parent, the principal or designee shall provide the notice.

Before the principal or appropriate administrator assigns a student under age 18 to detention outside regular school hours, notice shall be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for necessary transportation.

Appeals

Questions from parents regarding disciplinary measures should be addressed to the teacher, campus administration, or campus behavior coordinator, as appropriate. Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FNG(LOCAL). A copy of the policy may be obtained from the principal's office, the campus behavior coordinator's office, or the central administration office or through Policy On Line at the following address: <https://www.hayscisd.net/Page/327>

The district shall not delay a disciplinary consequence while a student or parent pursues a grievance.

Removal from the School Bus

A bus driver may refer a student to the principal's office or the campus behavior coordinator's office to maintain effective discipline on the bus. The principal or campus behavior coordinator must employ additional discipline management techniques, as appropriate, which can include restricting or revoking a student's bus riding privileges.

Since the district's primary responsibility in transporting students in district vehicles is to do so as safely as possible, the operator of the vehicle must focus on driving and not have his or her attention distracted by student misbehavior. Therefore, when appropriate disciplinary management techniques fail to improve student behavior or when specific misconduct warrants immediate removal, the principal or the campus behavior coordinator may restrict or revoke a student's transportation privileges, in accordance with law.

In addition to compliance with the SCC, students are expected to comply with the following transportation rules:

- Enter and exit transportation in an orderly manner at the designated stop
- Remain seated in designated seats facing forward
- Keep aisles clear of books, bags, instruments, feet, or other obstructions
- Comply with lawful directives issued by the driver
- Follow the driver's rules for food or beverages
- Do not extend any body part, clothing, or other article outside of the transportation
- Keep hands, feet, other body parts, or objects to yourself
- Refrain from making loud or distracting noises
- Do not obstruct the driver's view
- Do not throw objects inside the transportation or out of the windows or doors
- Do not mark, deface, destruct, or tamper with seats, window, emergency doors, or other equipment

Removal from the Regular Educational Setting

In addition to other discipline management techniques, misconduct may result in removal from the regular educational setting in the form of a routine referral or a formal removal.

Routine Referral

A routine referral occurs when a teacher sends a student to the campus behavior coordinator's office as a discipline management technique. The campus behavior coordinator shall employ alternative discipline management techniques, including progressive interventions. A teacher or administrator may remove a student from class for a behavior that violates this Code to maintain effective discipline in the classroom.

Formal Removal

A teacher may also initiate a formal removal from class if:

1. The student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach his or her class or with the student's classmates' ability to learn; or
2. The behavior is so unruly, disruptive, or abusive that the teacher cannot teach, and the students in the classroom cannot learn.

Within three school days of the formal removal, the campus behavior coordinator or appropriate administrator shall schedule a conference with the student's parent, the student, the teacher who removed the student from class, and any other appropriate administrator.

At the conference, the campus behavior coordinator or appropriate administrator shall inform the student of the alleged misconduct and the proposed consequences. The student shall have an opportunity to respond to the allegations.

When a student is removed from the regular classroom by a teacher and a conference is pending, the campus behavior coordinator or other administrator may place the student in:

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- DAEP.

A teacher or administrator must remove a student from class if the student engages in behavior that under the Education Code requires or permits the student to be placed in a DAEP or expelled. When removing for those reasons, the procedures in the subsequent sections on DAEP or expulsion shall be followed.

Returning a Student to the Classroom

When a student has been formally removed from class by a teacher for conduct against the teacher containing the elements of assault, aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, or criminal attempt to commit murder or capital murder, the student may not be returned to the teacher's class without the teacher's consent.

When a student has been formally removed by a teacher for any other conduct, the student may be returned to the teacher's class without the teacher's consent if the placement review committee determines that the teacher's class is the best or only alternative available.

Out-of-School Suspension

Misconduct

Students may be suspended for any behavior listed in the Code as a general conduct violation, DAEP offense, or expellable offense.

The district shall not use out-of-school suspension for students in grade 2 or below unless the conduct meets the requirements established in law.

A student below grade 3 or a student who is homeless shall not be placed in out-of-school suspension unless, while on school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in:

- Conduct that contains the elements of a weapons offense, as provided in Penal Code Section 46.02 or 46.05;
- Conduct that contains the elements of assault, sexual assault, aggravated assault, or aggravated sexual assault, as provided by the Penal Code; or
- Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of marijuana, an alcoholic beverage, or a controlled substance or dangerous drug as defined by federal or state law.

Process

State law allows a student to be suspended for no more than three school days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year.

Before being suspended a student shall have an informal conference with the campus behavior coordinator or appropriate administrator, who shall advise the student of the alleged misconduct. The student shall have the opportunity to respond to the allegation before the administrator makes a decision.

The campus behavior coordinator shall determine the number of days of a student's suspension, not to exceed three school days.

In deciding whether to order out-of-school suspension, the campus behavior coordinator shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

The appropriate administrator shall determine any restrictions on participation in school-sponsored or school-related extracurricular and cocurricular activities.

Coursework During Suspension

The district shall ensure a student receives access to coursework for foundation curriculum courses while the student is placed in in-school or out-of-school suspension, including at least one method of receiving this coursework that doesn't require the use of the internet.

In School Suspension (ISS)

Reasons for ISS

Students may be placed in ISS for any misconduct listed in any category of the SCC.

Procedure for ISS

The student will be informed of the reason for placement in ISS and be given an opportunity to respond before the administrator's decision is final. While in ISS the student will complete assignments from his or her teacher.

Disciplinary Alternative Education Program (DAEP) Placement

The DAEP shall be provided in a setting other than the student's regular classroom. Elementary students in kindergarten-grade 5 will not be placed in DAEP with secondary students in grade 6-grade 12.

Students in DAEP during summer school programs will be served alongside other students not assigned to DAEP.

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator shall take into consideration:

1. Self-defense (see **glossary**),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

Discretionary Placement: Misconduct That May Result in DAEP Placement

A student may be placed in DAEP for any of the following misconduct if committed while on school property, within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Possessing, giving, buying, or selling less than a usable amount of stems, seeds, or other pieces of marijuana
- Possessing, using, selling, buying, or giving paraphernalia (see glossary) related to any prohibited substance, including but not limited to marijuana, a controlled substance (see glossary), a dangerous drug (see glossary), or an alcoholic beverage (see glossary)
- Abusing the student's own prescription drug or using it in a way other than prescribed; giving, buying, or selling a prescription drug; possessing, using, or being under the influence of another person's prescription drug
- Offering to sell or buy any amount of marijuana, a controlled substance (see glossary), a dangerous drug (see glossary), an abusable volatile chemical (see glossary), a prescription drug, or an alcoholic beverage (see glossary)
- Preparing a hit list (see glossary)
- Committing any offense included in the list of General Conduct Violations in this SCC
- Engaging in persistent (see glossary) misbehavior that violates this SCC

Misconduct Identified in State Law

In accordance with state law, a student **may** be placed in a DAEP for any one of the following offenses:

- Engaging in bullying that encourages a student to commit or attempt to commit suicide.

- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or of a student who is 18 years of age or older without the student’s consent.
- Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang. (See **glossary**.)
- Involvement in criminal street gang activity. (See **glossary**.)
- Any criminal mischief, including a felony.
- Assault (no bodily injury) with threat of imminent bodily injury.
- Assault by offensive or provocative physical contact.

In accordance with state law, a student **may** be placed in a DAEP if the superintendent or the superintendent’s designee has reasonable belief (see **glossary**) that the student has engaged in conduct punishable as a felony, other than aggravated robbery or those listed as offenses in Title 5 (see **glossary**) of the Penal Code, that occurs off school property and not at a school-sponsored or school-related event, if the student’s presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

The campus behavior coordinator **may**, but is not required to, place a student in a DAEP for off-campus conduct for which DAEP placement is required by state law if the administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

Mandatory Placement: Misconduct That Requires DAEP Placement

A student **must** be placed in a DAEP if the student:

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (See **glossary**.)
- Commits the following offenses on school property or within 300 feet of school property as measured from any point on the school’s real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
 - Engages in conduct punishable as a felony.
 - Commits an assault (see **glossary**) under Penal Code 22.01(a)(1).
 - Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense. (School-related felony drug offenses are addressed in **Expulsion** on page 29.) (See **glossary** for “under the influence.”)
 - Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony offense. (School-related felony alcohol offenses are addressed in **Expulsion** on page 29.)
 - Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.

- Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure. (See **glossary**.)
- Engages in conduct that contains the elements of an offense of harassment against an employee under Penal Code 42.07(a)(1), (2), (3), or (7).
- Engages in expellable conduct and is between six and nine years of age.
- Commits a federal firearms violation and is younger than six years of age.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in **Expulsion** on page 29.)
- Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 (see **glossary**) of the Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
 - The student receives deferred prosecution (see **glossary**),
 - A court or jury finds that the student has engaged in delinquent conduct (see **glossary**), or
 - The superintendent or designee has a reasonable belief (see **glossary**) that the student engaged in the conduct.

Sexual Assault and Campus Assignments

If a student has been convicted of continuous sexual abuse of a young child or children or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus, and if the victim's parent or another person with the authority to act on behalf of the victim requests that the board's designee transfer the offending student to another campus, the offending student shall be transferred to another campus in the district. If there is no other campus in the district serving the grade level of the offending student, the offending student shall be transferred to a DAEP.

Process

Removals to a DAEP shall be made by the campus behavior coordinator.

Conference

When a student is removed from class for a DAEP offense, the campus behavior coordinator or appropriate administrator shall schedule a conference within three school days with the student's parent, the student, and the teacher, in the case of a teacher removal.

At the conference, the campus behavior coordinator or appropriate administrator shall inform the student, orally or in writing, of the reasons for the removal and shall give the student an explanation of the basis for the removal and an opportunity to respond to the reasons for the removal.

Following valid attempts to require attendance, the district may hold the conference and make a placement decision regardless of whether the student or the student's parents attend the conference.

Consideration of Mitigating Factors

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator shall take into consideration:

1. Self-defense (see **glossary**),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, or
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

Placement Order

After the conference, if the student is placed in the DAEP, the campus behavior coordinator shall write a placement order. A copy of the DAEP placement order shall be sent to the student and the student's parent.

Not later than the second business day after the conference, the board's designee shall deliver to the juvenile court a copy of the placement order and all information required by Section 52.04 of the Family Code.

If the student is placed in the DAEP and the length of placement is inconsistent with the guidelines included in this Code, the placement order shall give notice of the inconsistency.

Coursework Notice

Students placed in DAEP will have an opportunity to complete coursework required for graduation, at no cost to the student, before the beginning of the next school year.

Length of Placement

The campus behavior coordinator shall determine the duration of a student's placement in a DAEP.

The duration of a student's placement shall be determined case by case based on the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements.

The maximum period of DAEP placement shall be one calendar year, except as provided below.

Unless otherwise specified in the placement order, days absent from a DAEP shall not count toward fulfilling the total number of days required in a student's DAEP placement order.

The district shall administer the required pre- and post-assessments for students assigned to DAEP for a period of 90 days or longer in accordance with established district administrative procedures for administering other diagnostic or benchmark assessments.

Exceeds One Year

Placement in a DAEP may exceed one year when a review by the district determines that the student is a threat to the safety of other students or to district employees.

The statutory limitations on the length of a DAEP placement do not apply to a placement resulting from the board's or board's designee's decision to place a student who engaged in the sexual assault of another student so that the students are not assigned to the same campus.

Exceeds School Year

Students who commit offenses requiring placement in a DAEP at the end of one school year may be required to continue that placement at the start of the next school year to complete the assigned term of placement.

For placement in a DAEP to extend beyond the end of the school year, the campus behavior coordinator or the board's designee must determine that:

1. The student's presence in the regular classroom or campus presents a danger of physical harm to the student or others, or
2. The student has engaged in serious or persistent misbehavior (see **glossary**) that violates the district's Code.

Exceeds 60 Days

For placement in a DAEP to extend beyond 60 days or the end of the next grading period, whichever is sooner, a student's parent shall be given notice and the opportunity to participate in a proceeding before the board or the board's designee.

Appeals

Questions from parents regarding disciplinary measures should be addressed to the campus administration.

Student or parent appeals regarding a student's placement in a DAEP should be addressed in accordance with policy FNG(LOCAL). A copy of this policy may be obtained from the principal's office, the campus behavior coordinator's office, the central administration office, or through Policy On Line at the following address: <https://www.hayscisd.net/Page/327>.

The district shall not delay disciplinary consequences pending the outcome of an appeal. The decision to place a student in a DAEP cannot be appealed beyond the board.

Other DAEP Issues

Students placed in DAEP for any mandatory or discretionary reasons are not allowed to attend or participate in school-sponsored or school-related extracurricular or co-curricular activities during the period of DAEP placement. This restriction applies until the student fulfills the DAEP assignment at this or another school district.

The district will provide transportation to and from DAEP. This transportation privilege may be revoked if the student does not follow the transportation rules, refuses to cooperate with the

driver or other district personnel involved in providing transportation or violates any provision of the SCC during transport.

For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the last day of placement in the program shall be the last instructional day, and the student shall be allowed to participate in the graduation ceremony and related graduation activities unless otherwise specified in the DAEP placement order.

Placement Review

A student placed in a DAEP shall be provided a review of his or her status, including academic status, by the campus behavior coordinator or the board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

Additional Misconduct

If during the term of placement in a DAEP the student engages in additional misconduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the campus behavior coordinator may enter an additional disciplinary order as a result of those proceedings.

Notice of Criminal Proceedings

When a student is placed in a DAEP for certain offenses, the office of the prosecuting attorney shall notify the district if:

1. Prosecution of a student's case was refused for lack of prosecutorial merit or insufficient evidence and no formal proceedings, deferred adjudication (see **glossary**), or deferred prosecution will be initiated; or
2. The court or jury found a student not guilty, or made a finding that the student did not engage in delinquent conduct or conduct indicating a need for supervision, and the case was dismissed with prejudice.

If a student was placed in a DAEP for such conduct, on receiving the notice from the prosecutor, the superintendent or designee shall review the student's placement and schedule a review with the student's parent not later than the third day after the superintendent or designee receives notice from the prosecutor. The student may not be returned to the regular classroom pending the review.

After reviewing the notice and receiving information from the student's parent, the superintendent or designee may continue the student's placement if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

The student or the student's parent may appeal the superintendent's decision to the board. The student may not be returned to the regular classroom pending the appeal. In the case of an

appeal, the board shall, at the next scheduled meeting, review the notice from the prosecutor and receive information from the student, the student's parent, and the superintendent or designee, and confirm or reverse the decision of the superintendent or designee. The board shall make a record of the proceedings.

If the board confirms the decision of the superintendent or designee, the student and the student's parent may appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending the appeal.

Withdrawal During Process

When a student violates the district's Code in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the district before a placement order is completed, the campus behavior coordinator may complete the proceedings and issue a placement order. If the student then re-enrolls in the district during the same or a subsequent school year, the district may enforce the order at that time, less any period of the placement that has been served by the student during enrollment in another district. If the campus behavior coordinator or the board fails to issue a placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a placement order.

Newly Enrolled Students/Transfer Students

The district shall continue the DAEP placement of a student who enrolls in the district and was assigned to a DAEP in an open-enrollment charter school or another district.

In order to continue an out-of-state DAEP placement, the basis for the DAEP placement must also be a reason for DAEP placement in the enrolling district. If the out-of-state DAEP placement period exceeds one year, the district will reduce the period of placement so that the total placement does not exceed one year unless the district determines that the student is a threat to the safety of others or extended placement is in the best interests of the student.

Emergency Placement Procedure

When an emergency placement is necessary because the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with classroom or school operations, the student shall be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student shall be given the appropriate conference required for assignment to a DAEP.

Transition Services

In accordance with law and district procedures, campus staff shall provide transition services to a student returning to the regular classroom from an alternative education program, including a DAEP. See policy FOCA(LEGAL) for more information.

Placement and/or Expulsion for Certain Offenses

This section includes two categories of offenses for which the Education Code provides unique procedures and specific consequences.

Registered Sex Offenders

Upon receiving notification in accordance with state law that a student is currently required to register as a sex offender, the district must remove the student from the regular classroom and determine appropriate placement unless the court orders JJAEP placement.

If the student is under any form of court supervision, including probation, community supervision, or parole, the placement shall be in either DAEP or JJAEP for at least one semester.

If the student is not under any form of court supervision, the placement may be in DAEP or JJAEP for one semester or the placement may be in a regular classroom. The placement may not be in the regular classroom if the board or its designee determines that the student's presence:

1. Threatens the safety of other students or teachers,
2. Will be detrimental to the educational process, or
3. Is not in the best interests of the district's students.

Review Committee

At the end of the first semester of a student's placement in an alternative educational setting and before the beginning of each school year for which the student remains in an alternative placement, the district shall convene a committee, in accordance with state law, to review the student's placement. The committee shall recommend whether the student should return to the regular classroom or remain in the placement. Absent a special finding, the board or its designee must follow the committee's recommendation.

The placement review of a student with a disability who receives special education services must be made by the ARD committee.

Newly Enrolled Student

If a student enrolls in the district during a mandatory placement as a registered sex offender, the district may count any time already spent by the student in a placement or may require an additional semester in an alternative placement without conducting a review of the placement.

Appeal

A student or the student's parent may appeal the placement by requesting a conference between the board or its designee, the student, and the student's parent. The conference is limited to the factual question of whether the student is required to register as a sex offender. Any decision of the board or its designee under this section is final and may not be appealed.

Certain Felonies

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with Education Code 37.0081, a

student may be expelled and placed in either DAEP or JJAEP if the board or campus behavior coordinator makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 (see **glossary**) of the Penal Code. The student must:

- Have received deferred prosecution for conduct defined as aggravated robbery or a Title 5 felony offense;
- Have been found by a court or jury to have engaged in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense;
- Have been charged with engaging in conduct defined as aggravated robbery or a Title 5 felony offense;
- Have been referred to a juvenile court for allegedly engaging in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense; or
- Have received probation or deferred adjudication or have been arrested for, charged with, or convicted of aggravated robbery or a Title 5 felony offense.

The district may expel the student and order placement under these circumstances regardless of:

1. The date on which the student's conduct occurred,
2. The location at which the conduct occurred,
3. Whether the conduct occurred while the student was enrolled in the district, or
4. Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.

Hearing and Required Findings

The student must first have a hearing before the board or its designee, who must determine that in addition to the circumstances above that allow for the expulsion, the student's presence in the regular classroom:

1. Threatens the safety of other students or teachers,
2. Will be detrimental to the educational process, or
3. Is not in the best interest of the district's students.

Any decision of the board or the board's designee under this section is final and may not be appealed.

Length of Placement

The student is subject to the placement until:

1. The student graduates from high school,
2. The charges are dismissed or reduced to a misdemeanor offense, or
3. The student completes the term of the placement or is assigned to another program.

Placement Review

A student placed in a DAEP or JJAEP under these circumstances is entitled to a review of his or her status, including academic status, by the campus behavior coordinator or board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress

toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall have the opportunity to present arguments for the student's return to the regular classroom or campus.

Newly Enrolled Students

A student who enrolls in the district before completing a placement under this section from another school district must complete the term of the placement.

Expulsion

In deciding whether to order expulsion, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator shall take into consideration:

1. Self-defense (see **glossary**),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

Discretionary Expulsion: Misconduct That May Result in Expulsion

Some of the following types of misconduct may result in mandatory placement in a DAEP, whether or not a student is expelled. (See **DAEP Placement** on page 19)

Any Location

A student **may** be expelled for:

- Engaging in bullying that encourages a student to commit or attempt to commit suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or of a student who is 18 years of age or older without the student's consent.
- Conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.
- Criminal mischief, if punishable as a felony.
- Engaging in conduct that contains the elements of one of the following offenses against another student:
 - Aggravated assault.
 - Sexual assault.
 - Aggravated sexual assault.
 - Murder.
 - Capital murder.
 - Criminal attempt to commit murder or capital murder.
 - Aggravated robbery.
- Breach of computer security. (See **glossary**)
- Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

At School, Within 300 Feet, or at a School Event

A student **may** be expelled for committing any of the following offenses on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Engaging in conduct that contains the elements of assault under Section 22.01(a)(1) against an employee or a volunteer.

- Engaging in deadly conduct. (See **glossary**.)

Within 300 Feet of School

A student **may** be expelled for engaging in the following conduct while within 300 feet of school property, as measured from any point on the school's real property boundary line:

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson. (See **glossary**.)
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
- Continuous sexual abuse of a young child or children.
- Felony drug- or alcohol-related offense.
- Unlawfully carrying on or about the student's person a handgun or a location-restricted knife, as these terms are defined by state law. (See **glossary**.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined by state law. (See **glossary**.)
- Possession of a firearm, as defined by federal law. (See **glossary**.)

Property of Another District

A student **may** be expelled for committing any offense that is a state-mandated expellable offense if the offense is committed on the property of another district in Texas or while the student is attending a school-sponsored or school-related activity of a school in another district in Texas.

While in DAEP

A student may be expelled for engaging in documented serious misbehavior that violates the district's Code, despite documented behavioral interventions while placed in a DAEP. For purposes of discretionary expulsion from a DAEP, serious misbehavior means:

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or
4. Conduct that constitutes the offense of:
 - a) Public lewdness under Penal Code 21.07;
 - b) Indecent exposure under Penal Code 21.08;
 - c) Criminal mischief under Penal Code 28.03;
 - d) Hazing under Education Code 37.152; or
 - e) Harassment under Penal Code 42.07(a)(1) of a student or district employee.

Mandatory Expulsion: Misconduct That Requires Expulsion

A student **must** be expelled under federal or state law for any of the following offenses that occur on school property or while attending a school-sponsored or school-related activity on or off school property:

Under Federal Law

- Bringing to school or possessing at school, including any setting that is under the district's control or supervision for the purpose of a school activity, a firearm, as defined by federal law. (See **glossary**.)

Note: Mandatory expulsion under the federal Gun Free Schools Act does not apply to a firearm that is lawfully stored inside a locked vehicle, or to firearms used in activities approved and authorized by the district when the district has adopted appropriate safeguards to ensure student safety.

Under the Penal Code

- Unlawfully carrying on or about the student’s person the following, in the manner prohibited by Penal Code 46.02:
 - A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. (See **glossary**.)

Note: A student may not be expelled solely on the basis of the student’s use, exhibition, or possession of a firearm that occurs at an approved target range facility that is not located on a school campus, while participating in or preparing for a school-sponsored, shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department, or a shooting sports sanctioning organization working with the department. [See policy FNCG(LLEGAL).]
 - A location-restricted knife, as defined by state law. (See **glossary**.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law. (See **glossary**.)
- Behaving in a manner that contains elements of the following offenses under the Penal Code:
 - Aggravated assault, sexual assault, or aggravated sexual assault.
 - Arson. (See **glossary**.)
 - Murder, capital murder, or criminal attempt to commit murder or capital murder.
 - Indecency with a child.
 - Aggravated kidnapping.
 - Aggravated robbery.
 - Manslaughter.
 - Criminally negligent homicide.
 - Continuous sexual abuse of a young child or children.
 - Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.
- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses.

Under Age Ten

When a student under the age of ten engages in behavior that is expellable behavior, the student shall not be expelled, but shall be placed in a DAEP. A student under age six shall not be placed in a DAEP unless the student commits a federal firearm offense.

Process

If a student is believed to have committed an expellable offense, the campus behavior coordinator or other appropriate administrator shall schedule a hearing within a reasonable time. The student’s parent shall be invited in writing to attend the hearing.

Until a hearing can be held, the campus behavior coordinator or other administrator may place the student in:

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- DAEP.

Hearing

A student facing expulsion shall be given a hearing with appropriate due process. The student is entitled to:

1. Representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of the district,
2. An opportunity to testify and to present evidence and witnesses in the student's defense, and
3. An opportunity to question the witnesses called by the district at the hearing.
4. After providing notice to the student and parent of the hearing, the district may hold the hearing regardless of whether the student or the student's parent attends.

The hearing shall be conducted by the campus principal or designee.

Expulsion Order

Before ordering the expulsion, the principal or designee shall take into consideration:

1. Self-defense (see **glossary**),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

If the student is expelled, the board or its designee shall deliver to the student and the student's parent a copy of the order expelling the student.

Not later than the second business day after the hearing, the principal or designee shall deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

If the length of the expulsion is inconsistent with the guidelines included in the Student Code of Conduct, the expulsion order shall give notice of the inconsistency.

Length of Expulsion

The length of an expulsion shall be based on the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, and statutory requirements.

The duration of a student's expulsion shall be determined on a case-by-case basis. The maximum period of expulsion is one calendar year, except as provided below.

An expulsion may not exceed one year unless, after review, the district determines that:

1. The student is a threat to the safety of other students or to district employees, or
2. Extended expulsion is in the best interest of the student.

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the superintendent may modify the length of the expulsion on a case-by-case basis.

Students who commit offenses that require expulsion at the end of one school year may be expelled into the next school year to complete the term of expulsion.

Withdrawal During Process

When a student has violated the district's Code in a way that requires or permits expulsion from the district and the student withdraws from the district before the expulsion hearing takes place, the district may conduct the hearing after sending written notice to the parent and student.

If the student then re-enrolls in the district during the same or subsequent school year, the district may enforce the expulsion order at that time, less any expulsion period that has been served by the student during enrollment in another district.

If the campus behavior coordinator or the board fails to issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings.

Additional Misconduct

If during the expulsion, the student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the campus behavior coordinator or the board may issue an additional disciplinary order as a result of those proceedings.

Restrictions During Expulsion

Expelled students are prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of expulsion.

No district academic credit shall be earned for work missed during the period of expulsion unless the student is enrolled in a JJAEP or another district-approved program.

Newly Enrolled Students/Transfer Students

The district will continue the expulsion of students expelled from another Texas school district, from an open-enrollment charter school or from an out-of-state school district for behavior that is also a reason for expulsion in the enrolling district, until the term of expulsion has been served. If the out-of-state expulsion exceeds one year, the district will reduce the period of the expulsion so that the total expulsion does not exceed one year unless the district determines that the student is a threat to the safety of others or extended placement is in the best interest of the student.

Emergency Expulsion Procedures

When an emergency expulsion is necessary to protect persons or property from imminent harm, the student shall be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

DAEP Placement of Expelled Students

The district may provide educational services to any expelled student in a DAEP; however, educational services in the DAEP must be provided if the student is less than ten years of age.

Transition Services

In accordance with law and district procedures, campus staff shall provide transition services for a student returning to the regular classroom from placement in an alternative education program, including a DAEP or JJAEP. See policies FOCA(LEGAL) and FODA(LEGAL) for more information.

Extracurricular Code of Conduct

Participation in extracurricular activities and extracurricular organizations, including interscholastic athletics, is a privilege, not a right. Since extracurricular activities are optional, those who choose to participate are representatives of their respective activities, their school and Hays CISD and so will be held to higher standards of behavior and performance while in and out of school, both during the activity season and out of season. In addition to obeying the behavior standards in the Hays CISD Student Code of Conduct, all students who participate in Hays CISD extracurricular activities are expected to comply with the following guidelines and regulations. It is the responsibility of coaches and sponsors to ensure that students meet the standards set forth in this document, in and out of season, in and out of uniform, on and off campus, in person and on social media, in word and deed

Hays CISD expects all students, faculty and staff to be responsible digital citizens. More information about Digital Citizenship can be found in the Hays CISD Parent Student Handbook under Digital Citizenship.

District policies and procedures can change at any time. In the event of a conflict between Hays CISD policy and this document, the district policy will prevail. Some violations of the Extracurricular Code of Conduct may also constitute violations of the regular Student Code of Conduct. Where the campus administration determines that such a violation has occurred, the student will be subject to the appropriate consequences under both documents.

Definitions

Extracurricular Activities - Board Policy FM (LEGAL)

An extracurricular activity is an activity sponsored by the UIL, the Board, or an organization sanctioned by Board resolution. The activity is not necessarily directly related to instruction of the essential knowledge and skills, but may have an indirect relation to some areas of the curriculum.

Extracurricular activities include but are not limited to public performances (except as described below), contests, demonstrations, displays, and club activities. In addition, students involved in a district activity will be subject to these rules if any one of the following criteria applies:

1. The activity is competitive;
2. The activity is held in conjunction with another activity that is considered extracurricular;
3. The activity is held off-campus, except in a case in which adequate facilities do not exist on campus;
4. The general public is invited; or
5. An admission is charged.

EXCEPTION — PUBLIC PERFORMANCES

A student who is ineligible to participate in an extracurricular activity, but who is enrolled in a state-approved course that requires demonstration of the mastery of the essential knowledge and skills in a public performance, may participate in the performance only if:

1. The general public is invited; *and*
2. The requirement that the student participate in public is stated in the essential knowledge and skills of the course.

For the purposes of this document, any events that meet the above exception will be designated as co-curricular and this code of conduct will not apply.

Teacher

For the purposes of the Hays CISD Extracurricular Code of Conduct only, the term **teacher** refers to coaches, activity or organization sponsors, directors, and other district staff who are responsible for overseeing an extracurricular activity or organization.

Suspension

For the purpose of Hays CISD Extracurricular Code of Conduct only, **suspension** is defined as removal from competition, or a formal or informal performance, unless the event meets the exception criteria listed above in FM (LEGAL). A student placed on suspension will be expected to continue practicing with the group organization unless otherwise stipulated by the teacher or principal.

General Expectations for Standards of Student Conduct

In order to promote safety and a positive educational experience for all students, the district expects students who participate in extracurricular activities to adhere to seven basic standards of conduct: (1) exercise self-control, self-respect, and self-discipline; (2) demonstrate a positive attitude; (3) respect the rights and feelings of others; (4) respect school property and school officials; (5) support the learning process; (6) adhere to rules, and (7) promote a safe environment.

The Extracurricular Code of Conduct cannot address each and every possible act of student misbehavior. To that end, the district retains discretion to address student misconduct that is inconsistent with these seven standards even if the conduct in question is not specifically included in the Extracurricular Code of Conduct.

Academic Eligibility

Students must remain academically eligible for extracurricular activities by maintaining passing grades and acceptable attendance in all classes at every reporting period. Academically ineligible students may practice or rehearse with other students, but may not participate in a competition or other public performance.

A student ineligible to participate in an extracurricular activity/organization, but who is enrolled in a state-approved course that requires demonstration of the mastery of the essential knowledge and skills in a performance, may participate in the performance only if the general public is invited to the performance and the requirement for student participation in public is stated in the essential knowledge and skills of the course. Also, under state law, and in accordance with Board Policy FM (LEGAL), school districts are allowed to identify advanced courses for exemption from the no pass/no play rule. This exemption is further defined in Hays CISD Administrative Procedure E17.

Unless one of the above exceptions applies, if a student receives one or more failing grades in the first six weeks of the first semester or at the conclusion of a 9 week period, he/she is ineligible to participate in the activity for at least three school weeks. At the end of that three week suspension, if the failing

grade has been brought up to passing the student is again eligible to fully participate in the activity. If not, the suspension shall continue.

Attendance

Students engaged in extracurricular activities are expected to attend and participate in all practices, performances, competitions, and other events identified by the teacher. Teachers will provide schedules and times for required practices, performances, competitions, etc. Students are expected to make up work missed while absent. Students' absences from extracurricular activities shall be excused only for those reasons set forth in the student handbook and in the Board Policy. Excessive unexcused absences may result in suspension or dismissal from the activity/organization.

Grooming

Students who participate in extracurricular activities shall comply with the District's policy on student dress and grooming as well as the teacher's specific dress/grooming requirements for the extracurricular activity.

Tryouts

Tryout procedures, requirements, and timelines for various extracurricular activities are determined by the individual teacher in partnership with Hays CISD guidelines. Such tryout information will be made available, in writing, to students in advance of any tryouts. Upon completion of the tryout process for the activity, the sponsor will notify all participants of their membership status. The results of tryouts are final and cannot be appealed.

Violations and Consequences

Students who participate in Hays CISD extracurricular activities shall not engage in inappropriate or unlawful behavior, including but not limited to: consumption of alcohol or illegal drugs, fighting, harassment, bullying, sexual misconduct, criminal activity (excluding minor traffic offenses), failure to follow activity rules, unsafe or disruptive behavior, misuse of district property or the property of others, or threats to others. Such misbehavior, whether off-campus, on-campus, or technology-related, may result in removal from the activity.

Students may be disciplined, suspended, or removed from the activity for the above prohibited behavior or any other behavior which the teacher deems improper, including but not limited to unsportsmanlike conduct, classroom disciplinary referrals, failure to cooperate with teachers or others in the activity, insubordination, poor attendance, and/or promotion of alcohol or drug use on a website, or lewd or profane language or images, including language online or by other technology device such as cell phones.

Technology-related communication or conduct (i.e. texting, Facebook, Twitter, SnapChat, Instagram, and other digital resources, apps and sites.) of students involved in Hays CISD extracurricular activities may be subject to the disciplinary consequences listed within this document where it is contrary to the extracurricular code of conduct expectations.

Once a violation has occurred, a student's privilege to participate in an activity may be immediately revoked, suspended or otherwise adversely affected, with or without further review, if the teacher or principal determines that the student's participation:

- Will have an adverse effect other participants in the program;
- Will negatively impact the eligibility of the organization, school or school district; or
- The student's conduct warrants the revocation or suspension of the student's participation.

The consequences and actions listed in this document represent minimum consequences that may be administered. Each individual organization or team reserves the right to administer additional sanctions appropriate to the specific activity with approval from the campus principal and appropriate district representative.

Drugs and Alcohol

If a student who participates in extracurricular activities is found to use, sell, deliver, possess, , or be under the influence of any amount of a controlled substance, dangerous or designer drug, synthetic marijuana or cannabis, or alcohol and/or any narcotic drug, hallucinogenic, amphetamine, barbiturate, marijuana, toxicant inhalant, or other intoxicant (as defined by law), excluding his or her own prescribed medications (taken as directed), whether on or off district property, the consequences listed below will apply. This prohibition includes stimulants or analogs, regardless of whether currently scheduled or classified as an illegal drug or federal or state law and regardless of whether the substance is legally sold or marketed as "herbal incense," "potpourri," "bath salts," or "not for human consumption."

All drug and alcohol violations will be treated as listed below unless the teacher and the campus principal agree that the circumstances require imposition of a more stringent consequence. If such violation with less than six weeks remaining in the season, the period of suspension may be extended beyond six weeks or the end of the season, and possibly into the next season, by the teacher with the approval of the principal.

First Offense: Conference with the student and parent, suspension from all competition or performance for minimum of six weeks, a behavior contract is developed for the student to sign. The student may also have activity- related assignments to complete and may be removed from the program.

Second Offense: Conference with the student and parent, suspension from all competition or performances for minimum of eighteen weeks, a behavior contract is developed for the student to sign. The student may also have activity-related assignments to complete and may be removed from the program.

Third Offense: Removal from the program for the remainder of the school year or the remainder of the student's career at Hays CISD.

Technology Related Misconduct and Offense

At a minimum, the student who is alleged to have engaged in the conduct will have a conference with the teacher and the student will be expected to cease any inappropriate online activity and/or remove any inappropriate online content. A student may also be suspended or removed from the program where the

misconduct demonstrates a failure to comply with the expectations found in the Student Code of Conduct and/or the extracurricular code of conduct.

Removal from Classroom by Teacher and/or In-School Suspension

At a minimum, the student will have a conference with the teacher if the student receives ISS or is removed from a classroom by a district personnel. Excessive assignment to ISS or ongoing disruptive behavior in the classroom will be evaluated by the teacher and may lead to further consequences including dismissal from the program.

Out-of-School Suspension and/or Disciplinary Alternative Education Program (DAEP)

First Offense: Length of the suspension / alternative school assignment if it applies. Conference with the student and parent and a behavior contract shall apply. The student may be removed from the program.

Second Offense: Length of the suspension / alternative school assignment if it applies. Conference with the student and parent and a behavior contract shall apply. The student may be removed from the program.

Third Offense: Removal from the program for the remainder of the school year or the remainder of the student's career at Hays CISD.

Expulsion

If the student returns to campus, a conference with the teacher, head band director, athletic coordinator (as appropriate) and principal is required before a student can continue in extracurricular activities. Depending on the circumstances, an expulsion may mean that the student is removed from the extracurricular activity for the remainder of the school year or the remainder of the student's career at Hays CISD.

Transportation Guidelines

Bus transportation guidelines and rules have been established, in concert with the Student Code of Conduct, to ensure safe transportation. Safe transportation occurs when there is cooperation between the schools, students, and parents/guardians.

General Guidelines

Only students enrolled in the district and employees of the district are permitted to enter and/or ride in a district owned vehicle (school bus or suburban). Exceptions: Parent, guardian, or school-designated chaperones on campus sponsored field trips, or if the school administration has authorized permission, in writing. Once the bus begins its departure from the school, no stops will be made for tardy students, unless authorized by campus administrator. Please call (512) 268-8476 if you have any questions or concerns about the district transportation system. The transportation office is open from 5:00 am to 6:30 pm Monday - Friday.

Eligibility Requirements

It is the policy of the district to provide transportation for all eligible students to and from school and school-related activities under guidelines set up by the Texas Education Agency (TEA).

Students meeting the following conditions are eligible for district bus service:

- Lives at least (2) two or more miles from their assigned schools
- Lives in a hazardous traffic condition as defined by TEA and approved by the Board of Trustees
- Meets special education disability eligibility requirements
- A parent may also designate a child-care facility as the regular pickup and drop-off location for his or her child. The designated facility must be on an approved stop, on an approved route and within the student's attendance zone and must be a certified child-care facility. For information on bus routes and stops or to designate an alternate pickup or drop-off location, you may contact your home campus to fill out the appropriate form.
- See the Student Code of Conduct for provisions regarding transportation to the disciplinary alternative education program (DAEP).

Bus Rider Responsibilities

Riding a school bus in the State of Texas is a privilege and not a right. Failure to comply with bus guidelines and safety rules may result in a forfeiture of the privileges. Therefore, we must have the utmost compliance and cooperation from every rider to ensure a safe ride.

It is the responsibility of the parent/guardian to provide supervision before and after loading/unloading his or her child at the bus stop.

Upon boarding the bus, it is the student's responsibility to:

- Conduct themselves in an orderly manner.
- Use extreme caution when approaching bus stop area.
- Be at their assigned stop 5 minutes prior to the scheduled pick-up time.
- Stay at least 10 feet away from where the bus stops.
- Never approach the bus until the bus comes to a complete stop, loading lights are activated, air brake is set and the door has been opened.

Bus Rider Rules

Students are expected to:

- Enter the bus in an orderly fashion, go directly to their assigned seat, and sit facing forward.
- Speak in a "classroom voice" and conduct themselves in an orderly manner.
- Follow instructions from the driver/monitor.
- Remain seated at all times.
- Keep the bus clean, litter-free and sanitary at all times.
- Refrain from screaming, whistling, or behavior which may distract the driver.
- Never tamper with emergency equipment unless performing a supervised drill or an actual emergency.
- Never sit in the driver's seat or tamper with driver controls.
- Keep feet off of seat, never vandalize or place graffiti upon the bus.
- Never throw any objects inside the school bus or out the window.
- Keep all hands, feet and body parts inside the bus.
- Never eat, drink, or chew gum/candy, except when approved by sponsors or administrator.

- Never bring prohibited or harmful items on the school bus or any materials that could be used as a weapon (tobacco, drugs, alcohol, sprays, etc.)
- Profanity, or rude gestures are prohibited.
- Never use physical contact at any time (hitting, pushing, shoving, scratching and fighting).
- Do not tease, sexually harass, bully or discriminate against other students/driver/monitor.
- Remain quiet and observant while approaching, while stopped, or while crossing any railroad crossing.
- Never bring live animals such as reptiles, insects, etc. on the school bus.
- Remain on the bus unless otherwise instructed by the driver during an emergency or mechanical problem.
- Any object to be transported upon the bus must be able to fit within the compartment occupied by the student and placed on his or her lap.
- Comply with all guidelines as indicated in the Student Code of Conduct.
- The school bus driver is authorized to stop and park the bus in a safe area until order has been restored.

Use of electronic devices (cellular phones, iPods, CD players, etc.) is permitted on the school bus under the following conditions:

- Shall remain in the possession of the owner and not shared nor passed around. (includes ear plugs).
- One ear shall remain free of ear plug in order to hear driver directions.
- Shall be turned off and ears free of obstruction as students **board and depart** the bus, and at railroad crossings.
- While on the bus, volume will be determined by the driver/monitor. If complaints are voiced in regards to electronic devices the driver will address on a case by case basis.
- No amplification devices will be permitted
- Phones are not to be used to take photos or video.
- If a student or students are uncooperative in maintaining order on the bus, the driver has the option of having any or all devices turned off and put away.

Bus drivers/bus monitors as well as the transportation department, may formulate and/or recommend additional rules and regulations that are reasonable that may not be specifically stated herein.

Extracurricular and Co-Curricular Trips

The same expectation of order on the school bus also applies to field trips. The teacher, sponsor, principal and driver may choose to alter some specific rules as may be appropriate to distance, time, nature of the trip and age of the students.

Departing the Bus

Once a student has boarded the school bus at the campus they will not be allowed to leave the bus without the authorization of a school official.

If a parent/guardian desires to remove a student from the bus at an area other than the student's regular bus stop, he/she must provide picture ID and show that authorization has been received from a school official.

The bus driver will not discharge a student from the bus other than at a pre-designated stop or school unless a prior written request from the parent is approved by a school official and received by the driver.

Additionally, students must follow the departure rules below.

- Take all books, lunches and any other articles off the bus when departing, unless it is an emergency situation
- Students may not depart the bus in the AM before the bus arrives at the student's designated school.
- Students are instructed to use the front door emergency evacuation procedures when departing the school bus daily on campus.
- Students living on the right side of the street will observe safe departing procedures (walk at least 10' away from the bus in the view of the driver staying clear of the front and side of the bus).
- Students living on the opposite side of the street (left side) shall observe safe departing procedures as they cross the street:
 - Stay 10' away from the side of the bus and 15' in front of the front bumper.
 - Establish eye contact with the driver and follow hand signals of driver before starting to cross the street.
 - After receiving permission to proceed across the street, stop at a point in line with the left side of the bus and wait for the driver's hand signal to continue across the street. Look both to your left and right for oncoming traffic before stepping out. If in doubt, do not cross the street.
 - Never cross the street/roadway from the rear of the bus.

Emergency or Hazardous Conditions

Drivers will contact dispatch for directions at any time they are uncertain of weather, road or vehicle conditions. In case of bad weather, school may be delayed, cancelled, or students may be released early from school per the superintendent or designee. If conditions and/or circumstances will not permit the safe delivery of a student to his/her authorized stop, that student will be returned to the school where he/she is enrolled, or to the transportation Department.

Digital Guidelines

Citizenship

To prepare students for an increasingly technological society, the district has made an investment in the use of district-owned technology resources for instructional purposes; specific resources may be issued individually to students. These technologies, when properly used, promote educational excellence by facilitating resource sharing, innovation, and communication. Illegal, unethical or inappropriate use of these technologies can have consequences on the district, its students and its employees. These Digital Citizenship Guidelines are intended to minimize the likelihood of such harm by educating Hays CISD students and setting clear expectations for use.

The district provides technology resources to its students and staff for educational and administrative purposes. Students and staff may also be allowed to use the local network, wifi, and personal electronic devices according to the campus Digital Citizenship Guidelines.

Mandatory Review

To learn proper technology use and conduct, students are required to review these guidelines at the beginning of each school year. All District students shall be required to acknowledge receipt and understanding of all guidelines governing use of the system and shall agree to allow monitoring of their use and to comply with such guidelines. The parent or legal guardian of a student user is required to acknowledge Digital Citizenship Guidelines as part of their review of the *Parent and Student Handbook*. Campuses must provide training on the Digital Citizenship Guidelines to all students.

Digital Citizenship Expectations

Proper behavior, as it relates to the use of technology, is no different than proper behavior in all other aspects of district activities. All users are expected to use the district technology resources in a legal, responsible, ethical, and polite manner. The Digital Citizenship Guidelines are intended to clarify those expectations as they apply to computer and network usage and is consistent with the Administrative Procedures for Electronic Communication and Data Management and District Policy CQ (Local). A student who knowingly violates any portion of the Digital Citizenship Expectations will be subject to suspension of access and or revocation of privileges on the District's system and will be subject to disciplinary action in accordance with the Student Code of Conduct. All suspected illegal activity will be immediately reported to law enforcement.

1. Students will practice responsible use of digital information regarding intellectual property including complying with software licenses, copyright laws, and all other state and federal laws governing intellectual property. See district fair use and copyright guidelines for more information.
2. Students will practice safe and appropriate online behavior including using professional etiquette while communicating online. Improper use of district technology resources is prohibited including but not limited to:
 - a. Using racist, profane, pornographic, sexually oriented, or obscene language or materials
 - b. Attempting to send or sending anonymous messages of any kind
 - c. Using the network to access inappropriate and / or harmful materials

- d. Bypassing the district's security measures to access sites that are filtered on the district network
 - e. Encrypting communications so as to avoid security review or monitoring by the system administrator.
 - f. Using the network to provide addresses or other personal information that others may use inappropriately
 - g. Purposely engaging in activity that may: harass, threaten, defame, slander, libel, malign, or abuse another individual or group.
 - h. Using the network for illegal purposes, in support of illegal activities, or for any other activity prohibited by district policy or guidelines
 - i. Forgery or attempted forgery of electronic messages is prohibited. Attempts to read, delete, copy, or modify the electronic mail of other system users or deliberate interference with the ability of other system users to send/receive electronic mail is prohibited.
3. Students will use the technology resources in a positive and responsible manner that promotes productivity, collaboration and learning. Improper use of the district's technology resources is prohibited including but not limited to:
- Using the network for political activity, financial gain, or commercial activity
 - Attempting to harm or harming equipment, materials or data
 - Changing any computer configurations and/or settings.
 - Installing software, including freeware and file sharing services, without permission from permission from the executive director of technology or designee.
 - Deliberate attempts to degrade or disrupt system performance may be viewed as violation of district guidelines and possibly, as criminal activity under applicable state and federal laws, including the Texas Penal Code, Computer Crimes, Chapter 33. This includes, but is not limited to, the uploading or creating of computer viruses
 - Streaming media, such as radio, games, video, etc., for non-educational purposes
 - Proxy sites - Attempting to bypass or bypassing, the filtering device by using sites such as but not limited to proxy sites on the district's electronic communications system
 - Running security programs or utilities that reveal or exploit weaknesses in the security of a system such as password cracking programs, packet sniffers, or port scanners or any other non-approved programs on district technology resources.
 - System users must not otherwise engage in acts against the aims and purposes of the district as specified in its governing documents or in rules, regulations and procedures adopted from time to time.
4. Students will understand the negative impact of inappropriate technology use including online bullying and harassment, hacking, intentional virus setting, invasion of privacy, and piracy such as software, music, video and other media.
5. Students will log into the district network using their own login credentials. Account information and passwords, or similar information used for identification and authorization purposes, must be kept private. Passwords should not be written down and left in a location others may find it. The individual in whose name a system account is issued will be responsible at all times for its proper use.

6. Prior to recording audio or video, students will obtain consent of both the person(s) being recorded and the teacher/administrator.
7. Students will use technology resources cautiously to prevent damage.
8. System users are asked to maintain their personal files including backing up files and deleting outdated files on a regular basis.
9. Students are asked to conserve district technology resources (such as network bandwidth and storage) by limiting usage to educational purposes. System users must not: degrade the performance of district technology resources (i.e. streaming video, streaming audio, and Internet radio); deprive an authorized district user access to a district resource; obtain extra resources beyond those allocated; circumvent district computer security measures.

Use of Personal Technology Devices, Including Mobile Telephones

The District believes technology is a powerful tool that enhances learning and enables students to access a vast amount of technology-based information. On an as available basis, students will be provided access to a filtered, wireless network through which students will be able to connect personal telecommunication devices to a designated network. Students using personal telecommunication devices must follow the guidelines stated in this document while on school property, attending any school-sponsored activity, or using the Hays CISD networks.

Designated Instructional Areas Students are allowed to bring personal telecommunication devices that can access the wireless Internet in designated areas, as available. Students will be allowed to use the device for educational purposes in a digitally responsible manner. Students may be asked to turn off their device during times such as testing and assemblies.

Designated Non-Instructional Areas/Times Students are allowed to bring personal telecommunication devices that can access the filtered wireless internet in designated areas, as available. Students will be allowed to use the device as determined by the campus.

With this privilege come the following student expectations:

1. The student is responsible for following the digital citizenship guidelines set by the campus.
2. Students will not be allowed to make or receive calls or text messages of a non-instructional nature during instructional time.
3. The student is responsible for his/her own device: set-up, maintenance and security. Teachers will not store student devices at any time. (Hays CISD is not responsible for lost or stolen devices.)
4. The student should use the Hays Wi-Fi connection while at school. The Hays Wi-Fi is monitored and filtered at all times. System users must not plug

unauthorized hardware into the district network such as but not limited to wireless access points, personal laptop computers, or any non-district issued computer hardware.

5. If a student uses a personal device in an inappropriate manner, he/she may lose the privilege of using that device for instructional purposes. Devices can be confiscated and contents can be examined if a violation occurs. Additional consequences may be imposed based on the Student Code of Conduct. The student or student's parents may retrieve a confiscated device. Confiscated telecommunications devices that are not retrieved by the student or student's parents will be disposed of after the notice required by law. [See policy FNCE]
6. The use of a camera device or any device capable of capturing images such as a mobile telephone is strictly prohibited in locker rooms or restroom areas at any time while at school or at a school-related or school-sponsored event.
7. In limited circumstances and in accordance with law, a student's personal telecommunications device may be searched by authorized personnel. [See Searches on page 74 and policy FNF]

Consequences of Digital Citizenship Violation

Any attempt to violate the Digital Citizenship Expectations may result in revocation of the student's access to the technology resources. In addition, school disciplinary and/or appropriate legal action may be taken. Students may be held financially responsible for intentionally causing damage to district resources. This includes all costs associated with cleanup, system restoration, hardware, or software costs.

Transmission of any material in violation of any federal or state law is prohibited. This includes, but is not limited to, possessing, sending, forwarding, posting, accessing, or displaying electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal. Digital Citizenship expectations also apply to conduct off school property, whether the equipment used to send such messages is district-owned or personally owned, if it results in a substantial disruption to the educational environment.

Any person taking, disseminating, transferring, possessing, or sharing obscene, sexually oriented, lewd, or otherwise illegal images or other content, commonly referred to as "sexting", will be disciplined according to the Student Code of Conduct may be required to complete an educational program related to the dangers of this type of behavior, and, in certain circumstances, will be reported to law enforcement. Because engaging in this type of behavior can lead to bullying or harassment, as well as possibly impede future endeavors of a student, we encourage you to review with your child <http://beforeyoutext.com>, a state-developed program that addresses the consequence of engaging in inappropriate behavior using technology.

In addition, any student who engages in conduct that results in a breach of the district's computer security will be disciplined in accordance with the Student Code of Conduct, and, in some cases, the consequences may rise to the level of expulsion.

Law Enforcement Agencies

Questioning of Students

When law enforcement officers or other lawful authorities wish to question or interview a student at school as part of a child abuse investigation, the principal will cooperate fully regarding the conditions of the interview. In other circumstances:

- The principal will verify and record the identity of the officer or other authority and ask for an explanation of the need to question or interview the student at school.
- The principal ordinarily will make reasonable efforts to notify the parents unless the interviewer raises what the principal considers to be a valid objection.
- The principal ordinarily will be present unless the interviewer raises what the principal considers to be a valid objection.

Students Taken into Custody

State law requires the district to permit a student to be taken into legal custody:

- To comply with an order of the juvenile court.
- To comply with the laws of arrest.
- By a law enforcement officer if there is probable cause to believe the student has engaged in delinquent conduct or conduct in need of supervision.
- By a probation officer if there is probable cause to believe the student has violated a condition of probation imposed by the juvenile court.
- By an authorized representative of Child Protective Services, Texas Department of Family and Protective Services, a law enforcement officer, or a juvenile probation officer, without a court order, under the conditions set out in the Family Code relating to the student's physical health or safety.
- To comply with a properly issued directive to take a student into custody.

Before a student is released to a law enforcement officer or other legally authorized person, the principal will verify the officer's identity and, to the best of his or her ability, will verify the official's authority to take custody of the student.

The principal will immediately notify the superintendent and will ordinarily attempt to notify the parent unless the officer or other authorized person raises what the principal considers to be a valid objection to notifying the parents. Because the principal does not have the authority to prevent or delay a student's release to a law enforcement officer, any notification will most likely be after the fact.

Notification of Law Violations

The district is required by state law to notify:

- All instructional and support personnel who have responsibility for supervising a student who has been taken into custody, arrested or referred to the juvenile court for any felony offense or for certain misdemeanors.
- All instructional and support personnel who have regular contact with a student who is thought to have committed certain offenses or who has been convicted, received deferred prosecution, received deferred adjudication, or was adjudicated for delinquent conduct for any felony offense or certain misdemeanors. [See policies FL (LEGAL) and GRA (LEGAL)]
- All appropriate district personnel in regards to a student who is required to register as a sex offender.

Searches

In the interest of promoting student safety and attempting to ensure that schools are safe and drug free, district officials may from time to time conduct searches. Such searches are conducted without a warrant and as permitted by law.

Students are subject to metal detector searches on a random basis. See the Code of Conduct and FNF (Local) for additional information.

Trained Dogs

The district will use trained dogs to alert school officials to the presence of prohibited or illegal items, including drugs and alcohol. At any time, trained dogs may be used around lockers and the areas around vehicles parked on school property. Searches of classrooms, common areas, or unattended student belongings may also be conducted by trained dogs when students are not present. An item in a classroom, a locker, or a vehicle to which a trained dog alerts may be searched by school officials.

Glossary

Abuse is improper or excessive use.

Aggravated robbery is defined in part by Penal Code 29.03(a) as when a person commits robbery and:

3. Causes serious bodily injury to another;
4. Uses or exhibits a deadly weapon; or
5. Causes bodily injury to another person or threatens or places another person in fear of imminent bodily injury or death, if the other person is:
 - a) 65 years of age or older, or
 - b) A disabled person.

Armor-piercing ammunition is defined by Penal Code 46.01 as handgun ammunition used in pistols and revolvers and designed primarily for the purpose of penetrating metal or body armor.

Arson is defined in part by Penal Code 28.02 as:

1. A crime that involves starting a fire or causing an explosion with intent to destroy or damage:
 - a) Any vegetation, fence, or structure on open-space land; or
 - b) Any building, habitation, or vehicle:
 - 1) Knowing that it is within the limits of an incorporated city or town,
 - 2) Knowing that it is insured against damage or destruction,
 - 3) Knowing that it is subject to a mortgage or other security interest,
 - 4) Knowing that it is located on property belonging to another,
 - 5) Knowing that it has located within it property belonging to another, or
 - 6) When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.
2. A crime that involves recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation, or vehicle; or
3. A crime that involves intentionally starting a fire or causing an explosion and in so doing:
 - a) Recklessly damages or destroys a building belonging to another, or
 - b) Recklessly causes another person to suffer bodily injury or death.

Assault is defined in part by Penal Code §22.01(a)(1) as intentionally, knowingly, or recklessly causing bodily injury to another; §22.01(a)(2) as intentionally or knowingly threatening another with imminent bodily injury; and §22.01(a)(3) as intentionally or knowingly causing physical contact with another that can reasonably be regarded as offensive or provocative.

Breach of computer security includes knowingly accessing a computer, computer network, or computer system without the effective consent of the owner as defined in Penal Code 33.02, if the conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district; and the student knowingly alters, damages, or

deletes school district property or information; or commits a breach of any other computer, computer network, or computer system.

Bullying is defined in Section 37.0832 of the Education Code as a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:

1. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;
2. Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
3. Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
4. Infringes on the rights of the victim at school.

Bullying includes cyberbullying. (See below) This state law on bullying prevention applies to:

1. Bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
2. Bullying that occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and
3. Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

Chemical dispensing device is defined by Penal Code 46.01 as a device designed, made, or adapted for the purpose of dispensing a substance capable of causing an adverse psychological or physiological effect on a human being. A small chemical dispenser sold commercially for personal protection is not in this category.

Club is defined by Penal Code 46.01 as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death. A blackjack, nightstick, mace, and tomahawk are in the same category.

Controlled substance means a substance, including a drug, an adulterant, and a dilutant, listed in Schedules I through V or Penalty Group 1, 1-A, 2, 2-A, 3, or 4 of the Texas Controlled Substances Act. The term includes the aggregate weight of any mixture, solution, or other substance containing a controlled substance. The term does not include hemp, as defined by Agriculture Code 121.001, or the tetrahydrocannabinols (THC) in hemp.

Criminal street gang is defined by Penal Code 71.01 as three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities.

Cyberbullying is defined by Section 37.0832 of the Education Code as bullying that is done through the use of any electronic communication device, including through the use of a cellular

or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an internet website, or any other internet-based communication tool.

Dangerous drug is defined by Health and Safety Code 483.001 as a device or a drug that is unsafe for self-medication and that is not included in Schedules I through V or Penalty Groups 1 through 4 of the Texas Controlled Substances Act. The term includes a device or drug that federal law prohibits dispensing without prescription or restricts to use by or on the order of a licensed veterinarian.

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense, as defined by Section 71.0021 of the Family Code.

Deadly conduct under Penal Code 22.05 occurs when a person recklessly engages in conduct that places another in imminent danger of serious bodily injury, such as knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

Deferred adjudication is an alternative to seeking a conviction in court that may be offered to a juvenile for delinquent conduct or conduct indicating a need for supervision.

Deferred prosecution may be offered to a juvenile as an alternative to seeking a conviction in court for delinquent conduct or conduct indicating a need for supervision.

Delinquent conduct is conduct that violates either state or federal law and is punishable by imprisonment or confinement in jail. It includes conduct that violates certain juvenile court orders, including probation orders, but does not include violations of traffic laws.

Discretionary means that something is left to or regulated by a local decision maker.

E-cigarette means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. The term includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description and a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

Explosive weapon is defined by Penal Code 46.01 as any explosive or incendiary bomb, grenade, rocket, or mine and its delivery mechanism that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror.

False alarm or report under Penal Code 42.06 occurs when a person knowingly initiates, communicates, or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is false or baseless and that would ordinarily:

1. Cause action by an official or volunteer agency organized to deal with emergencies;

2. Place a person in fear of imminent serious bodily injury; or
3. Prevent or interrupt the occupation of a building, room, or place of assembly.

Firearm is defined by federal law (18 U.S.C. 921(a)) as:

1. Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive;
 2. The frame or receiver of any such weapon;
 3. Any firearm muffler or firearm weapon; or
 4. Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.
- Such term does not include an antique firearm.

Firearm silencer is defined by Penal Code 46.01 as any device designed, made, or adapted to muffle the report of a firearm.

Graffiti includes markings with paint, an indelible pen or marker, or an etching or engraving device on tangible property without the effective consent of the owner. The markings may include inscriptions, slogans, drawings, or paintings.

Handgun is defined by Penal Code 46.01 as any firearm that is designed, made, or adapted to be fired with one hand.

Harassment includes:

1. Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL);
2. Conduct that threatens to cause harm or bodily injury to another person, including a district student, employee, board member, or volunteer; is sexually intimidating; causes physical damage to the property of another student; subjects another student to physical confinement or restraint; or maliciously and substantially harms another student's physical or emotional health or safety, as defined in Section 37.001(b)(2) of the Education Code; or
3. Conduct that is punishable as a crime under Penal Code 42.07, including the following types of conduct if carried out with the intent to harass, annoy, alarm, abuse, torment, or embarrass another:
 - a) Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law;
 - b) Threatening, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
 - c) Conveying, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury; and
 - d) Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.
4. Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or conduct on the basis of sex prohibited by District policy FFH, when it is so severe, persistent, pervasive, and objectively offensive that it has the purpose or effect of effectively denying a person equal access to an

educational program or activity. Any conduct by an employee conditioning the provision of aid or a service on an individual's participation in unwelcome sexual conduct (quid pro quo conduct). Conduct that meets the definitions of sexual assault, dating violence, domestic violence or stalking under federal law.

Hazing is defined by Section 37.151 of the Education Code as an intentional, knowing, or reckless act, on or off campus, by one person alone or acting with others, directed against a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in a student organization if the act meets the elements in Education Code 37.151, including:

1. Any type of physical brutality;
2. An activity that subjects the student to an unreasonable risk of harm or that adversely affects the student's mental or physical health, such as sleep deprivation, exposure to the elements, confinement to small spaces, calisthenics, or consumption of food, liquids, drugs, or other substances;
3. An activity that induces, causes, or requires the student to perform a duty or task that violates the Penal Code; and
4. Coercing a student to consume a drug or alcoholic beverage in an amount that would lead a reasonable person to believe the student is intoxicated.

Hit list is defined in Section 37.001(b)(3) of the Education Code as a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

Improvised explosive device is defined by Penal Code 46.01 as a completed and operational bomb designed to cause serious bodily injury, death, or substantial property damage that is fabricated in an improvised manner using nonmilitary components.

Indecent exposure is defined by Penal Code 21.08 as an offense that occurs when a person exposes the person's anus or any part of the person's genitals with intent to arouse or gratify the sexual desire of any person, and is reckless about whether another is present who will be offended or alarmed by the act.

Intimate visual material is defined by Civil Practices and Remedies Code 98B.001 and Penal Code 21.16 as visual material that depicts a person with the person's intimate parts exposed or engaged in sexual conduct. "Visual material" means any film, photograph, video tape, negative, or slide of any photographic reproduction or any other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen.

Location-restricted knife is defined by Penal Code 46.01 as a knife with a blade over five and one-half inches.

Knuckles means any instrument consisting of finger rings or guards made of a hard substance and designed or adapted for inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

Look-alike weapon means an item that resembles a weapon but is not intended to be used to cause serious bodily injury.

Machine gun as defined by Penal Code 46.01 is any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

Mandatory means that something is obligatory or required because of an authority.

Paraphernalia are devices that can be used for inhaling, ingesting, injecting, or otherwise introducing a controlled substance into a human body.

Possession means to have an item on one's person or in one's personal property, including, but not limited to, clothing, purse, or backpack; a private vehicle used for transportation to or from school or school-related activities, including, but not limited, to an automobile, truck, motorcycle, or bicycle; telecommunications or electronic devices; or any school property used by the student, including, but not limited to, a locker or desk.

Prohibited weapon under Penal Code 46.05(a) means:

1. The following items unless registered with the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the U.S. Department of Justice:
 - e) An explosive weapon;
 - f) A machine gun;
 - g) A short-barrel firearm;
2. Armor-piercing ammunition;
3. A chemical dispensing device;
4. A zip gun;
5. A tire deflation device;
6. An improvised explosive device; or
7. A firearm silencer, unless classified as a curio or relic by the U.S. Department of Justice or the actor otherwise possesses, manufactures, transports, repairs, or sells the firearm silencer in compliance with federal law.

Public Lewdness is defined by Penal Code 21.07 as an offense that occurs when a person knowingly engages in an act of sexual intercourse, deviate sexual intercourse, or sexual contact in a public place or, if not in a public place, is reckless about whether another is present who will be offended or alarmed by the act.

Public school fraternity, sorority, secret society, or gang means an organization composed wholly or in part of students that seeks to perpetuate itself by taking additional members from the students enrolled in school based on a decision of its membership rather than on the free choice of a qualified student. Educational organizations listed in Section 37.121(d) of the Education Code are excepted from this definition.

Reasonable belief is that which an ordinary person of average intelligence and sound mind would believe. Chapter 37 requires certain disciplinary decisions when the superintendent or designee has a reasonable belief that a student engaged in conduct punishable as a felony offense. In forming such a reasonable belief, the superintendent or designee may use all

available information, including the notice of a student's arrest under Article 15.27 of the Code of Criminal Procedure.

Self-defense is the use of force against another to the degree a person reasonably believes the force is immediately necessary to protect himself or herself.

Serious misbehavior means:

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or
4. Conduct that constitutes the offense of:
 - a) Public lewdness under Penal Code 21.07;
 - b) Indecent exposure under Penal Code 21.08;
 - c) Criminal mischief under Penal Code 28.03;
 - d) Hazing under Education Code 37.152; or
 - e) Harassment under Penal Code 42.07(a)(1) of a student or district employee.

Serious or persistent misbehavior includes, but is not limited to:

- Behavior that is grounds for permissible expulsion or mandatory DAEP placement.
- Behavior identified by the district as grounds for discretionary DAEP placement.
- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Refusal to attempt or complete school work as assigned.
- Insubordination.
- Profanity, vulgar language, or obscene gestures.
- Leaving school grounds without permission.
- Falsification of records, passes, or other school-related documents.
- Refusal to accept discipline assigned by the teacher or principal.

Short-barrel firearm is defined by Penal Code 46.01 as a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches.

Terroristic threat is defined by Penal Code 22.07 as a threat of violence to any person or property with intent to:

1. Cause a reaction of any type by an official or volunteer agency organized to deal with emergencies;
2. Place any person in fear of imminent serious bodily injury;
3. Prevent or interrupt the occupation or use of a building; room, place of assembly, or place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;
4. Cause impairment or interruption of public communications; public transportation; public water, gas, or power supply; or other public service;
5. Place the public or a substantial group of the public in fear of serious bodily injury; or

6. Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the district).

Tire deflation device is defined in part by Penal Code 46.01 as a device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires.

Title 5 felonies are those crimes listed in Title 5 of the Penal Code that typically involve injury to a person and may include:

- Murder, manslaughter, or homicide under Sections 19.02, – .05;
- Kidnapping under Section 20.03;
- Trafficking of persons under Section 20A.02;
- Smuggling or continuous smuggling of persons under Sections 20.05 – .06;
- Assault under Section 22.01;
- Aggravated assault under Section 22.02;
- Sexual assault under Section 22.011;
- Aggravated sexual assault under Section 22.021;
- Unlawful restraint under Section 20.02;
- Continuous sexual abuse of a young child or children under Section 21.02;
- Bestiality under Section 21.09;
- Improper relationship between educator and student under Section 21.12;
- Voyeurism under Section 21.17;
- Indecency with a child under Section 21.11;
- Invasive visual recording under Section 21.15;
- Disclosure or promotion of intimate visual material under Section 21.16;
- Sexual coercion under Section 21.18;
- Injury to a child, an elderly person, or a disabled person of any age under Section 22.04;
- Abandoning or endangering a child under Section 22.041;
- Deadly conduct under Section 22.05;
- Terroristic threat under Section 22.07;
- Aiding a person to commit suicide under Section 22.08; and
- Tampering with a consumer product under Section 22.09.

[See FOC(EXHIBIT).]

Under the influence means lacking the normal use of mental or physical faculties. Impairment of a person's physical or mental faculties may be evidenced by a pattern of abnormal or erratic behavior, the presence of physical symptoms of drug or alcohol use, or by admission. A student "under the influence" need not be legally intoxicated to trigger disciplinary action.

Use means voluntarily introducing into one's body, by any means, a prohibited substance.

Zip gun is defined by Penal Code 46.01 as a device or combination of devices, not originally a firearm, but adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.

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**HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT
BOARD OF TRUSTEES**

Date: August 24, 2020

Subject: Consideration and possible endorsement of an individual to serve on the TASB Board of Directors
Region 13, Position B

Person Responsible/Position: Esperanza Orosco, Board President

A. Purpose of Agenda Item:

Action Needed Information Only Receive Input

B. Authority for This Action

Local Policy Law or Rule N/A

C. Goal or Need Addressed:

Possible endorsement of an individual to serve on the TASB Board of Directors – Region 13, Position B

D. Summary:

Previous board action relating to this item -

Future action anticipated – The endorsement must be received in the TASB headquarters by August 31, 2020

Background information – TASB Region 13, Position B has a position on the Board of Directors or candidates have expiring terms. The Hays CISD Board of Directors is invited to endorse a candidate for the position. Mrs. Orosco received the attached letter from Margie T. Villalpando requesting the board’s endorsement. Information regarding the endorsement is attached.

A TASB Director represents his or her region on the Board, guiding the organization in fulfilling its mission to provide advocacy, visionary leadership, and high-quality services to its members.

E. Administrative Recommendation: Board Matter no administrative recommendation.

F. Fiscal Impact and Cost: Amount \$ N/A

Budget – General Operating Fund Bond Grant/Special Funds Other _____

Prior Year Spending: \$ _____

Future/Ongoing: \$ _____

G. Suggested Motion

I move that the Board endorse Margie T. Villalpando to serve on the TASB Board of Directors, Region 13, Position B.

TASB Director Nomination Information



Expert help from friendly people

This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is it intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.
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TASB Board of Directors

- **Terms:** Directors serve 3-year terms, once elected to a 3-year term, can be elected to maximum of 3 additional terms
- **Vacancies:** Directors can be elected to a term of less than three years when a vacancy is created by resignation or a Director leaving his or her local board
- **Duties:** supervise, control and direct affairs of TASB in accordance with Articles of Incorporation, Bylaws, and Advocacy Agenda
- **Board Meetings:** Four annual meetings—Spring, Summer, Convention, December



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TASB Nomination Materials

- By April 30, local school districts (Active Members) are notified of vacancies and expiring terms on the TASB Board.
- Board Presidents and Superintendents will receive an e-mail with the following information:
 - Nomination Form
 - Endorsement Form
 - TASB Nominations Q&A
 - New Directors Candidate Questionnaire
 - Biographical Sketch
 - Excerpt VI from the TASB Bylaws
- Materials will also be posted on the TASB website.



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TASB Nomination Submissions

To submit a nominee from your local school board for a vacancy or expiring position on the TASB Board in your TASB Region:

The following must be received no later than **Tuesday, June 30**, at 11:59pm.

- Nomination Form (Local Board action is required)
- Biographical Sketch
- New Director Candidate Questionnaire



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Endorsement Process

By July 3, a complete listing of nominated individuals will be posted on the [TASB Nominations page](#).

Local school districts (*Active Members*) within a TASB Region containing a vacancy or expiring position can endorse a nominated candidate by submitting the TASB Endorsement Form on or before **August 31** at 11:59 p.m.



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Endorsement Process (continued)

- Endorsements can only be accepted from districts that take **board action** to endorse between **July 3** and **August 31**.
- A district's nomination of an individual also serves as an endorsement for that candidate.
- According to the TASB Bylaws, Large Districts are treated as Association Regions and, therefore, do not participate in the endorsement process. A Large District's local board nomination constitutes a majority.
- An endorsement count for each candidate will be updated daily on the TASB website.



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Endorsement Process (continued)

District participation in the Endorsement Process is strongly encouraged :

If a nominated individual has received endorsements from a majority of the Active Members in the TASB Region, one more than 50%, that individual is elected to the Board and will take office after the final convention session in the year elected. (Large District nominations serve as a majority)

If no individual has received a majority of the endorsements, the Delegate Assembly ballot will include the TASB Nominations Committee's nominees and will also list any nominated individuals who have received endorsements from at least 25 percent of the Active Members within their TASB Region.



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TASB Nominations Committee

For positions in which no individual has received a majority of regional endorsements:

The TASB Nominations Committee will meet in Austin in September to interview nominated individuals and prepare a slate of nominees to present to the Delegate Assembly. Candidate expenses incurred for the interview will be the responsibility of the local school district.



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Delegate Nomination

If a candidate is not selected by the TASB Nominations Committee to appear on the Delegate Assembly ballot and has not received endorsements from 25 percent of the Active Members in their TASB Region, they can be nominated by their local district's Delegate Assembly Delegate.

The Delegate's candidate must have interviewed with the Nominations Committee and submit a Delegate Nomination Form and a statement of the candidate's intent and consent to run for the position by this alternate means. These documents must be **received five days prior** to the annual Delegate Assembly.



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If you have any questions or need further information regarding the TASB Director Nominations Process, please contact Lyssa Hoelscher at (800) 580-8272, ext. 2976 or lyssa.hoelscher@tasb.org



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Delegate Candidate

At Delegate Assembly:

If there is more than one nominee for a Director position, the nominees will be allowed three minutes to speak to the Assembly on their behalf.

The nominee receiving the majority of votes from the Delegates present and voting shall be elected to the TASB Director position.



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TASB BOARD CANDIDATE BIOGRAPHICAL SKETCH

TODAY'S DATE: June 25, 2020

NAME: Margie T. Villalpando

ADDRESS: [REDACTED]

CITY: [REDACTED] ZIP: [REDACTED]

BUSINESS PHONE: [REDACTED] RESIDENCE PHONE: [REDACTED]

CELL PHONE: [REDACTED] FAX NUMBER (if applicable): [REDACTED]

We communicate with our Board members primarily via e-mail and the Internet. Please list your preferred active email address.

E-MAIL: [REDACTED]

SCHOOL DISTRICT: San Marcos CISD

LOCAL TERM EXPIRES: 05-2023 YEARS ON BOARD: 16
(Month/year)

I was re-elected May 2020 because I was the only one who filed for SMCISD District 2. My current term ends 2023 and at this time I would be unable to answer the next question.

Upon expiration of current term on your local board, will you seek reelection?

Yes ___ No ___

BOARD POSITIONS HELD/DATES: Secretary, 2018 to 2019; Secretary, 2014 to 2017; President, 2012 to 2014; Vice-President, 2005 to 2009

OCCUPATION: Administrative Assistant

CURRENT EMPLOYER: Price Center Dates: May 2011 to Present

EDUCATION-HIGH SCHOOL: San Marcos High COLLEGE: Southwest Texas State(now Texas State)

OTHER EDUCATION: Leadership TASB 2011 Master Trustee DEGREES: BAAS

HOBBIES/SPECIAL INTERESTS: Serving as American Legion Auxiliary Unit 144's Bluebonnet Girls State Chair. (Continued in additional comments section next page)

BUSINESS/PROFESSIONAL/CIVIC GROUP MEMBERS (Offices held and dates):

American Legion Auxiliary Unit 144, President 2016 to Present & Bluebonnet Girl State Chair since 2008

American Legion Auxiliary District 10 President 2009 to 2010

Centro Cultural Hispano de San Marcos, Co-Founder 2006, Board Member until 2015

Amigas del Centro, Member since 2012

Hays County Women's Political Caucus, Board Treasurer, 2008 to 2018

Texas State Campus Christian Ministry-Wesley, Board Treasurer, 2010 to 2017

Please attach a short bio and include a current picture in jpeg format.

Additional Comments: (Continued from Hobbies/Special Interests)

Each June, the American Legion Auxiliary Department of Texas presents Bluebonnet Girls State, a government-in-action program held at Texas Lutheran University Campus in Seguin for about 500 young ladies. As Chair of Bluebonnet Girls State Program for San Marcos American Legion Auxiliary Unit 144, I have the opportunity to work with Counselors from six Hays County high schools to send delegates to a weeklong government-in-action program each summer. The ALA Unit 144 members solicit sponsors from the schools' communities in order to pay the required fee for each delegate. The high schools include San Marcos, Wimberley, Hays, Lehman, Wimberley and Katherine Anne Porter Charter School.

American Legion Auxiliary Unit #144 has the privilege of interviewing and selecting young ladies from the six area high schools to serve as delegates to the annual summer program. In the last decade, three of our Hays County delegates have been elected Governor of Bluebonnet Girls State and two have been selected to attend Girls Nation in Washington D.C. where one was elected Vice-President. The ALA Girls State Program is a highly regarded program that our students can use on their college resumes. I believe this speaks highly of our public school education that the students are able to compete with their peers at the state and national level. I enjoy knowing this life changing learning experience for these young ladies is providing some of the knowledge about our government that they will need in civics class during their senior year and later life. This year for the first time ever the delegates and alternates took part in a virtual "Bluebonnet Girls State" program.

Margie T. Villalpando

Education:

Bachelor of Applied Arts and Sciences
Southwest Texas State University (now Texas State University)
San Marcos Public Schools

School Board Professional Training:

TASB Delegate Assembly Member 2008-2019
Lone Star Governance 2019
Center for Reform of School Systems 2012-2013
Leadership TASB 2011 Master Trustee

Public Employment Experience:

Administrative Assistant - Price Center
Administrative Assistant - National Association for Doctor of Ministry Education
Secretary - Doctor of Ministry Program, Austin Presbyterian Theological Seminary
City Secretary - City of Martindale
Hays County Clerk (elected position) – Hays County
Staff Assistant - Congressman Greg Laughlin, U.S. House of Representatives
Assistant Director - Community Action, Inc. of Hays, Caldwell and Blanco Counties

Community Volunteer Service:

San Marcos Consolidated Independent School District –
Trustee since 7-2004, served as Secretary, Vice-President and President
American Legion Auxiliary Unit 144 - President and Girls State Chair
Centro Cultural Hispano de San Marcos - Co-Founder and former Board Member
Hays County Women's Political Caucus – Former Board Treasurer
Texas State Campus Christian Ministry – Wesley, Former Board Treasurer

Community Awards:

2014 City of San Marcos Civil Rights Trailblazer Award –
First Hispanic Hays County Clerk
2011 Impact San Marcos Outstanding Community Service Award
2004 Calaboose African American Museum's – Salute to Women Entrepreneurs
Trailblazer Award - First Hispanic Hays County Clerk
2000 City of San Marcos Woman of the Year
1996 Governor's Yellow Rose of Texas Award



TASB ENDORSEMENT FORM

DATE: _____

Our school board endorses the candidacy of the following individual nominated to fill a position on the TASB Board of Directors.

CANDIDATE INFORMATION

NAME: _____

SCHOOL DISTRICT: _____

This endorsement was approved by our school district's board of trustees at a duly called meeting on

_____.
(Date)

Best regards,

(Signature of board president or officer)

PRINTED NAME: _____

SCHOOL DISTRICT: _____

MAILING ADDRESS: _____

CITY: _____ ZIP: _____

This form is to be used to endorse a nominated individual from a board of trustees within your TASB Region who is a timely candidate for a position on the TASB Board of Directors.

Must be received by TASB on or before AUGUST 31, 2020.

**RETURN TO: E-mail: boardcommunications@tasb.org
FAX: 512.467.3554**

Excerpt from the Bylaws of the
TEXAS ASSOCIATION OF SCHOOL BOARDS, INC.
(as last amended on September 29, 2018)

ARTICLE VI. BOARD OF DIRECTORS

SECTION 1. ASSOCIATION REGIONS.

The Association Regions shall correspond to the ESC region boundaries.

SECTION 2. QUALIFICATIONS, NOMINATION, ENDORSEMENT, AND ELECTION OF DIRECTORS.

A. Each voting Director shall be a trustee of the governing board of a school district that is an Active Member, except as provided below:

- (1) The President and the Immediate Past President, and
- (2) The ESC ex officio Director, in accordance with Article VI, Section 4F.

B. No Active Member shall have more than one candidate running for a Director position, even if more than one Director position is subject to an expiring term or vacancy within the Active Member's Region. No person shall be a candidate for more than one Director position.

C. For purposes of this section, an Active Member school district with an Average Daily Attendance (ADA) meeting the requirements of Article VI, Section 4C(1) shall be treated as an Association Region and referred to in these Bylaws as a Large District.

D. Nominations and endorsements shall be accepted in accordance with the following requirements, in chronological order within the timeframes and deadlines set out in Board policy:

(1) Active Members in any Association Region in which there are expiring terms or vacancies in Director positions shall be notified, by the date established through Board policy, that the Active Member may nominate one of its trustees as a candidate for a Director position in which the term is expiring or a vacancy exists within the Active Member's Region.

(2) The Nominations Committee's chair, or designee, shall have received the following in writing in the Austin office of the Association by the deadline established through Board policy:

(a) The Active Member's nomination, in such form as required by the Association, which shall include a verification by the Active Member's board president or other board officer as to the date of board action; and

(b) Candidate information required by the Association, which shall include (i) the candidate's written confirmation of his or her intent to be nominated as a candidate and willingness to serve

if elected, (ii) biographical information, and (iii) responses to the questionnaire(s) developed by the Association.

(3) A listing of all candidates running for Director positions shall be sent to the superintendent and board president of each Active Member in each Association Region in which there are any expiring terms or vacancies in Director positions by the date established through Board policy. The candidate listing shall also be posted on the Association's Web site. Candidates, Directors, Delegates, and Active Members shall be subject to any campaign protocols or regulations established through Board policy.

(4) Active Member endorsements of candidates shall be received in the Austin office of the Association by the deadline established through Board policy in order for such endorsements to be considered. An Active Member may endorse only one candidate for each open Director position within its Association Region. Only candidates who have complied with the requirements of Article VI, Section 2D(2), may be endorsed. Endorsements adopted by an Active Member before the Association sends the list of candidates pursuant to Article VI, Section 2D(3), or endorsements that are not on the endorsement form provided by the Association in a given year shall not be accepted. An Active Member's nomination of one of its trustees [Article VI, Section 2D(2)] shall be considered the Active Member's endorsement for that Director position.

(5) If a majority of the Active Members in an Association Region endorses the same candidate, that candidate shall be elected to the Director position and shall take office at the completion of the final official session of the annual convention during the year in which the Director was elected.

(6) If no candidate receives endorsements from a majority of the Active Members in the candidate's Association Region [Article VI, Section 2D(4)], the official annual Delegate Assembly list of nominees shall include the following:

(a) Candidates nominated by the Nominations Committee [Article VIII, Section 2H] and

(b) Candidates receiving endorsements from at least 25 percent but less than a majority of the Active Members in an Association Region.

(7) Thereafter nominations may be made by the candidate's Delegate, provided the following conditions are met:

(a) The candidate's nomination was submitted in compliance with Article VI, Section 2D(2),

(b) The candidate interviewed with the Nominations Committee, unless the Committee waived the need for an interview based on criteria set out in Board policy, and

(c) The candidate's intent and consent to run for the position by this alternate means is received in the Austin office of the Association five days prior to the annual Delegate Assembly.

E. Except for a Director position filled in accordance with Article VI, Section 2D(5), the official annual Delegate Assembly list of nominees shall be prepared by the Nominations Committee as

provided in these Bylaws [Article VIII, Section 2I]. The election shall comply with these Bylaws and any rules and procedures adopted by the Delegate Assembly at the start of the meeting. Such rules and procedures may allow uncontested nominees to be deemed elected without a vote.

F. If there is more than one nominee for a Director position, the nominee receiving the majority of the votes of the Delegates present and voting shall be elected. If no nominee receives a majority vote of the Delegates, a run-off election shall be conducted between the two nominees receiving the greater numbers of votes, and the election shall be repeated for that position as many times as necessary to obtain a majority.

SECTION 3. DUTIES. The Board shall supervise, control, and direct affairs of the Association in accordance with the Articles of Incorporation, Bylaws, beliefs, and Advocacy Agenda approved by the annual Delegate Assembly. The Board shall:

- A. Actively promote the mission, beliefs, and purposes of the Association.
- B. Adopt the Association's budget and have discretion in the disbursement of the Association's funds.
- C. Receive any devise, bequest, donation, or otherwise, either real or personal property, or both, and hold the same absolutely or in trust, and invest, reinvest, and manage the same, and apply said property and the income arising there from to the mission, beliefs, and purposes of the Association.
- D. Establish such Board policies, as it deems appropriate in fulfilling its responsibilities under these Bylaws.
- E. Appoint such agents as it may consider necessary.

SECTION 4. COMPOSITION.

A. The Association's governing body shall be composed of Directors from Large Districts or Association Regions. No Active Member shall have more than one individual serving on the Board.

B. All Directors shall represent their respective Association Regions, except the President, President-Elect, and the Immediate Past President.

C. By virtue of student enrollment, individual Active Members or Association Regions may be eligible for a Director position as follows:

(1)(a) Not more than 14 Active Members shall be entitled to Large District Director positions. To qualify for a Large District Director position, the Active Member shall have had at least 1.25 percent of the total state ADA for two consecutive years. If more than 14 Active Members qualify for Large District Director positions under this provision, the 14 Active Members with the largest ADA shall qualify.

(b) If the Active Member's ADA falls below 1.25 percent of the total state ADA for two consecutive school years, or if an Active Member has qualified for a Large District Director position and that Active Member is no longer one of the 14 school districts with the ADA required under Article VI, Section 4C(1)(a), the Active Member's entitlement to a Large District Director position shall end with the expiration of the current representative's term.

(2)(a) An Association Region shall be entitled to Regional Director positions for each 4.25 percent or fraction thereof of the total state ADA contained within the Association Region for two consecutive years, and after the ADA of each Active Member qualifying for a position by virtue of Article VI, Section 4 C(1), has been subtracted. Notwithstanding the foregoing, an Association Region shall be entitled to no more than three Regional Director positions.

(b) If an Association Region becomes entitled to multiple positions by this provision and, subsequently, for two consecutive years, fails to sustain sufficient ADA for the entitlement, a Regional Director position shall be eliminated as follows:

- i. If a vacancy exists in the Regional Director position, that position shall be eliminated, or
- ii. If there is more than one vacancy in the Regional Director positions, the vacant position with the first expiring term shall be eliminated, or
- iii. If there is no vacancy in the Regional Director positions, the existing position with the first expiring term within the Region shall be eliminated at the end of that term, or
- iv. If there is no vacancy and more than one Regional Director position having the first expiring term in the same year, the position being held by the individual with the least tenure as a Regional Director shall be eliminated at the end of that term, or
- v. If there is no vacancy and more than one Regional Director position having the first expiring term in the same year and being held by individuals with the same tenure, there shall be a drawing of lots to determine which Regional Director position shall be eliminated at the end of the term.

D. All calculations under this section shall be based on ADA data furnished by the Texas Education Agency available as of April 1 preceding the annual Delegate Assembly.

E. The Executive Director shall be a nonvoting ex officio Director and shall not be counted in the quorum of the Board.

F. The ESC boards shall be represented by one voting ex officio Director selected by a process and for a term prescribed by guidelines established by the ESC boards, but shall not be counted in the quorum of the Board.

SECTION 5. DURATION OF OFFICE.

- A. The term of office of each Director shall be three years and shall begin at the completion of the final official session of the annual convention during which the Director was elected by the annual Delegate Assembly.
- B. Terms of Directors shall be staggered to allow, to the extent possible, for the election of one-third of the Directors each year. New Director positions shall be assigned to terms to retain this balance; however, if this is not possible, the assignment of terms shall be decided by drawing of lots.
- C. Upon election to a three-year term, a Director may be reelected to no more than three additional terms. For purposes of determining a Director term limit, service time attaches to the individual and not the Association Region with which the Director is associated.
- D. Upon election or succession to the office of President-Elect, the Director position previously held shall be declared vacant and a successor elected, except as provided in Article VI, Section 4A. Once elected President-Elect, the term limit that applies to a Director position shall no longer apply and shall not prevent the individual from completing the term of one year as President-Elect, one year as President, and one year as Immediate Past President.

SECTION 6. RESIGNATION AND REMOVAL.

- A. A Director may resign by submitting a letter of resignation to the President. The resignation shall become effective upon receipt by the President.
- B. A Director who is absent from three consecutive regularly scheduled Board meetings or from three consecutive regularly scheduled standing committee meetings may be removed from the Director position by a majority vote of all of the Directors. A Large District Director removed pursuant to this section shall be ineligible to serve for the remainder of the term to which the Director was elected.
- C. Any Director may be removed by a two-thirds vote of the Board when, in the Board's judgment, the best interests of the Association would be served by removal.

SECTION 7. MEETINGS.

- A. A Board year or annual period commences at the official close of the annual convention and ends after the same event in the next year. The Board shall hold at least four regular meetings that shall be spread throughout the year, with one taking place during the summer and the last meeting taking place during the week of the annual Delegate Assembly. The Executive Committee of the Board shall determine the dates and locations of the meetings for the upcoming Board year and report the meeting schedule to the Board before the Board year commences. The Board also shall be given 30 days' notice before each regular meeting by electronic means, or by any other means accessible to the Directors.

B. Additional meetings of the Board may be called by the President or by the written request of a majority of the Board, provided that a written notice is sent to each Director at least 10 days before the meeting.

C. A meeting of the Board or a committee may be conducted in person or by alternate means, such as teleconference, videoconference, the Internet, or any other means by which each participant can communicate with all other participants.

SECTION 8. QUORUM AND VOTING.

A. A quorum shall consist of a majority of the Board.

B. Unless otherwise specifically provided by these Bylaws, a majority vote of those present and voting shall govern. No proxy voting shall be permitted.

C. Any action required to be taken at a meeting of Directors, or any action which may be taken at a meeting of the Directors or any committee, may be taken without a meeting if a consent in writing, setting forth the action to be taken, shall have been signed or executed by the number of Directors or committee members as would be necessary to take that action at a meeting at which all of the Directors or members of the committee were present and voted. The Board, by policy or resolution, may increase the number of votes required for an action taken by written consent. A written consent shall be signed or executed and dated by each Director or committee member, and consent may be provided in multiple counterparts. Directors or committee members may provide written consent by facsimile, email (from the email address of record), or any other form of writing which comes from the Director or committee member.

SECTION 9. VACANCIES. By majority vote of those present and voting, the Board may fill vacancies that occur in Director positions by electing an individual to fill the vacancy until the next annual Delegate Assembly, in accordance with Board policy. At that time, a candidate shall be elected by the annual Delegate Assembly to fill the unexpired term in accordance with Article VI, Section 2D.

**HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT
BOARD OF TRUSTEES**

Date: August 17, 2020

Subject: Update on Beginning of 2020-2021 School Year

Administrator Responsible/Position: Dr. Eric Wright, Superintendent of Schools

A. Purpose of Agenda Item:

Action Needed

Information Only

Receive Input

B. Authority for This Action

Local Policy

Law or Rule

N/A

C. Goal or Need Addressed:

Share with Board and Community the ongoing planning for the beginning of the 2020-2021 School Year.

D. Administrative Recommendation: N/A

**HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT
BOARD OF TRUSTEES**

Date: August 17, 2020

Subject: TASB Policy Update 115 Affecting Local Policies - First Reading

Administrator Responsible/Position: Dr. Eric Wright

A. Purpose of Agenda Item:

Action Needed Information Only Receive Input

B. Authority for This Action

Local Policy Law or Rule N/A

The official Board Policies have been designated in accordance with BF(LOCAL) and shall be considered authoritative and binding.

C. Goal or Need Addressed:

Legal policies reflect changes mandated by federal and/or state law and must be incorporated into our district policies. Board discretion may be exercised on local policies.

D. Summary:

Previous board action relating to this item -

Future action anticipated – TASB Update 115 will be presented for a second reading at the September 21, 2020 Agenda Workshop Meeting with anticipated action being taken at the September 28, 2020 Business Meeting.

Background information – Update 115 focuses on updating (LEGAL) policies that were affected by changes in administrative rule and commissioner of education rulings. Several (LOCAL) policy revisions to local policies listed below, are provided by TASB and reflect the changes in law or administrative rules for organizational and restructuring purposes:

BF(LOCAL): Board Policies

DED(LOCAL): Compensation and Benefits - Vacations and Holidays

DIA(LOCAL): Employee Welfare - Freedom From Discrimination, Harassment, and Retaliation

EI(LOCAL): Academic Achievement

FB(LOCAL): Equal Educational Opportunity

FD(LOCAL): Admissions

FEB(LOCAL): Attendance - Attendance Accounting

FFG(LOCAL): Student Welfare - Child Abuse and Neglect

FFH(LOCAL): Student Welfare - Freedom From Discrimination, Harassment, and Retaliation

FMF(LOCAL): Student Activities - Contests and Competition

FNG(LOCAL): Student Rights and Responsibilities - Student and Parent Complaints/Grievances

GF(LOCAL): Public Complaints

E. Comments Received:

Cabinet DLT FBOC Teacher Org. Reps. Other _____

From public -

All agenda items are reviewed by the Superintendent's Cabinet.

F. Administrative Recommendation:

The TASB Update 115 is presented as a first reading for the Board's consideration, review and feedback.

Explanatory Notes

TASB Localized Policy Manual Update 115

Hays CISD

ATTN(NOTE)

GENERAL INFORMATION ABOUT THIS UPDATE

Update 115 includes new Title IX regulations, effective August 14, 2020, which define sexual harassment under Title IX and establish detailed procedures for how districts must respond to notice or allegations of sexual harassment. The final Title IX regulations and related materials are available on the U.S. Department of Education [Office for Civil Rights](#) website.

Multiple changes at Update 115 are based on legislation from the Regular Session of the 86th Texas Legislature that impose changes effective with the 2020–21 school year. Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to Senate Bills (SB) or House Bills (HB) from the 86th Legislature.

An overview video of the local policy changes is available under Policy Manual Update Resources in the myTASB [Policy Service Resource Library](#). **(LEGAL) policies provide the legal framework for key areas of district operations; they are not adopted by the board.**

AF(LEGAL)

INNOVATION DISTRICTS

Revisions to the Administrative Code, effective January 2020:

- Specify that an innovation district may not be exempted from Education Code Chapters 48 (Foundation School Program) and 49 (Options for Local Revenue Levels in Excess of Entitlement); and
- Authorize the commissioner to terminate district of innovation status for a district's failure to comply with the duty to discharge or refuse to hire certain employees or applicants as required by state law.

AIA(LEGAL)

ACCOUNTABILITY: ACCREDITATION AND PERFORMANCE INDICATORS

Administrative rule changes, effective August 2019, specify that districts with a local accountability system must use the local accountability system rating standards established by the commissioner. These standards will be updated annually and published in the *Local Accountability System Manual*.

Definitions for the various accreditation statuses have also been added.

AIB(LEGAL)

ACCOUNTABILITY: PERFORMANCE REPORTING

TEA has renamed the Performance-Based Monitoring Analysis System (PBMAS) to the Results Driven Accountability (RDA) system, effective December 3, 2019. This was to align with the Office of Special Education Programs (OSEP) framework.

AIC(LEGAL)

ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS

Beginning with the 2020–21 school year, HB 4205 creates a new option for campuses that are required to submit campus turnaround plans—an accelerated campus excellence (ACE) turnaround plan. The commissioner is required to approve an ACE turnaround plan if the commissioner determines that the plan meets the statutory requirements.

Other changes are from revised Administrative Code rules, effective March 31, 2020. The rules clarify interventions and sanctions provisions, including campus intervention team membership and participation and campus turnaround plan submission, approval, and implementation processes.

Additional detail has been included about the required notice the campus intervention team must provide regarding the public meeting for soliciting input on development of a targeted improvement plan.

Explanatory Notes

TASB Localized Policy Manual Update 115

Hays CISD

BBA(LEGAL)

BOARD MEMBERS: ELIGIBILITY/QUALIFICATIONS

This legally referenced policy on eligibility and qualifications for board members has been revised to clarify that a person cannot *run* for the board if the person has a final felony conviction from which the person has not been pardoned or had the disabilities removed (see Eligibility). The provision at Ineligibility indicating that a person cannot *serve* as a member of the board if the person has been convicted of a felony remains unchanged.

BBBB(LEGAL)

ELECTIONS: POST-ELECTION PROCEDURES

HB 2640 deleted the requirement for the presiding officer of the board to prepare a report of precinct results for the secretary of state.

BBD(LEGAL)

BOARD MEMBERS: TRAINING AND ORIENTATION

Extensive changes to this legally referenced policy on board member training and orientation are from revised Administrative Code rules, effective March 24, 2020. See the TASB Board Development Services website for helpful overviews of the [training requirements](#).

BDF(LEGAL)

BOARD INTERNAL ORGANIZATION: CITIZEN ADVISORY COMMITTEES

HB 18 revised the list of persons that a board may appoint to the school health advisory council (SHAC). The bill also added requirements for a district to publish in the student handbook and on the district's website certain information on student physical and mental health resources, policies, and procedures and whether each campus has a full-time nurse or school counselor. The 2020–21 [TASB Model Student Handbook](#) has been updated to meet this requirement.

BF(LOCAL)

BOARD POLICIES

A revision to this local policy clarifies that a district's legally referenced policies are not adopted by the board.

The *Legal Issues in Update 115* memo describes common legal concerns and best practices specific to [this policy topic](#).

BQ(LEGAL)

PLANNING AND DECISION-MAKING PROCESS

HB 18 revised the list of strategies for improvement of student performance that must be included in the district improvement plan (DIP) to include positive behavior interventions and support and implementation of a comprehensive school counseling program. In addition, the DIP must include:

- Strategies for providing elementary school students information about higher education; and
- The district's procedures on mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention.

Details about dating violence have been moved to FFH addressing harassment; details about sexual abuse, sex trafficking, and other maltreatment of children have been moved to FFG addressing child abuse and neglect.

BQA(LEGAL)

PLANNING AND DECISION-MAKING PROCESS: DISTRICT-LEVEL

Provisions on the district-level decision-making committee's responsibilities have been revised to better match statute.

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BQB(LEGAL) PLANNING AND DECISION-MAKING PROCESS: CAMPUS-LEVEL

Provisions on the campus-level decision-making committee's responsibilities have been revised to better match statute.

CBB(LEGAL) STATE AND FEDERAL REVENUE SOURCES: FEDERAL

The Note on page 5 has been adjusted to include a link to a USDA memo addressing micro-purchase and simplified acquisition thresholds for federal child nutrition programs.

CCA(LEGAL) LOCAL REVENUE SOURCES: BOND ISSUES

TASB Policy Service engaged an outside law firm with expertise in the area of bonds to review the federal securities law provisions in this legally referenced policy, which resulted in revisions throughout that section of the policy.

In addition, we have included two existing statutory provisions on:

- Attorney general review and approval of a public security and the record of proceedings, and
- Authority of the issuer of public securities to contract for certain services.

CCG(LEGAL) LOCAL REVENUE SOURCES: AD VALOREM TAXES

At Tax Rate Adoption, we have added information on the maximum compressed rate from HB 3 and new Administrative Code rules effective April 10, 2020.

HB 492 repeals existing law regarding reappraisal of property damaged in a disaster area. However, an amendment to the Texas constitution approved by voters in November 2019 authorizes a temporary exemption for property damaged in a disaster. These new provisions have been added to CCGA(LEGAL) addressing ad valorem tax exemptions.

A board must conduct an efficiency audit before holding an election seeking voter approval to adopt an M&O tax rate. In conducting the audit, the auditor selected by the board must follow the Legislative Budget Board (LBB) guidelines, to which we have included a link.

CCGA(LEGAL) AD VALOREM TAXES: EXEMPTIONS AND PAYMENTS

HB 492 provides for a temporary exemption for property damaged in a disaster, as authorized in an amendment to the Texas Constitution approved by voters in November 2019.

CCGB(LEGAL) AD VALOREM TAXES: ECONOMIC DEVELOPMENT

Revisions to this legally referenced policy reflect amended Administrative Code rules, effective February 6, 2020, and include:

- The exclusion of any employee names or other personal identifying information from the definition of *substantive documents* submitted to the comptroller in connection with economic development applications,
- Clarification of the procedures for an applicant to obtain continued eligibility for a limitation on appraised value, and
- Extended timelines for the comptroller to review a written agreement for a limitation on appraised value.

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CCH(LEGAL)

LOCAL REVENUE SOURCES: APPRAISAL DISTRICT

Effective September 1, 2020, SB 2 requires an appraisal district board in a county with a population of a million or more to increase the size of the appraisal review board (ARB) to an appropriate number of members. The ARB must establish special panels to conduct protest hearings.

CFA(LEGAL)

ACCOUNTING: FINANCIAL REPORTS AND STATEMENTS

Revisions to the provisions on the Annual Local Debt Report are from amended Administrative Code rules, effective April 5, 2020.

Other revisions are to add some existing legal provisions, delete nonessential provisions, and better match legal sources.

CFC(LEGAL)

ACCOUNTING: AUDITS

This legally referenced policy on audits has been revised to add some existing legal provisions, delete nonessential provisions, and better match legal sources.

CKA(LEGAL)

SAFETY PROGRAM/RISK MANAGEMENT: INSPECTIONS

This legally referenced policy on asbestos has been revised to add some existing legal provisions, delete nonessential provisions, and better match legal sources.

CKE(LEGAL)

SAFETY PROGRAM/RISK MANAGEMENT: SECURITY PERSONNEL

Revisions regarding training are from amended Administrative Code rules, effective February 5, 2020, and require district police officers and school resource officers to receive a school-based law enforcement proficiency certificate within 180 days of commission or placement in the district.

CKEA(LEGAL)

SECURITY PERSONNEL: COMMISSIONED PEACE OFFICERS

The addition of provisions regarding reporting on appointment and separation of licensed peace officers was prompted by amended Administrative Code rules, effective February 5, 2020.

CMD(LEGAL)

EQUIPMENT AND SUPPLIES MANAGEMENT: INSTRUCTIONAL MATERIALS CARE AND ACCOUNTING

Revisions to the provisions prohibiting certain expenditures of funds from the instructional materials allotment are from amended Administrative Code rules, effective February 6, 2020.

CO(LEGAL)

FOOD AND NUTRITION MANAGEMENT

A Note has been added pointing to the Texas Department of Agriculture's Records Retention List, which can assist districts with retaining documentation to demonstrate program compliance.

CQ(LEGAL)

TECHNOLOGY RESOURCES

This legally referenced policy has been revised to add some existing legal provisions, delete nonessential provisions, and better match legal sources. Citations to various laws pertaining to unlawful interception, use, or disclosure of communications have also been added to this policy for reference.

CQA(LEGAL)

TECHNOLOGY RESOURCES: DISTRICT, CAMPUS, AND CLASSROOM WEBSITES

Online posting provisions have been updated to:

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- Clarify that notification by the campus intervention team regarding public input on development of a targeted improvement plan must be published on the district and campus websites,
- Add the requirement to post a completed campus turnaround plan 30 days before the final plan is submitted to the board,
- Add details about posting of the Annual Local Debt Report,
- Add the requirement to post information on designated agents under the Digital Millennium Copyright Act for districts seeking to limit liability, and
- Add the requirement to post the district's family engagement plan.
- Add contact information for the district's Title IX coordinator and the district's policy of nondiscrimination; and
- Add materials used to train the Title IX coordinator and other individuals who are relevant to resolving complaints under Title IX.

CQB(LEGAL)

TECHNOLOGY RESOURCES: CYBERSECURITY

We have removed provisions on the Electronic Communication Privacy Act that address the criminal consequences of the Act. A high-level reference to this information has been added to CQ(LEGAL).

CRE(LEGAL)

INSURANCE AND ANNUITIES MANAGEMENT: WORKERS' COMPENSATION

We have removed case law addressing enforcement of a reasonable absence-control rule because the case is also included in DEC(LEGAL).

CS(LEGAL)

FACILITY STANDARDS

Provisions on termination of LP-gas service have been revised as a result of amended Administrative Code rules, effective January 6, 2020.

CY(LEGAL)

INTELLECTUAL PROPERTY

This legally referenced policy on intellectual property has been revised to add some existing legal provisions, delete nonessential provisions, and better match legal sources.

D(LEGAL)

PERSONNEL

The D Section table of contents has been revised to rename DBAA Pre-Employment Reviews.

DAA(LEGAL)

EMPLOYMENT OBJECTIVES: EQUAL EMPLOYMENT OPPORTUNITY

This legally referenced policy has been revised at Bankruptcy Discrimination to better match statute.

The provisions addressing compliance coordinators for federal nondiscrimination laws have been updated in response to the new Title IX regulations.

DBAA(LEGAL)

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: PRE-EMPLOYMENT REVIEWS

This legally referenced policy has been retitled and reorganized to include various pre-employment reviews. As a result, provisions on the required pre-employment affidavit and the Do Not Hire Registry have been moved to this policy from DC(LEGAL).

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Provisions have been added on the U.S. Department of Transportation's (DOT) national commercial driver license drug and alcohol clearinghouse. A district may not employ a driver subject to DOT drug and alcohol testing who will perform a safety-sensitive function without first conducting a pre-employment inquiry through the clearinghouse.

DC(LEGAL) EMPLOYMENT PRACTICES

As mentioned above, provisions on the required pre-employment affidavit and the Do Not Hire Registry have been moved to DBAA(LEGAL), which now addresses pre-employment reviews.

DED(LOCAL) COMPENSATION AND BENEFITS: VACATIONS AND HOLIDAYS

Recommended revisions to this local policy on paid vacation days address the board's authorization of the program, including which employees are eligible for the benefits, and refer to administrative procedures for details to promote consistent application and prevent conflict between policy and administrative procedures. Please confirm that the eligibility information, which was pulled from the district's existing policy, is accurate.

If your district offers paid holiday benefits to certain district employees, please contact the district's policy consultant for recommended policy language. TASB HR Services has a [framework](#) to help districts develop administrative procedures on vacation and holiday programs.

The *Legal Issues in Update 115* memo describes common legal concerns and best practices specific to [this policy topic](#).

DF(LEGAL) TERMINATION OF EMPLOYMENT

Failure to terminate an employee on the Do Not Hire Registry has been added as a reason for which the State Board for Educator Certification may impose sanctions on an educator. This change is from amended Administrative Code rules, effective March 5, 2020.

DHC(LEGAL) EMPLOYEE STANDARDS OF CONDUCT: REPORTS TO TEXAS EDUCATION AGENCY

Changes to this legally referenced policy on reports to TEA regarding non-certified employee misconduct are from revised Administrative Code rules, effective December 31, 2019. The rules clarify the information that must be in a report and include several relevant definitions.

DHE(LEGAL) EMPLOYEE STANDARDS OF CONDUCT: SEARCHES AND ALCOHOL/DRUG TESTING

Information on postaccident alcohol or controlled substances testing has been incorporated from DHE(EXHIBIT), which is being deleted.

Additional detail has been included regarding required Department of Transportation drug and alcohol testing of commercial vehicle operators.

DHE(EXHIBIT) EMPLOYEE STANDARDS OF CONDUCT: SEARCHES AND ALCOHOL/DRUG TESTING

This exhibit on postaccident alcohol or controlled substances testing is being deleted, as the content has been incorporated into DHE(LEGAL).

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DIA(LEGAL)

EMPLOYEE WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

The Note pointing to other relevant policies has been updated to reflect Title IX changes. We have added the recent U.S. Supreme Court case, *Bostock v. Clayton County, Georgia*, which held that firing an employee on the basis of homosexuality or transgender status violates Title VII's prohibition against sex discrimination in employment. Margin notes have also been updated.

DIA(LOCAL)

EMPLOYEE WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

Recommended revisions to this policy incorporate the recent United States Supreme Court decision *Bostock v. Clayton County, Georgia*, which held that an adverse employment action against an employee on the basis of homosexuality or transgender status violates Title VII's prohibition on sex discrimination in employment. As a result, the policy clarifies that discrimination on the basis of sex includes discrimination on the basis of biological sex, gender identity, sexual orientation, gender stereotypes, or any other prohibited basis related to sex.

Based on the new Title IX regulations, recommended revisions include the following.

- The definition of Prohibited Conduct has been revised to include conduct that meets the Title IX definition of sexual harassment, but the policy retains the broader definitions of prohibited conduct in districts' current policies to ensure that all prohibited conduct is addressed.
- Text at Sex-Based Harassment and Investigation of Reports Other than Title IX directs readers to new provisions on responding to allegations of prohibited conduct that if proved would meet the definition of sexual harassment under Title IX, as the law requires a specific response process for these allegations. Allegations of prohibited conduct not based on sex or that would not meet the definition of sexual harassment under Title IX will follow the district's existing investigation process.
- The Title IX regulations provide that a district has actual knowledge of sexual harassment if notice or allegations are made to any employee; therefore, a new provision at Notice of Report requires *any* employee who receives a report of prohibited conduct based on sex to notify the Title IX coordinator.
- Text at Response to Sexual Harassment—Title IX addresses legally required actions when the district receives notice or allegations of conduct that would meet the definition of sexual harassment under Title IX.
- New provisions direct the superintendent to develop a Title IX formal complaint process that will apply following a formal complaint and that must comply with the elements in the new regulations, as included in FFH(LEGAL).
- To determine responsibility in a Title IX formal complaint of sexual harassment, the policy designates that the district will use a *preponderance of the evidence* standard. **If the board wishes to instead use the *clear and convincing evidence* standard, which is a higher standard of evidence, please contact the district's policy consultant.** The district must use the same standard of evidence for investigation of all formal Title IX sexual harassment complaints, including complaints by students.
- Provisions on retaliation and records retention have been updated.

Policy Service also recommends updates to the examples for harassment to include cyberharassment and electronic communications and clarification of the provisions on distribution of the policy and any accompanying procedures.

TASB's Title IX model procedures are available in [TASB School Law eSource](#).

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The *Legal Issues in Update 115* memo describes common legal concerns and best practices specific to [this policy topic](#).

DIA(EXHIBIT) EMPLOYEE WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

The new Title IX regulations require districts to notify employees, students, parents, and others of the Title IX coordinator's contact information, which now must include an email address. For consistency, Policy Service recommends adding an email address for the ADA/Section 504 coordinator, if applicable to your district.

If you have not already completed the survey from Policy Service regarding coordinator contact information, including providing email addresses for each coordinator, please do so in order for your policy consultant to update this exhibit.

The *Legal Issues in Update 115* memo describes common legal concerns and best practices specific to [this policy topic](#).

DMA(LLEGAL) PROFESSIONAL DEVELOPMENT: REQUIRED STAFF DEVELOPMENT

HB 18 revises both optional and required training for district staff development. Required training, which must be provided annually, focuses on various aspects of student mental health, as listed in the policy. Suicide prevention training must address the specific components indicated.

Details about required mental health support programs have been updated in accordance with HB 18 and moved to FFEB addressing student mental health.

Provisions addressing required training on child abuse, trafficking, and maltreatment have been updated based on revised Administrative Code rules, effective November 6, 2019.

DP(LLEGAL) PERSONNEL POSITIONS

This legally referenced policy on personnel has been revised to include provisions on various physical and mental health professionals, including:

- School nurses,
- Certified school counselors,
- Nonphysician mental health professionals, and
- Licensed specialists in school psychology (LSSPs).

EEL(LLEGAL) INSTRUCTIONAL ARRANGEMENTS: CONTRACTS WITH OUTSIDE AGENCIES

In accordance with new federal provisions, districts that have Junior Reserve Officers' Training Corps programs must permit homeschooled students to participate in the program.

EHAA(LLEGAL) BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (ALL LEVELS)

Provisions on coordinated health programs have been updated based on HB 18.

HB 18 amends the SHAC's duties to include making recommendations about various aspects of student mental health.

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EHB(LEGAL) CURRICULUM DESIGN: SPECIAL PROGRAMS

New provisions on dyslexia compliance monitoring are from revised Administrative Code rules, effective December 25, 2019.

SB 2075 requires that a district notify the parent of a student who has or is at risk for dyslexia or a related disorder that the Texas State Library and Archives Commission provides audiobooks free of charge to students with eligible disabilities.

EHBA(LEGAL) SPECIAL PROGRAMS: SPECIAL EDUCATION

Provisions on off-campus programs to provide special education and related services during school hours in a non-district facility are from new Administrative Code rules, effective November 10, 2019. The rules address placement in the programs, notification to and review by TEA, contract requirements, and changes of student residence.

EHBAB(LEGAL) SPECIAL EDUCATION: ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM

New Administrative Code rules, effective March 30, 2020, address transition assistance for highly mobile students who are homeless or in substitute care. For such students who transfer into the district, the rules require the receiving district to:

- Accept a referral done by a previous district for a special education evaluation and complete any written report of a full individual and initial evaluation by the timelines in law, and
- Ensure that the district meets student transfer requirements relating to the ARD committee for a student who is already eligible for services.

EHBE(LEGAL) SPECIAL PROGRAMS: BILINGUAL EDUCATION/ESL

This legally referenced policy on bilingual education has been revised throughout as a result of amended Administrative Code rules, effective April 10, 2020. The rules address requirements for administering the home language survey, parental notice and consent, and assessment options for students in a two-way dual language immersion program.

Other revisions are to better match statute.

EHBG(LEGAL) SPECIAL PROGRAMS: PREKINDERGARTEN

Amended Administrative Code rules, effective February 13, 2020, prompted revisions throughout the high-quality prekindergarten program provisions.

EHBJ(LEGAL) SPECIAL PROGRAMS: INNOVATIVE AND MAGNET PROGRAMS

Changes to the application process for requesting approval from the State Board of Education or the commissioner to offer an innovative course are from amended Administrative Code rules, effective December 25, 2019.

EHDD(LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT: COLLEGE COURSE WORK/DUAL CREDIT

Provisions on dual credit agreements have been updated based on amended Administrative Code rules, effective November 24, 2019. We have also added some existing statutory provisions on dual credit programs to address faculty supervision and student transcripts.

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EI(LEGAL) ACADEMIC ACHIEVEMENT

Provisions on partial award of credit have been updated to reflect revised Administrative Code rules, effective March 15, 2020. The rules revised terminology regarding awarding of credit proportionately when a student receives a passing grade in "half" of a course, rather than per "semester."

New Administrative Code rules, effective March 30, 2020, address transition assistance for highly mobile students who are homeless or in substitute care and require districts to:

- Adopt local policy to assist with awarding credit for a course that was earned prior to the student enrolling in or transferring to the district [see FD(LOCAL) recommendations in Update 115],
- Develop credit recovery plans for students who were denied credits outside the district or if the student's credit deficit would impede on-time promotion or graduation,
- Create course transition plans for students who were denied credit,
- Develop and administer personal graduation plans for junior or middle school students, and
- Comply with existing Education Code provisions regarding awarding of diplomas.

EI(LOCAL) ACADEMIC ACHIEVEMENT

Administrative Code rules permit districts, in accordance with local district policy, to award course credit proportionately to a student who successfully completes only half of a course. A new board policy provision has been recommended to address this option, which matches common practice.

Please contact the district's policy consultant if your district does not award credit proportionately when a student only successfully completes half of a course. This is an optional provision.

EIF(LEGAL) ACADEMIC ACHIEVEMENT: GRADUATION

Beginning with students enrolled in the 12th grade in the 2021–22 school year, HB 3 will require a student to complete and submit a federal or Texas application for financial aid to graduate. The provision has been added to the policy manual now in case the district starts receiving questions about this provision. TEA will be issuing rules with more details.

Details on forming an individual graduation committee, including acceptable alternate members, have been added from amended Administrative Code rules, effective February 10, 2020.

Administrative Code rules effective November 24, 2019, provide that a student who completes the core curriculum of an institution of higher education meets the curriculum requirements for the foundation high school program, earns an endorsement and the distinguished level of achievement, and is entitled to a high school diploma.

Provisions on transitioning to the foundation high school program have been deleted from law.

EKB(LEGAL) TESTING PROGRAMS: STATE ASSESSMENT

Changes to this legally referenced policy on assessments include:

- Additional detail on end-of-course assessments, for more complete information;
- Deletion of detailed provisions on use of the TSI as a substitute assessment in lieu of a statutory reference; and
- Revisions to testing requirements for accountability purposes based on amended Administrative Code rules, effective February 23, 2020.

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EKC(LLEGAL)

TESTING PROGRAMS: READING ASSESSMENT

Effective with the 2020–21 school year, HB 3 requires a district to administer the commissioner-adopted reading instrument or the commissioner-approved alternative reading instrument to students at the kindergarten level and report results of reading instruments to parents within 60 calendar days of administration.

ELA(LLEGAL)

CAMPUS OR PROGRAM CHARTERS: PARTNERSHIP CHARTERS

This legally referenced policy on partnership charters has been significantly revised in accordance with amended Administrative Code rules, effective March 31, 2020. The rules:

- State that operating partners have final and sole authority over certain campus decisions;
- Add numerous requirements for performance contracts; and
- Update the TEA approval process.

In accordance with amended Administrative Code rules, effective September 1, 2019, a performance contract for a partnership charter only needs to include assurances that the district has consulted with relevant campus personnel if the partnering entity is an open enrollment charter school and not for other partnering entities approved by TEA.

F(LLEGAL)

STUDENTS

Update 115 includes reorganization of student mental health provisions. As a result:

- FFE has been renamed Counseling and Mental Health;
- FFEA has been renamed Counseling; and
- FFEB has been renamed Mental Health.

FB(LLEGAL)

EQUAL EDUCATIONAL OPPORTUNITY

The provisions on required grievance procedures and retaliation have been updated based on the new Title IX regulations.

FB(LOCAL)

EQUAL EDUCATIONAL OPPORTUNITY

The provision on the Title IX coordinator has been updated in response to the new Title IX regulations. Corresponding wording changes were made to the ADA/Section 504 coordinator text.

FB(EXHIBIT)

EQUAL EDUCATIONAL OPPORTUNITY

The new Title IX regulations require districts to notify employees, students, parents, and others of the Title IX coordinator's contact information, which now must include an email address. For consistency, Policy Service recommends adding an email address for the district's ADA/Section 504 coordinator.

If you have not already completed the survey from Policy Service regarding coordinator contact information, including providing email addresses for each coordinator, please do so in order for your policy consultant to update this exhibit.

The *Legal Issues in Update 115* memo describes common legal concerns and best practices specific to [this policy topic](#).

FD(LOCAL)

ADMISSIONS

New Administrative Code rules, effective March 30, 2020, address transition assistance for highly mobile students who are homeless or in substitute care and require districts to adopt local policy to assist with

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awarding credit to a student who is homeless or in substitute care for a course that was earned prior to the student enrolling in or transferring to the district. See Transition Assistance for recommended text to comply with this local policy requirement.

The *Legal Issues in Update 115* memo describes common legal concerns and best practices specific to [this policy topic](#).

FDB(LEGAL) ADMISSIONS: INTRADISTRICT TRANSFERS AND CLASSROOM ASSIGNMENTS

Clarification has been added regarding transfer of a student with a disability who receives special education services and who engaged in bullying.

FEA(LEGAL) ATTENDANCE: COMPULSORY ATTENDANCE

From HB 3, we have added a provision, effective September 1, 2020, clarifying that a student is not required to attend school for the additional instructional days for which a district receives a financial incentive under Education Code 48.0051. See FEB(LEGAL) for more information.

FEB(LEGAL) ATTENDANCE: ATTENDANCE ACCOUNTING

Amended Administrative Code rules, effective December 25, 2019, delete the reference to taking attendance during the second or fifth instructional hour and specify that attendance shall be taken at the official attendance-taking time during the campus's instructional day. There is no requirement to include the official attendance-taking time in policy; it may be designated in district procedures.

From HB 3, we have added a provision, effective September 1, 2020, under which a district may receive a financial incentive for offering an additional 30 days of half-day instruction above the required minimum number of minutes for students in prekindergarten through fifth grade.

FEB(LOCAL) ATTENDANCE: ATTENDANCE ACCOUNTING

Recommended revisions to this local policy on attendance accounting are to address amended Administrative Code rules that delete the reference to taking attendance during the second or fifth instructional hour and specify that attendance shall be determined at the official attendance-taking time during the campus's instructional day. The recommended text assigns to the superintendent the responsibility of designating the district's official attendance-taking time. Note that there is no requirement to include the official attendance-taking time in policy; it may be designated in district procedures.

See FEB in the [TASB Regulations Resource Manual](#).

FFAC(LEGAL) WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT

Provisions on nursing peer review committees have been moved to DP(LEGAL).

Provisions on psychotropics and psychiatric evaluations have been moved to FFEB(LEGAL).

FFAE(LEGAL) WELLNESS AND HEALTH SERVICES: SCHOOL-BASED HEALTH CENTERS

HB 18 permits the board (in addition to a local health education and health-care advisory council) to initiate the establishment of a school-based health center at a campus. The bill also expands the list of services that may be provided at school-based health centers to include physical health care, treatment of mental health conditions, and treatment for substance abuse.

Other changes from HB 18 address parental consent for referrals, the membership of the advisory council, and coordination with existing providers.

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FFB(LEGAL) STUDENT WELFARE: CRISIS INTERVENTION

Provisions on the recommended best practice programs and research-based practices on student mental health have been moved to FFEB(LEGAL).

FFC(LEGAL) STUDENT WELFARE: STUDENT SUPPORT SERVICES

New Administrative Code rules, effective March 30, 2020, address transition assistance for highly mobile students who are homeless or in substitute care. The rules address processes and practices on the following:

- Transferring student records;
- Developing systems to ease transition for students, including welcome packets, introductions, and mechanisms for receiving school nutrition program benefits;
- Convening enrollment conferences;
- Determining appropriate placement in educational programs and courses;
- Facilitating participation in extracurricular programs;
- Promoting postsecondary information; and
- Notifying the educational decision-maker and caseworker of events that significantly impact the student's education.

FFE(LEGAL) STUDENT WELFARE: COUNSELING AND MENTAL HEALTH

Provisions on counseling have been moved to FFEA.

FFEA(LEGAL) COUNSELING AND MENTAL HEALTH: COUNSELING

This legally referenced policy has been reorganized to focus on both behavioral and academic counseling programs. As a result:

- Personnel provisions on school counselors and their duties have been moved to DP(LEGAL), and
- Various provisions regarding consent to counseling services previously at FFE(LEGAL) have been moved to this code.

From HB 18, we have added a provision requiring a school counselor to work with various stakeholders to plan, implement, and evaluate a comprehensive school counseling program.

From HB 114, we have added a provision applicable with the 2020–21 school year requiring a school counselor to provide information regarding availability of college credit for military experience, education, and training obtained during military service.

FFEB(LEGAL) COUNSELING AND MENTAL HEALTH: MENTAL HEALTH

This legally referenced policy has been added to focus on student mental health programs. As a result, provisions on psychotropics and psychiatric evaluations previously at FFAC(LEGAL) have been moved to this code.

The policy now addresses the various mental health programs, as revised by HB 18, for which the district must develop practices and procedures. The practices and procedures must be included in the student handbook and district improvement plan. The 2020–21 [TASB Model Student Handbook](#) has been updated to meet this requirement.

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FFG(LLEGAL)

STUDENT WELFARE: CHILD ABUSE AND NEGLECT

This legally referenced policy on child abuse and neglect has been significantly revised based on amended Administrative Code rules, effective November 6, 2019. The rules address the required policy on sexual abuse, trafficking, and other maltreatment of students that must be included in the district improvement plan and the student handbook. The 2020–21 [TASB Model Student Handbook](#) has been updated to meet this requirement. The rules also revise the elements of the required child abuse and neglect reporting policy.

FFG(LOCAL) has been revised to comply with these rule changes.

FFG(LOCAL)

STUDENT WELFARE: CHILD ABUSE AND NEGLECT

This local policy on child abuse and neglect has been significantly revised based on amended Administrative Code rules.

Recommended text is included to provide the required policy addressing sexual abuse, trafficking, and other maltreatment of students that must be included in the district improvement plan and the student handbook. The 2020–21 [TASB Model Student Handbook](#) has been updated to meet this requirement.

The rules also revise the elements of the required child abuse and neglect reporting policy. To ensure all the policy elements are addressed in board-adopted local policy, we have revised and moved provisions from FFG(EXHIBIT) into this local policy and recommend deletion of the exhibit.

The *Legal Issues in Update 115* memo describes common legal concerns and best practices specific to [this policy topic](#).

FFG(EXHIBIT)

STUDENT WELFARE: CHILD ABUSE AND NEGLECT

As mentioned at FFG(LLEGAL), Administrative Code rules on child abuse and neglect were recently revised. To ensure that all required policy elements are addressed in board-adopted local policy, we have revised and moved provisions from this exhibit into FFG(LOCAL). This exhibit is recommended for deletion.

FFH(LLEGAL)

STUDENT WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

This legally referenced policy addressing discrimination, harassment, and retaliation against students has been significantly revised to include the new Title IX regulations, which define sexual harassment under Title IX and establish detailed procedures for how districts must respond to notice or allegations of sexual harassment.

The final Title IX regulations and related materials are available on the U.S. Department of Education [Office for Civil Rights](#) website.

Provisions on dating violence have been moved from BQ(LLEGAL) to this code on discrimination, harassment, and retaliation.

FFH(LOCAL)

STUDENT WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

Based on the new Title IX regulations, recommended revisions include the following.

- The definition of Prohibited Conduct has been revised to include conduct that meets the Title IX definition of sexual harassment, but the policy retains the broader definitions of prohibited conduct in districts' current policies to ensure that all prohibited conduct is addressed.

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- Text at Sex-Based Harassment and Investigation of Reports Other than Title IX directs readers to new provisions on responding to allegations of prohibited conduct that if proved would meet the definition of sexual harassment under Title IX, as the law requires a specific response process for these allegations. Allegations of prohibited conduct not based on sex or that would not meet the definition of sexual harassment under Title IX will follow the district's existing investigation process.
- The provision requiring an employee to report prohibited conduct has been updated to include either direct or indirect reports.
- Text at Response to Sexual Harassment—Title IX addresses legally required actions when the district receives notice or allegations of conduct that would meet the definition of sexual harassment under Title IX.
- New provisions direct the superintendent to develop a Title IX formal complaint process that will apply following a formal complaint and that must comply with the elements in the new regulations, as included in FFH(LEGAL).
- To determine responsibility in a Title IX formal complaint of sexual harassment, the policy designates that the district will use a *preponderance of the evidence* standard. **If the board wishes to instead use the *clear and convincing evidence* standard, which is a higher standard of evidence, please contact the district's policy consultant.** The district must use the same standard of evidence for investigation of all formal Title IX sexual harassment complaints, including complaints by employees.
- Provisions on retaliation and false claims have been updated and moved to the end of the policy.

Policy Service also recommends updates to the examples for harassment to include cyberharassment and electronic communications.

TASB's Title IX model procedures are available in [TASB School Law eSource](#).

FFH(EXHIBIT) STUDENT WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

The new Title IX regulations require districts to notify employees, students, parents, and others of the Title IX coordinator's contact information, which now must include an email address. For consistency, Policy Service recommends adding an email address for the district's ADA/Section 504 coordinator.

If you have not already completed the survey from Policy Service regarding coordinator contact information, including providing email addresses for each coordinator, please do so in order for your policy consultant to update this exhibit.

The *Legal Issues in Update 115* memo describes common legal concerns and best practices specific to [this policy topic](#).

FM(LEGAL) STUDENT ACTIVITIES

The detailed list of honors classes for purposes of eligibility to participate in extracurricular activities has been deleted in lieu of a reference to the Administrative Code.

Existing statutory provisions on before- and after-school programs for elementary and middle school grades have been added.

FMF(LOCAL) STUDENT ACTIVITIES: CONTESTS AND COMPETITION

This local policy on student contests and competition is recommended for deletion. There is no requirement for board policy on these issues; the district's practices can be included in administrative procedures.

Explanatory Notes

TASB Localized Policy Manual Update 115

Hays CISD

FNG(LOCAL)

STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT AND PARENT COMPLAINTS/GRIEVANCES

Policy Service has reordered the list of protected characteristics at Other Complaint Processes, item 1, to align with the list at FFH(LOCAL), above. We also have included text to acknowledge other locally designated protected characteristics listed at FFH(LOCAL).

A recommended revision specifies that a person filing a complaint regarding refusal of entry to or ejection from property based on Education Code 37.105 shall be permitted to address the board within 90 "calendar" days. This is an exception to how other timelines are calculated in the policy, which are based on "business" days in accordance with how days are defined.

See FNG in the [TASB Regulations Resource Manual](#) for updated complaint forms.

The *Legal Issues in Update 115* memo describes common legal concerns and best practices specific to [this policy topic](#).

GBAA(EXHIBIT)

INFORMATION ACCESS: REQUESTS FOR INFORMATION

This exhibit referring to the attorney general's guidelines for charges under the Public Information Act is being deleted. The citation to the Administrative Code where these charges are found has been added to GBAA(LEGAL).

See GBAA in the [TASB Regulations Resource Manual](#) for updated forms related to requests for information.

GF(LOCAL)

PUBLIC COMPLAINTS

A recommended revision specifies that a person filing a complaint regarding refusal of entry to or ejection from property based on Education Code 37.105 shall be permitted to address the board within 90 "calendar" days. This is an exception to how other timelines are calculated in the policy, which are based on "business" days in accordance with how days are defined.

See GF in the [TASB Regulations Resource Manual](#) for updated complaint forms.

The *Legal Issues in Update 115* memo describes common legal concerns and best practices specific to [this policy topic](#).

GKA(LEGAL)

COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES

Provisions on drones have been updated based on changes to federal law and replace previous provisions on model aircraft.



(LOCAL) Policy Comparison Packet

This packet is generated by an automated process that compares the updated policy to the district's current policy as found in TASB records.

In this packet, you will find:

- Policies being recommended for revision (annotated)
- New policies (not annotated)
- Policies recommended for deletion (annotated in PDF; omitted in Word)

Annotations are shown as follows.

- *Deletions* are shown in a red strike-through font: ~~deleted text~~.
- *Additions* are shown in a blue, bold font: **new text**.
- Blocks of text that have been *moved* without alteration are shown in green, with double underline and double strike-through formatting to distinguish the text's destination from its origin: ~~moved text~~ becomes moved text.
- *Revision bars* appear in the right margin, as above.

Note: While the annotation software competently identifies simple changes, large or complicated changes—as in an extensive rewrite—may be more difficult to follow. In addition, TASB's recent changes to the policy templates to facilitate accessibility sometimes makes formatting changes appear tracked, even though the text remains the same.

For further assistance in understanding policy changes, please refer to the explanatory notes in your Localized Policy Manual update packet or contact your policy consultant.

Contact:	School Districts and Education Service Centers	Community Colleges
	policy.service@tasb.org	colleges@tasb.org
	800.580.7529 512.467.0222	800.580.1488 512.467.3689

Within the context of current law, the District shall be guided by Board-adopted written policies that are given appropriate distribution and are accessible to staff members, parents, students, and community residents.

Organization

Legally referenced policies contain provisions from federal and state statutes and regulations, case law, and other legal authority that together form the framework for local decision making and implementation. These policies are binding on the District until the cited provisions are repealed, revised, or superseded by legislative, regulatory, or judicial action.

[Legally referenced policies are not adopted by the Board.](#)

At each policy code the legally referenced policy and the Board-adopted local policy must be read together to further a full understanding of a topic.

Terms

The terms “Trustee” and “Board member” are used interchangeably in the local policy manual. Both terms are intended to reflect all the duties and obligations of the office.

[See AB for District name terminology.]

Harmony with Law

Newly enacted law is applicable when effective. No policy or regulation, or any portion thereof, shall be operative if it is found to be in conflict with applicable law.

Severability

If any portion of a policy or its application to any person or circumstance is found to be invalid, that invalidity shall not affect other provisions or applications of policy that can be given effect without the invalid provision or application; and to this end the provisions of this policy manual are declared to be severable.

Policy Development

Policies and policy amendments may be initiated by the Superintendent, Board members, school personnel, or community citizens, but generally shall be recommended for the Board’s consideration by the Superintendent.

Official Policy Manual

The Board shall designate one copy of the local policy manual as the official policy manual of the District. The official copy shall be kept in the central administration office, and the Superintendent ~~or designee~~ shall be responsible for its accuracy and integrity and shall maintain a historical record of the District’s policy manual.

Adoption and Amendment

Local policies may be adopted or amended by a majority of the Board at any regular or special meeting, provided that Board members have had advance written notice of the proposed change and that it has been placed on the agenda for such meeting.

BOARD POLICIES

BF
(LOCAL)

Local policies become effective upon Board adoption or at a future date designated by the Board at the time of adoption.

TASB Localized
Updates

After Board review of legally referenced policies and adoption of local policies, the new material shall be incorporated into the official policy manual and into other localized policy manuals maintained by the District. If discrepancies occur between different copies of the manual, the version contained in the official policy manual shall be regarded as authoritative.

Vacation Days

~~Eligible Professional, paraprofessional, and auxiliary~~ employees in positions normally requiring ~~at least 226 days~~^{12 months} of service ~~annually, and at least 226 duty days,~~ shall receive paid^{earn} vacation days. ~~The number of vacation days available in a school year shall be those days remaining in the school year after an employee's holidays and scheduled duty days have been satisfied,~~ in accordance with ~~administrative regulations~~^{the instructional calendar}. For example, if a school year's instructional calendar shows that ~~address~~^a 230-day employee has 238 assigned duty days for that school year, then the employee would be entitled for up to eight vacation days that year; if 240 duty days were assigned to that 230-day employee for another school year, then ten vacation days would be available for that school year.

~~Employees who are assigned to work fewer than 226 days in a school year are not eligible for vacation days.~~

Scheduling of Vacation Days

~~Vacation days may be taken during the duty year and shall be taken at such times that will least interfere with the performance of the employee's duties and the staffing needs of the District. An employee shall be required to obtain advance approval from his or her supervisor before taking vacation days and must provide sufficient notice to allow the supervisor to consider the District's staffing needs before approval of vacation schedules.~~

Order of Use

~~Earned compensatory time shall be used before any available paid state and local leave. [See DEA and DEC] Unless an employee requests a different order, available paid state and local leave shall be used in the following order, as applicable:~~

1. Eligibility criteria;
2. Accrual rates and availability;
3. Request and approval processes;
4. Accumulation and carryover limits; and
- 1.—~~Treatment of vacation days upon separation from service. Local leave.~~
- 2.—~~State sick leave accumulated before the 1995-96 school year.~~
- 3.—~~State personal leave.~~
- 4.—~~Vacation days, if applicable.~~

Carryover

~~Vacation days must be taken during the current duty year or prior to December 31 of the following duty year in which they are earned. Vacation days that are accumulated in the previous duty~~

COMPENSATION AND BENEFITS
VACATIONS AND HOLIDAYS

DED
(LOCAL)

~~year shall be lost according to procedures established by the Superintendent if not taken within the specified time frame.~~

~~An eligible employee who retires, resigns, or is terminated shall be paid for any earned but unused vacation days, up to a maximum of ten days.~~

**Grandfathered
Employees**

~~Eligible employees hired prior to the adoption of this policy shall suffer no loss of accrued vacation days earned before that date.~~

Note: This policy addresses discrimination, harassment, and retaliation ~~against~~~~involving~~ District employees. ~~For Title IX and other provisions regarding~~ ~~For~~ discrimination, harassment, and retaliation ~~against~~~~involving~~ students, see FFH. For reporting requirements related to child abuse and neglect, see FFG.

Definitions

Solely for purposes of this policy, the term “employee” includes former employees, applicants for employment, and unpaid interns.

Statement of Nondiscrimination

The District prohibits discrimination, including harassment, against any employee on the basis of race, color, religion, sex, ~~gender~~, national origin, age, disability, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of District policy ~~and is prohibited~~.

Discrimination

Discrimination against an employee is defined as conduct directed at an employee on the basis of race, color, religion, sex, ~~gender~~, national origin, age, disability, or any other basis prohibited by law, that adversely affects the employee’s employment.

~~In accordance with law, discrimination on the basis of sex includes discrimination on the basis of biological sex, gender identity, sexual orientation, gender stereotypes, or any other prohibited basis related to sex.~~

Prohibited Conduct

~~In this policy, the term “prohibited conduct” includes discrimination, harassment, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.~~

~~Prohibited conduct also includes sexual harassment as defined by Title IX. [See FFH(LEGAL)]~~

Prohibited Harassment

Prohibited harassment of an employee is defined as physical, verbal, or nonverbal conduct based on an employee’s race, color, religion, sex, ~~gender~~, national origin, age, disability, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct:

1. Has the purpose or effect of unreasonably interfering with the employee’s work performance;
2. Creates an intimidating, threatening, hostile, or offensive work environment; or
3. Otherwise adversely affects the employee’s performance, environment, or employment opportunities.

Examples

Examples of prohibited harassment may include offensive or derogatory language directed at another person’s religious beliefs or

practices, accent, skin color, gender identity, or need for workplace accommodation; threatening or intimidating conduct; offensive jokes, name calling, slurs, or rumors; **cyberharassment**; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other **negative** stereotypes; or other **kinds** ~~types~~ of aggressive conduct such as theft or damage to property.

Sex-Based Harassment

As required by law, the District shall follow the procedures below at Response to Sexual Harassment—Title IX upon a report of sex-based harassment, including sexual harassment, when such allegations, if proved, would meet the definition of sexual harassment under Title IX. [See FFH(LEGAL)]

Sexual Harassment

Sexual harassment is a form of sex discrimination defined as unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. Submission to the conduct is either explicitly or implicitly a condition of an employee's employment, or when submission to or rejection of the conduct is the basis for an employment action affecting the employee; or
2. The conduct is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with the employee's work performance or creates an intimidating, threatening, hostile, or offensive work environment.

Examples

Examples of sexual harassment may include sexual advances; touching intimate body parts; coercing or forcing a sexual act on another; jokes or conversations of a sexual nature; and other sexually motivated conduct, **contact**, or communication, **including electronic communication** ~~or contact~~.

Retaliation

~~The District prohibits retaliation against an employee who makes a claim alleging to have experienced discrimination or harassment, or another employee who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation.~~

~~Examples~~

~~Examples of retaliation may include termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, unjustified negative evaluations, unjustified negative references, or increased surveillance.~~

Prohibited Conduct

~~In this policy, the term "prohibited conduct" includes discrimination, harassment, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.~~

Reporting Procedures

Any ~~An~~ employee who believes that he or she has experienced prohibited conduct or believes that another employee has experienced

prohibited conduct should immediately report the alleged acts. The employee may report the alleged acts to his or her supervisor or campus principal.

Alternatively, the employee may report the alleged acts to one of the District officials below.

Definition of District Officials

For the purposes of this policy, District officials are the Title IX coordinator, the ADA/Section 504 coordinator, and the Superintendent.

Title IX Coordinator

Reports of discrimination based on sex, including sexual harassment, may be directed to the designated Title IX coordinator. [See DIA(EXHIBIT)]

ADA / Section 504 Coordinator

Reports of discrimination based on disability may be directed to the designated ADA/Section 504 coordinator. [See DIA(EXHIBIT)]

Superintendent

The Superintendent shall serve as coordinator for purposes of District compliance with all other ~~nondiscrimination~~ ~~antidiscrimination~~ laws.

Alternative Reporting Procedures

An employee shall not be required to report prohibited conduct to the person alleged to have committed ~~the conduct~~. Reports concerning prohibited conduct, including reports against the Title IX coordinator or ADA/Section 504 coordinator, may be directed to the Superintendent.

A report against the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.

Timely Reporting

To ensure the District's prompt investigation, ~~reports~~ ~~Reports~~ of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. ~~A failure to promptly report may impair the District's ability to investigate and address the prohibited conduct.~~

Notice of Report

Any District supervisor who receives a report of prohibited conduct shall immediately notify the appropriate District official listed above and take any other steps required by this policy.

Any District employee who receives a report of prohibited conduct based on sex, including sexual harassment, shall immediately notify the Title IX coordinator.

Investigation of Reports Other Than Title IX ~~the Report~~

The following procedures apply to all allegations of prohibited conduct other than allegations of harassment prohibited by Title IX. [See FFH(LEGAL)] For allegations of sex-based harassment that,

if proved, would meet the definition of sexual harassment under Title IX, see the procedures below at Response to Sexual Harassment—Title IX.

The District may request, but shall not ~~require~~~~insist upon~~, a written report. If a report is made orally, the District official shall reduce the report to written form.

Initial Assessment

Upon receipt or notice of a report, the District official shall determine whether the allegations, if ~~proved~~~~proven~~, would constitute prohibited conduct as defined by this policy. If so, the District ~~official~~ shall immediately authorize or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.

Interim Action

If appropriate, the District shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.

District Investigation

The investigation may be conducted by the District official or a designee, such as the campus principal, or by a third party designated by the District, such as an attorney. When appropriate, the ~~campus~~ principal or supervisor shall be involved in or informed of the investigation.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

Concluding the Investigation

Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.

The investigator shall prepare a written report of the investigation. The report shall be filed with the District official overseeing the investigation.

District Action

If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.

The District may take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.

Confidentiality

To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

Appeal

A complainant who is dissatisfied with the outcome of the investigation may appeal through DGBA(LOCAL), beginning at the appropriate level.

The complainant may have a right to file a complaint with appropriate state or federal agencies.

Response to Sexual Harassment—Title IX

General Response

For purposes of the District's response to reports of harassment prohibited by Title IX, definitions can be found in FFH(LEGAL).

When the District receives notice or an allegation of conduct that, if proved, would meet the definition of sexual harassment under Title IX, the Title IX coordinator shall promptly contact the complainant to:

- Discuss the availability of supportive measures and inform the complainant that they are available, with or without the filing of a formal complaint;
- Consider the complainant's wishes with respect to supportive measures; and
- Explain to the complainant the option and process for filing a formal complaint.

The District's response to sexual harassment shall treat complainants and respondents equitably by offering supportive measures to both parties, as appropriate, and by following the Title IX formal complaint process before imposing disciplinary sanctions or other actions that are not supportive measures against a respondent.

If a formal complaint is not filed, the District reserves the right to investigate and respond to prohibited conduct in accordance with Board policies and administrative procedures.

Title IX Formal Complaint Process

To distinguish the process described below from the District's general grievance policies [see DGBA, FNG, and GF], this policy refers to the grievance process required by Title IX regulations for responding to formal complaints of sexual harassment as the District's "Title IX formal complaint process."

The Superintendent shall ensure the development of a Title IX formal complaint process that complies with legal requirements. [See FFH(LEGAL)] The formal complaint process shall be posted on the

District's website. In compliance with Title IX regulations, the District's Title IX formal complaint process shall address the following basic requirements:

1. Equitable treatment of complainants and respondents;
2. An objective evaluation of all relevant evidence;
3. A requirement that the Title IX coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process not have a conflict of interest or bias;
4. A presumption that the respondent is not responsible for the alleged sexual harassment until a determination is made at the conclusion of the Title IX formal complaint process;
5. Time frames that provide for a reasonably prompt conclusion of the Title IX formal complaint process, including time frames for appeals and any informal resolution process, and that allow for temporary delays or the limited extension of time frames with good cause and written notice as required by law;
6. A description of the possible disciplinary sanctions and remedies that may be implemented following a determination of responsibility for the alleged sexual harassment;
7. A statement of the standard of evidence to be used to determine responsibility for all Title IX formal complaints of sexual harassment;
8. Procedures and permissible bases for the complainant and respondent to appeal a determination of responsibility or a dismissal of a Title IX formal complaint or any allegations therein;
9. A description of the supportive measures available to the complainant and respondent;
10. A prohibition on using or seeking information protected under a legally recognized privilege unless the individual holding the privilege has waived the privilege;
11. Additional formal complaint procedures in 34 C.F.R. 106.45(b), including written notice of a formal complaint, consolidation of formal complaints, recordkeeping, and investigation procedures; and
12. Other local procedures as determined by the Superintendent.

Standard of
Evidence

The standard of evidence used to determine responsibility in a Title IX formal complaint of sexual harassment shall be the preponderance of the evidence.

Retaliation

The District prohibits retaliation against an employee who makes a claim alleging to have experienced discrimination or harassment, or another employee who, in good faith, makes a report of harassment or discrimination, files a complaint of harassment or discrimination, serves as a witness, or otherwise participates or refuses to participate in an investigation.

Examples

Examples of retaliation may include termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, intimidation, coercion, unjustified negative evaluations, unjustified negative references, or increased surveillance.

Records Retention

The District shall retain copies of allegations ~~Copies of reports alleging prohibited conduct~~, investigation reports, and related records regarding any prohibited conduct in accordance with ~~shall be maintained by~~ the District's records control schedules, but ~~District~~ for no less than the minimum amount ~~a period~~ of time required by law. ~~at least three years.~~ [See CPC]

[For Title IX recordkeeping and retention provisions, see FFH(LEGAL) and the District's Title IX formal complaint process.]

Access to Policy and Procedures

Information regarding this ~~This~~ policy and any accompanying procedures shall be distributed annually to District employees. Copies of the policy and procedures shall be ~~posted on the District's website, to the extent practicable,~~ and readily available at each campus and the ~~District's District~~ administrative offices.

ACADEMIC ACHIEVEMENT

EI
(LOCAL)

**Certificate of
Coursework
Completion**

The District shall issue a certificate of coursework completion to a student who has successfully completed state and local credit requirements for graduation but has failed to meet all applicable state testing requirements. [See EIF, FMH]

Partial Credit

When a student earns a passing grade in only half of a course and the combined grade for both halves is lower than 70, the District shall award the student credit for the half with the passing grade.

Note: The following provisions address equal educational opportunity for all students in accordance with law. For provisions addressing discrimination, harassment, and retaliation involving District students, see FFH.

Title IX Coordinator The District ~~designates and authorizes the~~~~has designated a~~ Title IX coordinator for students to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended. [See FB(EXHIBIT)]

ADA / Section 504 Coordinator The District ~~designates and authorizes the~~~~has designated an~~ ADA/Section 504 coordinator for students to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973 (“Section 504”), as amended. [See FB(EXHIBIT)]

Superintendent The Superintendent shall serve as coordinator for purposes of District compliance with all other nondiscrimination laws.

Equal Educational Opportunity
General Education The District shall provide necessary services and supports to provide students equal access to educational opportunities. [See EHBC]- Certain instructional or other accommodations, including on state-mandated assessments, may be made when necessary, when allowable, and when these accommodations do not modify the rigor or content expectations of a subject, course, or assessment. [See EKB]

Additional Services and Supports If the District has reason to believe that a student has a disability that may require additional services and supports in order for the student to receive an appropriate education as this term is defined by law, Section 504 and/or the Individuals with Disabilities Education Act (IDEA) shall govern the evaluation, services, and supports provided by the District. [See also EHBA series]

[For information regarding dyslexia and related disorders, see EHB.]

Note: The following provisions address the District’s compliance efforts and system of procedural safeguards as required by federal regulations for a student with a disability as defined by Section 504. A report of discrimination or harassment based on a student’s disability shall be made in accordance with FFH.

Section 504

Committees

The District shall form Section 504 committees as necessary. The Section 504 coordinator and members of each Section 504 committee shall receive training in the procedures and requirements for identifying and providing educational and related services and supports to a student who has a disability that results in a substantial limitation of a major life activity.

Each Section 504 committee shall be composed of a group of persons knowledgeable about the student, the meaning of the evaluation data, placement options, and the legal requirements regarding least restrictive environment and comparable facilities for students with disabilities.

Referrals

If a teacher, school counselor, administrator, or other District employee has reason to believe that a student may have a disability as defined by Section 504, the District shall evaluate the student. A student may also be referred for evaluation by the student's parent.

Notice and Consent

The District shall seek written parental consent prior to conducting a formal evaluation. Ordinary observations in the classroom or other school setting shall not require prior parental consent.

Evaluation and Placement

The results of an evaluation shall be considered before any action is taken to place a student with a disability or make a significant change in placement in an instructional program. The Superintendent shall ensure that the District's procedures for tests and other evaluation materials comply with the minimum requirements of law. In interpreting evaluation data and when making decisions related to necessary services and supports, each Section 504 committee shall carefully consider and document information from a variety of sources in accordance with law.

Review and Reevaluation Procedure

To address the periodic reevaluation requirement of law, the District shall adhere to the reevaluation timelines in the IDEA regulations.

A parent, teacher, or other District employee may request a review of a student's services and supports at any time, but a formal reevaluation shall generally occur no more frequently than once a year.

Examining Records

A parent shall make any request to review his or her child's education records to the campus principal or other identified custodian of records. [See FL]

Right to Impartial Hearing

A parent shall be given written notice of the due process right to an impartial hearing if the parent has a concern or complaint about the District's actions regarding the identification, evaluation, or educational placement of a student with a disability. The impartial hearing

EQUAL EDUCATIONAL OPPORTUNITY

FB
(LOCAL)

shall be conducted by a person who is knowledgeable about Section 504 issues and who is not employed by the District or related to a member of the Board in a degree that would be prohibited under the nepotism statute [see DBE]. The impartial hearing officer is not required to be an attorney. The District and the parent shall be entitled to legal representation at the impartial hearing.

Records Retention

Records specific to identification, evaluation, and placement as these pertain to Section 504 shall be retained by the District in accordance with law and the District's local records ~~control~~retention schedules. [See CPC]

**Persons Age 21
and ~~And~~ Over**

The District shall not admit into its public schools any person age 21 or over unless otherwise required by law.

Registration Forms

The student's parent, legal guardian, or other person having lawful control shall annually complete registration forms. A student who has reached age 18 shall be permitted to complete these forms.

Proof of Residency

At the time of initial registration and on an annual basis thereafter, the parent, guardian, or other person having lawful control of the student under order of a court shall present proof of residency in accordance with administrative regulations developed by the Superintendent. The District may investigate stated residency as necessary.

Minor Living Apart

Person Standing in
Parental Relation

A minor student residing in the District but whose parent, guardian, or other person having lawful control under a court order does not reside in the District shall present an authorization form provided by the District and consistent with Chapter 34 of the Family Code assigning responsibility for the student in all school-related matters to an adult resident of the District.

Misconduct

A minor student living apart who has engaged in misconduct that results in any of the consequences found in Education Code 25.001(d) shall not be permitted to attend a District school.

Exceptions

Based on an individual student's circumstance, the Superintendent shall have authority to grant exceptions to the requirement for an authorization form and to the exclusion for misconduct.

Extracurricular
Activities

The Superintendent shall determine whether a minor student living apart is present in the District for the primary purpose of participating in extracurricular activities.

**Nonresident Student
in Grandparent's
After-School Care**

The parent and grandparent of a nonresident student requesting admission under Education Code 25.001(b)(9) shall provide to the Superintendent the required information on the grandparent's residency and complete a form provided by the District describing the extent of after-school care to be provided by the grandparent.

The Superintendent shall have authority to approve or deny such admissions requests in accordance with criteria approved by the Board.

"Accredited" Defined

For the purposes of this policy, "accredited" shall be defined as accreditation by TEA, an equivalent agency from another state, or an accrediting association recognized by the commissioner of education.

Grade-Level Placement

Accredited Schools

The parent, guardian, or other person having lawful control of a student enrolling in a District school from an accredited public, private, or parochial school shall provide evidence of the prior schooling outside the District. The student shall be placed initially at the grade level reached elsewhere, pending observation by the classroom teacher, guidance personnel, and the principal. On the basis of these observations and results of tests that may be administered by appropriate District personnel, the principal shall determine the final grade placement.

Nonaccredited Schools

A student enrolling in a District school from a nonaccredited public, private, or parochial school, including a homeschool, shall be placed initially at the discretion of the principal, pending observation by classroom teachers, guidance personnel, and the principal. Criteria for placement may include:

1. Scores on achievement tests, which may be administered by appropriate District personnel.
2. Recommendation of the sending school.
3. Prior academic record.
4. Chronological age and social and emotional development of the student.
5. Other criteria deemed appropriate by the principal.

Transfer of Credit

Accredited Texas Public Schools

Credit toward state graduation requirements earned in an accredited public school district in Texas shall be transferable and recognized by the District.

Other Accredited or Nonaccredited Schools

Before recognizing credit in a course earned in an accredited non-public school, an accredited school outside of Texas, or a nonaccredited school, appropriate personnel shall evaluate a student's records and transcript. The District may require the student to demonstrate mastery of the content or use alternative methods to verify course content for the award of credit.

Transition Assistance

In accordance with law, when a student who is identified as homeless or in substitute care enrolls in the District, the District shall assess the student's available records and other relevant information to determine transfer of credit for subjects and courses taken prior to enrollment.

[See EI]

Withdrawal

A parent or guardian wishing to withdraw a minor student shall present a signed statement that includes the reason for the withdrawal. A student who is 18 or older may submit a withdrawal statement without a parent's or guardian's signature.

[For District withdrawal of students no longer in attendance, see FEA(LOCAL).]

**Attendance
Accounting System**

The Superintendent shall be responsible for **designating the official attendance-taking time during the campus's instructional day and** maintaining a student attendance accounting system in accordance with statutory and TEA requirements. [See also FD for admissions and residency requirements.]

Alternative
Attendance-
Taking **Recording**
Time

The ~~When appropriate, the~~ Superintendent **is authorized to shall** establish written procedures permitting a campus to **record absences in** ~~specify~~ an alternative **hour from the District's official time for taking attendance-taking time other than the second or fifth instructional hour. Exceptions may be authorized for an entire campus** or for a designated group of students at a campus. The alternative ~~time for recording~~ **attendance-taking time** shall be determined in accordance with TEA's *Student Attendance Accounting Handbook* **and administrative regulations.**

**Parental Consent to
Leave Campus**

The Superintendent shall establish procedures regarding parental consent for a student to leave campus, including procedures for documenting a student's absence. The procedures shall be communicated in the employee and student handbooks.

**Program to Address
Child Sexual Abuse,
Trafficking, and
Maltreatment**

The District's program to address child sexual abuse, trafficking, and other maltreatment of children, as included in the District improvement plan and the student handbook, shall include:

1. Methods for increasing staff, student, and parent awareness regarding these issues, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;
2. Age-appropriate, research-based antivictimization programs for students;
3. Actions that a child who is a victim should take to obtain assistance and intervention; and
4. Available counseling options for affected students.

Training

The District shall provide training to employees as required by law. Training shall address techniques to prevent and recognize sexual abuse, trafficking, and all other maltreatment of children, including children with significant cognitive disabilities. [See DMA]

[See BBD for Board member training requirements and BJCB for Superintendent continuing education requirements.]

**Reporting Child
Abuse and Neglect**

Any person who has cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect has a legal responsibility, under state law, to immediately report the suspected abuse or neglect to an appropriate authority.

As defined in state law, child abuse and neglect include both sex and labor trafficking of a child.

The following individuals have an additional legal obligation to submit a written or oral report within 48 hours of learning of the facts giving rise to the suspicion of abuse or neglect:

1. Any District employee, agent, or contractor who suspects a child's physical or mental health or welfare has been adversely affected by abuse or neglect.
2. A professional who has cause to believe that a child has been or may be abused or neglected or may have been a victim of indecency with a child. A professional is anyone licensed or certified by the state who has direct contact with children in the normal course of duties for which the individual is licensed or certified.

~~Any~~ ~~by any~~ person is required to ~~shall~~ make a report if the person has cause to believe that an adult was a victim of abuse or neglect ~~im-~~
~~mediately~~ as a child and the person determines in good faith that

disclosure of the information is necessary to protect the health and safety of another child or an elderly or disabled person. ~~required by law.~~

~~Reports shall be made in accordance with FFG(EXHIBIT).~~

[For parental notification requirements regarding an allegation of educator misconduct with a student, see FFF.]

Restrictions on Reporting

In accordance with law, an employee is prohibited from using or threatening to use a parent's refusal to consent to administration of a psychotropic drug or to any other psychiatric or psychological testing or treatment of a child as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Making a Report

Reports may be made to any of the following:

1. A state or local law enforcement agency;
2. The Child Protective Services (CPS) division of the Texas Department of Family and Protective Services (DFPS) at (800) 252-5400 or the [Texas Abuse Hotline Website](#)ⁱ;
3. A local CPS office; or
4. If applicable, the state agency operating, licensing, certifying, or registering the facility in which the suspected abuse or neglect occurred.

However, if the suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is to the state agency that operates, licenses, certifies, or registers the facility where the suspected abuse or neglect took place; or the report is to the Texas Juvenile Justice Department as a report of suspected abuse or neglect in a juvenile justice program or facility.

An individual does not fulfill his or her responsibilities under the law by only reporting suspicion of abuse or neglect to a campus principal, school counselor, or another District staff member. Furthermore, the District is prohibited from requiring an employee to first report his or her suspicion to a District or campus administrator.

Confidentiality

In accordance with state law, the identity of a person making a report of suspected child abuse or neglect shall be kept confidential

and disclosed only in accordance with the rules of the investigating agency.

Immunity

A person who in good faith reports or assists in the investigation of a report of child abuse or neglect is immune from civil or criminal liability.

Failing to Report Suspected Child Abuse or Neglect

By failing to report suspicion of child abuse or neglect, an employee:

1. May be placing a child at risk of continued abuse or neglect;
2. Violates the law and may be subject to legal penalties, including criminal sanctions for knowingly failing to make a required report;
3. Violates Board policy and may be subject to disciplinary action, including possible termination of employment; and
4. May have his or her certification from the State Board for Educator Certification suspended, revoked, or canceled in accordance with 19 Administrative Code Chapter 249.

It is a criminal offense to coerce someone into suppressing or failing to report child abuse or neglect.

Responsibilities Regarding Investigations

In accordance with law, District officials shall be prohibited from:

1. Denying an investigator's request to interview a child at school in connection with an investigation of child abuse or neglect;
2. Requiring that a parent or school employee be present during the interview; or
3. Coercing someone into suppressing or failing to report child abuse or neglect.

District personnel shall cooperate fully and without parental consent, if necessary, with an investigation of reported child abuse or neglect. [See GKA]

ⁱ Texas Abuse Hotline Website: <http://www.txabusehotline.org>

Note: This policy addresses discrimination, harassment, and retaliation ~~against~~~~involving~~ District students. For provisions regarding discrimination, harassment, and retaliation ~~against~~~~involving~~ District employees, see DIA. For reporting requirements related to child abuse and neglect, see FFG. Note that FFH shall be used in conjunction with FFI (bullying) for certain prohibited conduct.

Statement of Nondiscrimination

The District prohibits discrimination, including harassment, against any student on the basis of race, color, religion, sex, gender, sexual orientation, national origin, ~~age~~, disability, ~~age~~, or any other basis prohibited by law. The District prohibits dating violence, as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.

Discrimination

Discrimination against a student is defined as conduct directed at a student on the basis of race, color, religion, sex, gender, sexual orientation, national origin, ~~age~~, disability, ~~age~~, or ~~on~~ any other basis prohibited by law, that adversely affects the student.

Prohibited Conduct

In this policy, the term “prohibited conduct” includes discrimination, harassment, dating violence, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

Prohibited conduct also includes sexual harassment as defined by Title IX. [See FFH(LEGAL)]

Prohibited Harassment

Prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student’s race, color, religion, sex, gender, sexual orientation, national origin, ~~age~~, disability, ~~age~~, or any other basis prohibited by law, ~~when the conduct~~ ~~that~~ is so severe, persistent, or pervasive that the conduct:

1. Affects a student’s ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student’s academic performance; or
3. Otherwise adversely affects the student’s educational opportunities.

Prohibited harassment includes dating violence as defined by ~~law~~ ~~and~~ this policy.

Examples

Examples of prohibited harassment may include offensive or derogatory language directed at another person’s religious beliefs or

practices, accent, skin color, or need for accommodation; threatening, intimidating, or humiliating conduct; offensive jokes, name calling, slurs, or rumors; [cyberharassment](#); physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

Sex-Based Harassment

As required by law, the District shall follow the procedures below at Response to Sexual Harassment—Title IX upon a report of sex-based harassment, including sexual harassment, gender-based harassment, and dating violence, when such allegations, if proved, would meet the definition of sexual harassment under Title IX. [See FFH(LEGAL)]

Sexual Harassment By an Employee

Sexual harassment of a student by a District employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. A District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
2. The conduct is so severe, persistent, or pervasive that it:
 - a. Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or
 - b. Creates an intimidating, threatening, hostile, or abusive educational environment.

Romantic or [other](#) inappropriate social relationships between students and District employees are prohibited. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See DH]

By Others

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;

2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Examples

Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; and other sexually motivated conduct, [contact](#), or communications, [including electronic communication](#) ~~or contact~~.

Necessary or permissible physical contact such as assisting a child by taking the child's hand, comforting a child with a hug, or other physical contact not reasonably construed as sexual in nature is not sexual harassment.

Gender-Based Harassment

Gender-based harassment includes physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Examples

Examples of gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; [cyberharassment](#); physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

Dating Violence

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense.

For purposes of this policy, dating violence is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Examples

Examples of dating violence against a student may include physical or sexual assaults; name-calling; put-downs; or threats directed at the student, the student's family members, or members of the student's household. Additional examples may include destroying property belonging to the student, threatening to commit suicide or homicide if the student ends the relationship, attempting to isolate the student from friends and family, stalking, threatening a student's spouse or current dating partner, or encouraging others to engage in these behaviors.

~~Retaliation~~

~~The District prohibits retaliation by a student or District employee against a student alleged to have experienced discrimination or harassment, including dating violence, or another student who, in good faith, makes a report of harassment or discrimination, serves as a witness, or participates in an investigation.~~

~~Examples~~

~~Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.~~

~~False Claim~~

~~A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding discrimination or harassment, including dating violence, shall be subject to appropriate disciplinary action.~~

~~Prohibited Conduct~~

~~In this policy, the term "prohibited conduct" includes discrimination, harassment, dating violence, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.~~

**Reporting
Procedures**

Student Report

Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a teacher, school counselor, principal, other District employee, or the appropriate District official listed in this policy.

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH
(LOCAL)

Employee Report	Any District employee who suspects or receives direct or indirect notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify the appropriate District official listed in this policy and take any other steps required by this policy.
<i>Definition of District Officials</i>	For the purposes of this policy, District officials are the Title IX coordinator, the ADA/Section 504 coordinator, and the Superintendent.
<i>Title IX Coordinator</i>	Reports of discrimination based on sex, including sexual harassment, or gender-based harassment, or dating violence , may be directed to the designated Title IX coordinator for students. [See FFH(EXHIBIT)]
<i>ADA / Section 504 Coordinator</i>	Reports of discrimination based on disability may be directed to the designated ADA/Section 504 coordinator for students. [See FFH(EXHIBIT)]
<i>Superintendent</i>	The Superintendent shall serve as coordinator for purposes of District compliance with all other nondiscrimination laws.
Alternative Reporting Procedures	<p>An individualA student shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX coordinator or ADA/Section 504 coordinator, may be directed to the Superintendent.</p> <p>A report against the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.</p>
Timely Reporting	<p>To ensure the District's prompt investigation, reportsReports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the District's ability to investigate and address the prohibited conduct.</p>
Notice to Parents	<p>The District official or designee shall promptly notify the parents of any student alleged to have experienced prohibited conduct by a District employee or another adult.</p> <p>[For parental notification requirements regarding an allegation of educator misconduct with a student, see FFF.]</p>
Investigation of Reports Other Than Title IX the Report	<p>The following procedures apply to all allegations of prohibited conduct other than allegations of harassment prohibited by Title IX. [See FFH(LEGAL)] For allegations of sex-based harassment that, if proved, would meet the definition of sexual harassment under Title IX, including sexual harassment, gender-based harassment,</p>

and dating violence, see the procedures below at Response to Sexual Harassment—Title IX.

The District may request, but shall not require, a written report. If a report is made orally, the District official shall reduce the report to written form.

Initial Assessment Upon receipt or notice of a report, the District official shall determine whether the allegations, if ~~proved~~ proven, would constitute prohibited conduct as defined by this policy. If so, the District shall immediately undertake an investigation, except as provided below at Criminal Investigation.

If the District official determines that the allegations, if ~~proved~~ proven, would not constitute prohibited conduct as defined by this policy, the District official shall refer the complaint for consideration under FFI.

Interim Action If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the District shall promptly take interim action calculated to address prohibited conduct or bullying prior to the completion of the District's investigation.

District Investigation The investigation may be conducted by the District official or a designee, such as the principal, or by a third party designated by the District, such as an attorney. When appropriate, the principal shall be involved in or informed of the investigation.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

Criminal Investigation If a law enforcement or regulatory agency notifies the District that a criminal or regulatory investigation has been initiated, the District shall confer with the agency to determine if the District investigation would impede the criminal or regulatory investigation. The District shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has finished gathering its evidence, the District shall promptly resume its investigation.

Concluding the Investigation Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the District to delay its investigation, the investigation should be completed within ten District business days from the date of the report; however, the investiga-

tor shall take additional time if necessary to complete a thorough investigation.

The investigator shall prepare a written report of the investigation. The report shall include a determination of whether prohibited conduct or bullying occurred. The report shall be filed with the District official overseeing the investigation.

Notification of Outcome

Notification of the outcome of the investigation shall be provided to both parties in compliance with FERPA.

District Action

Prohibited Conduct

If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the Student Code of Conduct and may take corrective action reasonably calculated to address the conduct.

Corrective Action

Examples of corrective action may include a training program for those involved in the ~~report~~ ~~complaint~~, a comprehensive education program for the school community, counseling to the victim and the student who engaged in prohibited conduct, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where prohibited conduct has occurred, and reaffirming the District's policy against discrimination and harassment.

Bullying

If the results of an investigation indicate that bullying occurred, as defined by FFI, the District official shall refer to FFI for appropriate notice to parents and District action. The District official shall refer to FDB for transfer provisions.

Improper Conduct

If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take disciplinary action in accordance with the Student Code of Conduct or other corrective action reasonably calculated to address the conduct.

Confidentiality

To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

Appeal

A student or parent who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level. A student or parent shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.

Response to Sexual Harassment–Title IX

General Response

For purposes of the District’s response to reports of harassment prohibited by Title IX, definitions can be found in FFH(LEGAL).

When the District receives notice or an allegation of conduct that, if proved, would meet the definition of sexual harassment under Title IX, the Title IX coordinator shall promptly contact the complainant to:

- Discuss the availability of supportive measures and inform the complainant that they are available, with or without the filing of a formal complaint;
- Consider the complainant’s wishes with respect to supportive measures; and
- Explain to the complainant the option and process for filing a formal complaint.

The District’s response to sexual harassment shall treat complainants and respondents equitably by offering supportive measures to both parties, as appropriate, and by following the Title IX formal complaint process before imposing disciplinary sanctions or other actions that are not supportive measures against a respondent.

If a formal complaint is not filed, the District reserves the right to investigate and respond to prohibited conduct in accordance with Board policies and the Student Code of Conduct.

Title IX Formal Complaint Process

To distinguish the process described below from the District’s general grievance policies [see DGBA, FNG, and GF], this policy refers to the grievance process required by Title IX regulations for responding to formal complaints of sexual harassment as the District’s “Title IX formal complaint process.”

The Superintendent shall ensure the development of a Title IX formal complaint process that complies with legal requirements. [See FFH(LEGAL)] The formal complaint process shall be posted on the District’s website. In compliance with Title IX regulations, the District’s Title IX formal complaint process shall address the following basic requirements:

1. Equitable treatment of complainants and respondents;
2. An objective evaluation of all relevant evidence;
3. A requirement that the Title IX coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process not have a conflict of interest or bias;

4. A presumption that the respondent is not responsible for the alleged sexual harassment until a determination is made at the conclusion of the Title IX formal complaint process;
5. Time frames that provide for a reasonably prompt conclusion of the Title IX formal complaint process, including time frames for appeals and any informal resolution process, and that allow for temporary delays or the limited extension of time frames with good cause and written notice as required by law;
6. A description of the possible disciplinary sanctions and remedies that may be implemented following a determination of responsibility for the alleged sexual harassment;
7. A statement of the standard of evidence to be used to determine responsibility for all Title IX formal complaints of sexual harassment;
8. Procedures and permissible bases for the complainant and respondent to appeal a determination of responsibility or a dismissal of a Title IX formal complaint or any allegations therein;
9. A description of the supportive measures available to the complainant and respondent;
10. A prohibition on using or seeking information protected under a legally recognized privilege unless the individual holding the privilege has waived the privilege;
11. Additional formal complaint procedures in 34 C.F.R. 106.45(b), including written notice of a formal complaint, consolidation of formal complaints, recordkeeping, and investigation procedures; and
12. Other local procedures as determined by the Superintendent.

Standard of
Evidence

The standard of evidence used to determine responsibility in a Title IX formal complaint of sexual harassment shall be the preponderance of the evidence.

Retaliation

The District prohibits retaliation by a student or District employee against a student alleged to have experienced discrimination or harassment, including dating violence, or another student who, in good faith, makes a report of harassment or discrimination, files a complaint of harassment or discrimination, serves as a witness, or participates in an investigation. The definition of prohibited retaliation under this policy also includes retaliation against a student who refuses to participate in any manner in an investigation under Title IX.

Examples

Examples of retaliation may include threats, intimidation, coercion, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

False Claim

A student who intentionally makes a false claim or offers false statements in a District investigation regarding discrimination or harassment, including dating violence, shall be subject to appropriate disciplinary action in accordance with law.

Records Retention

The District shall retain copies of allegations, investigation reports, and related records regarding any prohibited conduct in accordance with the District's records ~~control~~retention schedules, but for no less than the minimum amount of time required by law. [See CPC]

[For Title IX recordkeeping and retention provisions, see FFH(LEGAL) and the District's Title IX formal complaint process.]

Access to Policy and Procedures

Information regarding this policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and readily available at each campus and the District's administrative offices.

STUDENT ACTIVITIES
CONTESTS AND COMPETITION

FMF
(LOCAL)

UIL Activities

~~State Board and UIL rules shall govern interscholastic activities; however, Board policies and District rules may supplement State Board and UIL rules.~~

~~No event shall be scheduled and no student allowed to participate in any UIL event unless all pertinent rules and regulations are strictly enforced. The Superintendent or designee shall maintain all necessary records and reports. Sponsors and coaches are responsible for knowledge of and compliance with rules for eligibility and participation. [See FM]~~

Athletic Program

~~A well-rounded program of interscholastic athletics shall be maintained in the District secondary schools. The operation of the total program, including the starting and ending dates for each sport, shall be in accordance with regulations set by the UIL and the Board.~~

~~Supervision of the program shall be the responsibility of the Superintendent, but certain responsibilities may be delegated to other staff members. In each school, the principal shall have direct responsibility to maintain the athletic program as an integral part of the educational program of that school.~~

~~Interscholastic competitive athletics shall not be part of the elementary grades' program. To the extent practicable, a program of intra-school sports activities for elementary students shall be maintained as part of the physical education program.~~

Non-UIL Activities

~~Contests and competitive activities that are sponsored by outside organizations shall not be recommended to students unless the activities supplement and do not interfere with the regular school program. Contests and competitive activities shall have the prior approval of the Superintendent or designee, who shall develop the necessary rules and regulations to implement this policy. [See FM]~~

Overnight Trips

~~Students involved in UIL competition that requires an overnight trip shall have their expenses paid by the District. [See also FM, FMG]~~

Complaints

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

Other Complaint
Processes

Student or parent complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with FNG after the relevant complaint process:

1. Complaints alleging discrimination or harassment based on race, color, religion, sex, gender, national origin, age, disability, or other protected characteristics [see FFH] ~~religion~~ shall be submitted in accordance with FFH.
2. Complaints concerning dating violence shall be submitted in accordance with FFH.
3. Complaints concerning retaliation related to discrimination and harassment shall be submitted in accordance with FFH.
4. Complaints concerning bullying or retaliation related to bullying shall be submitted in accordance with FFI.
5. Complaints concerning failure to award credit or a final grade on the basis of attendance shall be submitted in accordance with FEC.
6. Complaints concerning expulsion shall be submitted in accordance with FOD and the Student Code of Conduct.
7. Complaints concerning any final decisions of the gifted and talented selection committee regarding selection for or exit from the gifted program shall be submitted in accordance with EHBB.
8. Complaints concerning identification, evaluation, or educational placement of a student with a disability within the scope of Section 504 shall be submitted in accordance with FB and the procedural safeguards handbook.
9. Complaints concerning identification, evaluation, educational placement, or discipline of a student with a disability within the scope of the Individuals with Disabilities Education Act shall be submitted in accordance with EHBAE, FOF, and the procedural safeguards handbook provided to parents of all students referred to special education.
10. Complaints concerning instructional resources shall be submitted in accordance with EF.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

11. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with CKE.
12. Complaints concerning intradistrict transfers or campus assignment shall be submitted in accordance with FDB.
13. Complaints concerning admission, placement, or services provided for a homeless student shall be submitted in accordance with FDC.

Complaints regarding refusal of entry to or ejection from District property based on Education Code 37.105 shall be filed in accordance with this policy. However, the timelines shall be adjusted as necessary to permit the complainant to address the Board in person within 90 **calendar** days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See GKA(LEGAL)]

Notice to Students and Parents

The District shall inform students and parents of this policy through appropriate District publications.

Guiding Principles

Informal Process

The Board encourages students and parents to discuss their concerns with the appropriate teacher, principal, or other campus administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

Formal Process

A student or parent may initiate the formal process described below by timely filing a written complaint form.

Even after initiating the formal complaint process, students and parents are encouraged to seek informal resolution of their concerns. A student or parent whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.

Freedom from Retaliation

Neither the Board nor any District employee shall unlawfully retaliate against any student or parent for bringing a concern or complaint.

General Provisions

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

Scheduling
Conferences

The District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If a student or parent fails to appear at a scheduled conference, the District may hold the conference and issue a decision in the student's or parent's absence.

Response

At Levels One and Two, "response" shall mean a written communication to the student or parent from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the student's or parent's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline. Upon written mutual agreement of both parties, responses may be sent by electronic communication to the student's or parent's email address or fax number of record. Filings sent by electronic communication shall be timely if they are sent by the close of business on the deadline, as indicated by the date/time shown on the electronic communication.

Days

"Days" shall mean District business days, [unless otherwise noted](#). In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."

Representative

"Representative" shall mean any person who or organization that is designated by the student or parent to represent the student or parent in the complaint process. A student may be represented by an adult at any level of the complaint.

The student or parent may designate a representative through written notice to the District at any level of this process. If the student or parent designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.

Consolidating
Complaints

Complaints arising out of an event or a series of related events shall be addressed in one complaint. A student or parent shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

Untimely Filings	<p>All time limits shall be strictly followed unless modified by mutual written consent.</p> <p>If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student or parent, at any point during the complaint process. The student or parent may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.</p>
Costs Incurred	<p>Each party shall pay its own costs incurred in the course of the complaint.</p>
Complaint and Appeal Forms	<p>Complaints and appeals under this policy shall be submitted in writing on a form provided by the District.</p> <p>Copies of any documents that support the complaint should be attached to the complaint form. If the student or parent does not have copies of these documents, copies may be presented at the Level One conference. After the Level One conference, new documents may be submitted at the sole discretion of the District employee or official presiding over the grievance conference or appeal.</p> <p>A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing.</p>

Level One

Complaint forms must be filed:

1. Within 15 days of the date the student or parent first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

In most circumstances, students and parents shall file Level One complaints with the campus principal.

If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and schedule a conference with the student or parent within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the student or parent a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

Level Two

If the student or parent did not receive the relief requested at Level One or if the time for a response has expired, the student or parent may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

The Superintendent or designee shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the student or parent a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider documents and information provided at Levels One and Two, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Level Three

If the student or parent did not receive the relief requested at Level Two or if the time for a response has expired, the student or parent may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

The Superintendent or designee shall inform the student or parent of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

The appeal shall be limited to the issues and documents considered at Level Two.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the student or parent and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

The Level Three presentation, including the presentation by the student or parent or the student's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. The lack of decision or response by the Board upholds the administrative decision at Level Two.

Complaints

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

Other Complaint Processes

Complaints by members of the public shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with GF after the relevant complaint process:

1. Complaints concerning instructional resources shall be filed in accordance with EF.
2. Complaints concerning a commissioned peace officer who is an employee of the District shall be filed in accordance with CKE.

Complaints regarding refusal of entry to or ejection from District property based on Education Code 37.105 shall be filed in accordance with this policy. However, the timelines shall be adjusted as necessary to permit the complainant to address the Board in person within 90 **calendar** days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See GKA(LEGAL)]

Guiding Principles

Informal Process

The Board encourages the public to discuss concerns with an appropriate administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

Formal Process

An individual may initiate the formal process described below by timely filing a written complaint form.

Even after initiating the formal complaint process, individuals are encouraged to seek informal resolution of their concerns. An individual whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.

Freedom from Retaliation

Neither the Board nor any District employee shall unlawfully retaliate against any individual for bringing a concern or complaint.

General Provisions

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on

the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

Scheduling
Conferences

The District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If the individual fails to appear at a scheduled conference, the District may hold the conference and issue a decision in the individual's absence.

Response

At Levels One and Two, "response" shall mean a written communication to the individual from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the individual's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline. Upon written mutual agreement of both parties, responses may be sent by electronic communication to the individual's email address of record.

Days

"Days" shall mean District business days, [unless otherwise noted](#). In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."

Representative

"Representative" shall mean any person who or organization that is designated by an individual to represent the individual in the complaint process.

The individual may designate a representative through written notice to the District at any level of this process. If the individual designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.

Consolidating
Complaints

Complaints arising out of an event or a series of related events shall be addressed in one complaint. An individual shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

Untimely Filings

All time limits shall be strictly followed unless modified by mutual written consent.

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the individual, at any point during the complaint process. The individual may appeal the

dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

Costs Incurred

Each party shall pay its own costs incurred in the course of the complaint.

Complaint and
Appeal Forms

Complaints and appeals under this policy shall be submitted in writing on a form provided by the District.

Copies of any documents that support the complaint should be attached to the complaint form. If the individual does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, new documents may be submitted at the sole discretion of the District employee or official presiding over the grievance conference or appeal.

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refile is within the designated time for filing.

Level One

Complaint forms must be filed:

1. Within 15 days of the date the individual first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and schedule a conference with the individual within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the individual a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other

relevant documents or information the administrator believes will help resolve the complaint.

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The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

The Superintendent or designee shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the individual a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider documents and information provided at Levels One and Two, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Level Three

If the individual did not receive the relief requested at Level Two or if the time for a response has expired, he or she may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

The Superintendent or designee shall inform the individual of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the individual and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

The Level Three presentation, including the presentation by the individual or his or her representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. The lack of decision or response by the Board upholds the administrative decision at Level Two.

Vantage Points

A Board Member's Guide to Update 115

Please note: *Vantage Points* is an executive summary, prepared specifically for board members, of the local policies included in the update. The topic-by-topic outline and brief descriptions focus on key issues to help local officials understand changes found in the policies.

The description of local policy changes in *Vantage Points* is highly summarized. Please pay careful attention to the more detailed, district-specific Explanatory Notes and the policies in your localized update packet.

For questions, contact Policy Service at policy.service@tasb.org, call us at 800-580-7529, or visit our website at policy.tasb.org.

This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional adviser. Consult with your attorney or professional adviser to apply these principles to specific fact situations.

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Update 115 focuses on updating and reorganizing several policies in the FFE series of the policy manual addressing student welfare. FFEA continues to focus on counseling, and a new code, FFEB, focuses on mental health provisions.

Several policies have been revised to incorporate the new Title IX regulations, effective August 14, 2020, which define sexual harassment under Title IX and establish detailed procedures for how districts must respond to notice or allegations of sexual harassment.

In addition to these changes, Update 115 includes several other policies affected by legislation from the 86th Legislative Session that were not included in Update 114 and incorporates numerous changes from revised Administrative Code rules.

We strongly encourage you to review the Explanatory Notes contained in your district's update packet for information specific to your local policies and background on changes to the legal policies. Please remember that (LEGAL) policies provide the legal framework for key areas of district operations; they are not adopted by the board.

Section B—Local Governance

Board Policy

A revision to **BF(LOCAL)** addressing board policy adoption clarifies that a district's legally referenced policies are not adopted by the board. The (LEGAL) policies provide information on current law and context for the district's (LOCAL) policies.

Section D—Personnel

Compensation and Benefits

For districts that provide paid vacation and holiday benefits, recommended revisions to **DED(LOCAL)** address the board's authorization of these programs, including which employees are eligible for the benefits. Administrative procedures are recommended to address the details of these programs to promote consistent, effective implementation and prevent conflict between policy and administrative procedures.

Discrimination, Harassment, and Retaliation

Revisions to **DIA(LOCAL)** incorporate the recent United States Supreme Court decision *Bostock v. Clayton County, Georgia*, which held that an adverse employment action against an employee on the basis of homosexuality or transgender status violates Title VII's prohibition on sex discrimination in employment. As a result, the policy clarifies that discrimination on the basis of sex includes discrimination on the basis of biological sex, gender identity, sexual orientation, gender stereotypes, or any other prohibited basis related to sex.

Other revisions address the new Title IX regulations and:

- Include sexual harassment as defined by Title IX in the definition of prohibited conduct and clarify employee reporting requirements;

- Indicate that the district will follow the district’s existing investigation process to address allegations of prohibited conduct that would not meet the Title IX definition of sexual harassment;
- Add specific provisions outlining the legally required district response when the district receives notice or an allegation of conduct that could meet the definition of sexual harassment under Title IX;
- Add a requirement for the superintendent to develop a Title IX formal complaint process that will apply following a formal complaint and that must comply with the elements in the new regulations; and
- Designate the preponderance of the evidence standard to determine responsibility in formal complaints of sexual harassment under Title IX. **If the board wishes to instead use the clear and convincing evidence standard, which is a higher standard of evidence, please contact the district’s policy consultant.** The district must use the same standard of evidence for investigation of all formal Title IX sexual harassment complaints, including complaints by employees.

**Section E—
Instruction**

**Academic
Achievement**

Revised Administrative Code rules prompted revisions to **EI(LOCAL)** on academic achievement. Provisions on partial credit reflect new terminology from the rules regarding awarding of credit proportionately when a student receives a passing grade in “half” of a course, rather than per “semester.”

To provide flexibility, Policy Service recommends deletion of the statement in most districts’ policies that a student shall be required to retake only the portion of the course with a failing grade. There are various methods for a student to earn credit for the failed part of a course, and board policy is not required to specify which particular method may be used.

For those districts that did not have existing provisions on awarding course credit proportionately to a student who successfully completes only half a course, provisions have been recommended for the district’s consideration. **This is optional text; contact the district’s policy consultant if the district does not wish to include it.**

Some districts’ local policies included provisions on late enrollment or withdrawal of mobile students. To avoid conflict with new Administrative Code rules addressing transition assistance for highly mobile students who are homeless or in substitute care, which are addressed in **FD(LOCAL)**, below, Policy Service recommends deleting these provisions from **EI(LOCAL)**. Any specific practices in this area will need to align with the new rules and could be included in administrative procedures.

Section F— Students

Admissions

As mentioned above, recommended changes to **FD(LOCAL)** on admissions are based on new Administrative Code rules addressing transition assistance for highly mobile students who are homeless or in substitute care. The rules require districts to adopt local policy to assist with awarding credit to these students for a course that was earned prior to the student enrolling in or transferring to the district.

Attendance Accounting

Recommended revisions to **FEB(LOCAL)** on attendance accounting are to address amended Administrative Code rules. The rules remove the reference to taking attendance during the second or fifth instructional hour and specify that attendance shall be determined at the official attendance-taking time during the campus's instructional day. The recommended policy text assigns to the superintendent the responsibility of designating the district's official attendance-taking time. Note that there is no requirement to include the official attendance-taking time in policy; it may be designated in district procedures.

Child Abuse and Neglect

FFG(LOCAL) on child abuse and neglect has been significantly revised to comply with amended Administrative Code rules.

Recommended text is included to provide the required policy addressing sexual abuse, trafficking, and other maltreatment of children that must be included in the district improvement plan and the student handbook.

The rules also revise the elements of the required child abuse and neglect reporting policy. To ensure all the policy elements are addressed in board-adopted local policy, we have revised and moved provisions from **FFG(EXHIBIT)** into the local policy and recommend deletion of the exhibit.

Discrimination, Harassment, and Retaliation

Revisions to **FFH(LOCAL)** address the new Title IX regulations and are similar to those made at **DIA(LOCAL)**, above. The **FFH(LOCAL)** revisions:

- Include sexual harassment as defined by Title IX in the definition of prohibited conduct and clarify employee reporting requirements;
- Indicate that the district will follow the district's existing investigation process to address allegations of prohibited conduct that would not meet the Title IX definition of sexual harassment;
- Add specific provisions outlining the legally required district response when the district receives notice or an allegation of conduct that could meet the definition of sexual harassment under Title IX;
- Add a requirement for the superintendent to develop a Title IX formal complaint process that will apply following a formal complaint and that must comply with the elements in the new regulations; and

- Designate the preponderance of the evidence standard to determine responsibility in formal complaints of sexual harassment under Title IX. **If the board wishes to instead use the clear and convincing evidence standard, which is a higher standard of evidence, please contact the district’s policy consultant.** The district must use the same standard of evidence for investigation of all formal Title IX sexual harassment complaints, including complaints by employees.

Provisions in **FB(LOCAL)** on the district’s Title IX coordinator for students have been updated to include required language from the new Title IX regulations. Corresponding wording changes were also made to the ADA/Section 504 coordinator text.

Student and Parent Complaints

FNG(LOCAL) on grievances by students and parents includes a recommended revision to specify that a person filing a complaint regarding refusal of entry to or ejection from property based on Education Code 37.105 shall be permitted to address the board within 90 “calendar” days unless the complaint is resolved at the administrative level. This is an exception to how other timelines are calculated in the policy, which are based on “business” days in accordance with how days are defined. In addition, we have reordered the list of protected characteristics at Other Complaint Processes, item 1, to align with revisions at FFH(LOCAL) above.

Section G—Community and Governmental Relations

Public Complaints

As with FNG(LOCAL), above, **GF(LOCAL)** on complaints by members of the public includes a recommended revision to specify that a person filing a complaint regarding refusal of entry to or ejection from property based on Education Code 37.105 shall be permitted to address the board within 90 “calendar” days unless the complaint is resolved at the administrative level. This is an exception to how other timelines are calculated in the policy, which are based on “business” days in accordance with how days are defined.

Miscellaneous Deletions

Several local policies focusing on administrative details are recommended for deletion for those districts that had them. Board-adopted policy is not required on these topics.

- BDF(LOCAL)—citizen advisory committees
- DMD(LOCAL)—professional meetings
- FMF(LOCAL)—student contests and competitions

A message from TASB Governmental Relations

TASB Advocates for Public Schools

It's a given that state and federal legislation influences school district policy and practice. But did you know that school board members can influence legislation?

- As a private citizen who serves the public, [your voice has weight with legislators](#).¹
- By [engaging with TASB](#)² you can influence the TASB Advocacy Agenda by participating in our grassroots meetings, attending Delegate Assembly, serving on the TASB Legislative Advisory Council, and more.

If you have questions about TASB's advocacy efforts and programs, contact [TASB Governmental Relations](#)³ at 800-580-4885 or Dax.Gonzalez@tasb.org.

¹ Working with Legislators: <https://www.tasb.org/trustees/champion-your-district/working-with-legislators.aspx>

² Engage with TASB: <https://www.tasb.org/trustees/champion-your-district/engage-with-tasb.aspx>

³ TASB Governmental Relations: <https://gr.tasb.org>

Hays CISD

Board of Trustees Operating Procedures



Board Meetings

While Board Meetings are for the purpose of the Board conducting the business of the District in public, they are not public forums for the purpose of securing interaction with the public.

Developing the Board Meeting Agenda (Ref Policy BE)

- ▶ Agendas
 - The Superintendent will develop all Board Meeting agendas in collaboration with the Board President.
 - Items discussed at previous Board Meetings which are proposed for inclusion by more than one board member at a future meeting will also be added when appropriate.
 - Board Members must request to the Board President and Superintendent in writing, any item(s) they wish to have considered for placement on the agenda.
 - Items may be placed on the agenda by the Superintendent, the Board President, any Board Member with approval of the President, or through a request by any two Board Members.
 - No item can be placed on the agenda less than ten days in advance of the meeting without the Board President's approval.
 - No item can be placed on the agenda less than three work days in advance of the meeting unless an emergency or public necessity exists.
 - The complete agenda will be reviewed by the Superintendent and the Board President the Tuesday afternoon prior to the Agenda Workshop Meeting.
 - An annual agenda content calendar will be maintained by the Superintendent's office. This will be used to determine the minimum routine items that need to be on each regular meeting agenda. Other items can be added as requested following the procedures above and as noted in the minutes of previous Board Meetings.
 - Board Members will adhere to deadlines and parameters of the Board agenda/event calendar.

- ▶ Timely Notification and Information
 - Board Members shall be notified of a meeting at least 72 hours prior to a regular meeting, workshop or special meeting, and at least one hour prior to an emergency meeting.
 - Typically, information will be provided to each Board Member via electronic or hard copy delivery. Questions regarding supporting documents should be directed to the Superintendent.
 - Copies of the agenda, for non-emergency meetings, shall be available for the Board Members requesting a copy no later than 5:00 p.m. on Wednesday prior to the Agenda Workshop Meeting.

- Board members will attempt to have all questions regarding agenda items submitted to the Superintendent by 5:00 p.m. on Friday prior to the Board Agenda Workshop Meeting. The Superintendent and his Cabinet will make every attempt to communicate the answers to the questions to Board Members prior to the Monday meeting with a copy of the questions and answers included in the dais folders.
- ▶ Open and Closed Session Format
 - Every Board Meeting will begin at the designated posted time and reconvene at the posted time.
 - Closed Session items for which there is a corresponding action item to be considered during the Open Session of the meeting will be scheduled prior to the beginning of the Open Session. The Board President and Superintendent shall, to the extent possible, allocate sufficient time to complete Closed Session discussion prior to the beginning of the Open Session.
 - If more Closed Session discussion is needed, the Presiding Officer shall announce that it is necessary for the Board to reconvene in Closed Session.
 - The Presiding Officer shall state publicly that any action, if taken, will be conducted in Open Session following the Public Comment portion of the meeting; or, if appropriate, that no action will then be taken.
- ▶ Consent Agenda
 - The consent agenda includes items of routine and/or recurring nature, grouped together under one action item.
 - The consent agenda shall be limited to:
 - > Routine Personnel
 - > Minutes
 - > Finance Report
 - > Budget Amendments
 - > Routine Contracts/Agreements
 - > Routine Procurements
 - > Acceptance of Gifts
 - > Acceptance of Grants
 - > Other items agreed to by the Board
 - Background material for each consent agenda item shall be furnished to the Board in the meeting's supporting documents.
 - All consent agenda items shall be acted upon by one vote without separate discussion.
 - A Board Member may request that an item be withdrawn for individual consideration.
- ▶ Meeting Dates
 - The Superintendent will develop a Board calendar that will include regular and workshop meeting dates of the Board of Trustees.
 - Generally, unless otherwise scheduled by a consensus of the Board, regular Board Business Meetings will be held on the fourth Monday of every month except July. An agenda review session in the form of a workshop may be held the week

prior to the regular business meeting. Additional board workshops will be scheduled as deemed necessary.

- The calendar will include those items that are cyclical and/or recurring for consideration at regular or workshop meetings.

Conducting Board Meetings

▶ Quorum

- Any time four or more Board Members are gathered to discuss school district business, it is considered a meeting, and must be posted as such according to Board legal policy.

▶ Closed Sessions

- The Board may meet in Closed Session as provided for in the Texas Open Meetings Act, Government Code, Chapter 551, Subchapters D and E.
- Before any Closed Session is convened, the Presiding Officer will announce publicly, as appropriate, that matters before the Board exist that necessitate convening into Closed Session to serve and protect the interests of the District, and that any action, if necessary, resulting from duly posted Closed Session items shall be conducted in Open Session. The Presiding Officer will also announce the specific sections of the Texas Government Code under which the Board will be meeting in closed session.
- The posted agenda shall identify the section or sections of the Act authorizing the Closed Session and the general topics or subjects to be discussed. The Presiding Officer of the Board shall publicly identify such section or sections and such topics and subjects.
- The Superintendent shall attend all sessions of the Board, both Open and Closed, except when the Board desires to meet without the Superintendent to consider the Superintendent's contract, evaluation or performance, or to resolve conflicts between individual Board Members, or to act as a tribunal.
- In the event of the Superintendent's illness or Board approved absence, the Superintendent's designee shall attend such meetings.

▶ Public Participation at Board Meetings

- The Board shall provide for public comment at each meeting, including all regular and special meetings. (Ref Policy BED)
- Prior to the beginning of the Public Forum, the Presiding Officer will announce the rules for public participation.
- A citizen must sign up on the appropriate form prior to the Public Forum portion of the agenda. The topic described on the form shall be complete and in sufficient detail as to determine appropriateness of the topic prior to addressing the Board. Comments on posted agenda items will be taken first. Comments on non-agenda items shall be permitted only after all agenda-specific comments have been made and if time permits.
- Public comments may be on items listed on the agenda or other areas of school district operations. Speakers with specific complaints or comments about identifiable students, employees, or officials of the District will be directed to the appropriate District administrator and/or the District's formal complaint process.

Speakers shall be discouraged from using the names of specific individuals in their public comments.

- Questions asked during Public Forum on posted agenda items may be answered or addressed by the Board during the discussion of that agenda item. Comments or questions on topics not on the posted agenda may be referred to the Superintendent for consideration and a later response, if appropriate.
 - The Presiding Officer shall determine the time limitation for each speaker, based on the number of individuals signed up to speak in Public Forum at the entrance prior to reconvening in open session. The time allotted to each speaker shall not exceed five minutes. Groups of five or more people wishing to speak on a single subject will be encouraged to appoint a spokesperson to express the views of the group. A speaker may not defer his/her allotted time to another speaker.
 - The Presiding Officer shall determine the total allotment of time for each Public Forum, based on the number of individuals signed up to speak at the start of each meeting. The standard time allotted for Public Forum shall be a total of 30 minutes.
 - The Board vests in its Presiding Officer the authority to terminate the remarks of any individual when such individual does not adhere to the established rules.
 - The Board shall not tolerate disruption of the meeting by members of the audience. If any person disrupts the meeting by his or her words or actions, the Presiding Officer may request assistance from law enforcement officials to have the person removed from the meeting.
- ▶ Board Meeting Parliamentary Procedure (Ref Policy BE)
- The Board President serves as the Presiding Officer at Board Meetings. In the absence of the President, the Vice-President will preside.
 - The Board shall be guided by parliamentary procedure as detailed in Robert's Rules of Order, Revised, or as spelled out in adopted procedure.
 - The Board President has the responsibility to keep the discussion to the motion at hand and shall halt discussion that does not apply to the business before the Board.
- ▶ Transacting Business (Ref Policy BBE)
- When an agenda item is presented, a discussion shall be held and a decision reached through voting in accordance with prescribed procedures.
 - Whenever possible, the Board should work toward a consensus model of decision-making. There may be dissenting votes which are a matter of record. However, once a decision has been made, all Board Members should support the majority vote of the Board, recognize that it carries the full authority of the Board, and individually respect that vote.
- ▶ Hearings (Ref Policy FNG, FOD, DGBA, GF)
- Employee, community and/or student/parent grievances will be handled according to Board policy FNG, FOD, DGBA, GF.

Board Workshops

The Board will conduct Special Meetings/Board Workshops as needed.

- ▶ The workshop format is intended to allow the Administration to present information to the Board that is:
 - Time sensitive and/or discussion intensive
 - Required by law, rule or policy, and
 - Is necessary for the efficient and effective operation of the District
- ▶ Board workshops are not intended to substitute for regular monthly Board Business Meetings, although a quorum of the Board may take action, as necessary.
- ▶ The workshops are intended to allow an opportunity for presentation, questions, discussion and an assessment of the Board's perspective.
- ▶ The Board President serves as the Presiding Officer at Board Workshops; however, it is understood that the intended nature and format of workshops allows for the Superintendent to substantially facilitate the presentation and ordering of items under consideration. In the absence of the President, the Vice-President will preside.

Board Committees (Ref Policy BDB)

- ▶ The Board may, from time to time as it deems necessary, create committees to facilitate the efficient and necessary operation of the Board.
- ▶ The President shall appoint members to special Board committees, and the Board President and the Superintendent shall be ex officio members of all Board committees unless otherwise provided by Board action.

District- and Campus-Level Committees

- ▶ District- and campus-level planning and decision-making committees serve in an advisory capacity to the Board and make recommendations to the Board for final Board action; therefore, Board Members shall not serve on such committees, unless otherwise provided by federal or state law, or approved by the Board.

Electing Board Officers (Ref Policy BDAA)

- ▶ At the first meeting after each election and qualification of Board members, the members of the Board shall organize by selecting:
 1. A president, who shall be a member of the Board
 2. A secretary, who may or may not be a member of the Board
 3. Such other officers and committees as the Board may deem necessary
Education Code 11.061(c).
- ▶ A vacancy among officers of the Board shall be filled by majority action of the Board.

ANNUAL EVALUATIONS

Superintendent Evaluation (Ref Policy BJCD, BJCF, BJA)

- ▶ The Superintendent evaluation instrument will be updated and approved annually after the Board goal setting workshop session.

- ▶ Three formative evaluations will be conducted annually in closed sessions at the Board Agenda Workshops, in February, August and November. New Board members will receive training on how to evaluate the superintendent prior to the first formative dialogue session.

- ▶ A summative evaluation will be conducted in closed session annually in May.
 - This closed session shall be on a date separate from the regular monthly Board Agenda Workshop or Board Meeting.
 - This session may include a discussion of the Superintendent's contract.

- ▶ The Board will use the approved evaluation instrument for the summative evaluation. A copy of the evaluation document will be completed in advance by each Board Member and brought with the Board Member to a special closed session meeting. After coming to a consensus on each evaluated item, the Board shall prepare a single composite Summative Evaluation Document to be given to the Superintendent for discussion during that closed meeting.

- ▶ The Board shall strive to accomplish the following objectives during each evaluation.
 - Develop and sustain a harmonious working relationship between the Board and the Superintendent.
 - Ensure administrative leadership for excellence in the District.
 - Formulate Board consensus about the Superintendent's performance and the District's progress toward achieving its goals and objectives.

Board Evaluation/Team Building

- ▶ There will be a routine assessment of the status of the Board/Superintendent team annually.

- ▶ The evaluation and team building process may include:
 - Board operating procedures
 - Board Member training
 - Social Contract
 - Conflict resolution
 - Working relationships with the Superintendent
 - Conduct of Board Meetings
 - Long-range planning and goal setting
 - Relationship with the community

INDIVIDUAL BOARD MEMBERS

Access to Information (Ref Policy BBE)

- ▶ An individual Board Member, acting in his or her official capacity, shall have the right to seek information pertaining to District fiscal affairs, business transactions, governance, and personnel matters, including information that properly may be withheld from members of the general public in accordance with the Public Information Chapter of the Government Code.
- ▶ Individual Board Members shall not have access to confidential student records, unless there is a legitimate educational interest in the records in accordance with policies FL (LEGAL) and (LOCAL).
- ▶ A Board Member may request existing information and reports from the Superintendent's office. If the information is not available or a new report must be generated, it shall be requested through the Board President. If the Board President does not agree to the request, it may be resubmitted to the Board President by two or more Trustees. In case of emergency, the Board President may request information or reports.
- ▶ Board Member inquiries of staff shall be limited to Superintendent's Cabinet and responses will be distributed to all Board Members.

Communication with Other Board Members

- ▶ Board electronic and written communications regarding District issues should be routed through the Superintendent's office so that information can be disseminated and/or questions can be addressed in this manner, rather than among and between Board Members.
- ▶ A Board Member may discuss a District issue with no more than two other Board Members unless in a duly posted Board Meeting.

Communication with the Media

- ▶ The Board President serves as the official spokesperson for the Board team to the media/press on issues of media attention.
- ▶ Media calls should be directed to Superintendent and the Public Information Officer as the district spokesperson.
- ▶ Board Members asked for individual comments or opinions by the media/press are to qualify those statements as being the opinion of the individual Board Member and not representative of the Board as a whole or the District.

Complaints to Board Members (Ref Policy BBE)

- ▶ Employees, students, parents or other members of the public who bring concerns or complaints to an individual Board Member for the purpose of seeking remedy or perspective shall receive guidance that reflects:
 - An understanding by each Board Member that information provided to a Board Member, in some specific situations, could cause the Board Member receiving the information to be disqualified from participating in future hearing(s) or action by the Board specific to the issue;
 - Adherence to the Board's policies (DGBA, FNG, FOD and GF) regarding complaints and grievances.

- ▶ Board Members may notify the Superintendent's office of any complaint.

- ▶ As necessary, the Superintendent or designee shall guide the complainant to the appropriate staff member.

- ▶ When the concern or complaint directly pertains to the Board's own actions or policy, for which there is no administrative remedy, the Trustee may request that the issue be placed on the agenda.

Visits to Campuses

- ▶ Board Members are encouraged to attend any and all school events as their time permits, and to show support of school activities.

- ▶ Board Members must notify the Superintendent or designee prior to visiting a campus in an official capacity.

- ▶ Board Members shall not visit a campus in an attempt to evaluate personnel on a campus.

Board Member Training (Ref Policy BBD)

- ▶ Board Members are required to attend training set forth in Policy BBD. In addition to the orientation and team building training, a Board Member shall receive additional continuing education on an annual basis, in fulfillment of assessed needs and based on the framework for governance leadership. The district will cover the cost of registration, travel and lodging for each Board Member for the minimum number of hours shown on the *Continuing Education Requirements for School Board Members* as published on the TASB website. All costs for additional training will be the responsibility of the individual Board Member.

- ▶ Board memberships to any and all associations shall be brought to the Board for discussion and approval.