

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 April 15, 2024 beginning at 4:30 PM at the Kunkel Room at the Historic Buda Upper Campus, 300 San Marcos St., Buda, TX 78610.

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. CLOSED SESSION
 - 1. Deliberation regarding safety and security, including safety personnel, systems, infrastructure, and/or devices, pursuant to Tx. Gov't Code Section 551.076
 - 2. Consult with legal counsel related to subject matters permitted by law, pursuant to Tx. Gov't Code Section 551.129
- C. RECONVENE IN OPEN SESSION - immediately following Closed Session
- D. PUBLIC FORUM 4

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 the Request to Address the Board of Trustees form (green sheet). This form may be obtained at the entrance to the Boardroom and must be submitted to Tim Savoy, Chief Information Officer, at the entrance prior to reconvening in open session. 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 and video 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 consents to the online publication of their comments.
- E. ACTION ITEMS 5
 - 1. Discussion and Possible Action regarding the Hays CISD Bus Fleet Seatbelt Plan
- F. ADJOURN

This notice was posted in compliance with the Texas Open Meetings act on: Friday, April 12, 2024 at 4:00 PM

EXCEPTIONS FOR CLOSED MEETINGS	The Board may conduct a closed meeting for the purpose described in the following provisions.
ATTORNEY CONSULTATION	1. The Board may conduct a private consultation with its attorney only when it seeks the attorney's advice about pending or contemplated litigation or a settlement offer or on a matter in which the duty of the attorney to the Board under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the requirement for open meetings. <i>Gov't Code 551.071</i> [See BE for permissible methods of communication for attorney consultations.
REAL PROPERTY	2. The Board may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the Board's position in negotiations with a third person. <i>Gov't Code 551.072</i>
PROSPECTIVE GIFT	3. The Board may conduct a closed meeting to deliberate a negotiated contract for a prospective gift or donation to the District if deliberation in an open meeting would have a detrimental effect on the Board's position in negotiations with a third person. <i>Gov't Code 551.073</i>
PERSONNEL MATTERS	4. The 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, the Board may not conduct a closed meeting for these purposes if the officer or employee who is the subject of the deliberation or hearing requests a public hearing. <i>Gov't Code 551.074</i> The closed meeting exception for personnel matters does not apply when the Board discusses an independent contractor who is not a school employee, such as an engineering, architectural, or consultant firm, or when the Board discusses a class or group of employees, not a particular employee. <i>Atty. Gen. Op. MW-129 (1980), Atty. Gen. Op. H-496 (1975)</i>
EMPLOYEE- EMPLOYEE COMPLAINTS	The 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, the Board may not conduct a closed meeting for this purpose if the employee against whom the complaint or charge is brought makes a written request for an open hearing. <i>Gov't Code 551.082</i>
STUDENT DISCIPLINE	5. The Board is not required to conduct an open meeting to deliberate in a case involving discipline of a public school child. However, the Board may not conduct a closed meeting for this purpose if the child's parent or guardian makes a written request for an open hearing. <i>Gov't Code 551.082</i>
PERSONALLY IDENTIFIABLE STUDENT INFORMATION	6. The 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 the 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. <i>Gov't Code 551.0821</i>
MEDICAL OR PSYCHIATRIC RECORDS	7. A board that administers a public insurance, health, or retirement plan is not required to conduct an open meeting to deliberate: <ul style="list-style-type: none">a. The medical records or psychiatric records of an individual applicant for a benefit from the plan; orb. A matter that includes a consideration of information in the medical or psychiatric records of an individual applicant for a benefit from the plan. <i>Gov't Code 551.0785</i>
SECURITY	8. The Board is not required to conduct an open meeting to deliberate: <ul style="list-style-type: none">a. The deployment, or specific occasions for implementation, of security personnel or devices; orb. A security audit. <i>Gov't Code 551.076</i>

ASSESSMENT INSTRUMENTS	9. The Board shall conduct a closed meeting to discuss or adopt individual assessment instruments or assessment instrument items. <i>Education Code 39.030(a)</i>
EMERGENCY MANAGEMENT	10. The Board is not required to conduct an open meeting to deliberate information confidential under Government Code 418.175–418.182, relating to Homeland Security. However, the Board must make a tape recording of the proceedings of a closed meeting held to deliberate the information. <i>Gov't Code 418.183(f)</i>
ECONOMIC DEVELOPMENT NEGOTIATIONS	11. The Board is not required to conduct an open meeting: <ul style="list-style-type: none"> a. 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 the District and with which the Board is conducting economic development negotiations; or b. To deliberate the offer of a financial or other incentive to such a business prospect. <i>Gov't Code 551.087</i>
PROCEDURES FOR CLOSED MEETINGS	If a closed meeting is allowed, the Board shall not conduct the closed meeting unless a quorum of the Board first convenes in an open meeting for which proper notice has been given [see BE] and the presiding officer has publicly announced that a closed meeting will be held and has identified the section or sections of the Open Meetings Act or other applicable law under which the closed meeting is held. <i>Gov't Code 551.101</i>
VOTE 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. <i>Gov't Code 551.102</i> [See BE]
CERTIFIED AGENDA OR TAPE RECORDING	The Board shall either keep a certified agenda or make a recording of the proceedings of each closed meeting, except for private consultation with the District's attorney. The certified agenda must include a statement of the subject matter of each deliberation, a record of any further action taken, and an announcement by the presiding officer at the beginning and end of the closed meeting indicating the date and time. A presiding officer shall certify that a certified agenda is a true and correct record of the proceedings. If a recording is made, it must include announcements by the presiding officer at the beginning and end of the meeting indicating the date and time. <i>Gov't Code 551.103</i> "Recording" means a tangible medium on which audio or a combination of audio and video is recorded, including a disc, tape, wire, film, electronic storage drive, or other medium now existing or later developed. <i>Gov't Code 551.001(7)</i> Closed meetings may not be recorded by an individual trustee against the wishes of a majority of the Board. <i>Zamora v. Edgewood ISD, 592 S.W.2d 649 (Tex. App.—San Antonio, 1979, writ ref'd n.r.e.)</i>
PRESERVATION	The Board shall preserve the certified agenda or recording of a closed meeting for at least two years after the date of the meeting. If a legal action involving the meeting is brought within that period, the Board shall preserve the certified agenda or recording while the action is pending. <i>Gov't Code 551.104(a)</i>
PUBLIC ACCESS	A certified agenda or recording of a closed meeting is available for public inspection and copying only under a court order issued as a result of litigation involving an alleged violation of the Open Meetings Act. <i>Gov't Code 551.104(b), (c)</i>
PROHIBITIONS	No Board member shall participate in a closed meeting knowing that neither a certified agenda nor a recording of the closed meeting is being made. <i>Gov't Code 551.145</i> No individual, corporation, or partnership shall without lawful authority disclose to a member of the public the certified agenda or recording of a meeting that was lawfully closed to the public. <i>Gov't Code 551.146</i> No Board member shall knowingly call or aid in calling or organizing a closed meeting that is not permitted under the Open Meetings Act, close or aid in closing a regular meeting to the public except as permitted under the Open Meetings Act, or participate in a closed meeting that is not permitted under the Open Meetings Act. <i>Gov't Code 551.144(a)</i>
AFFIRMATIVE DEFENSE	It is an affirmative defense to prosecution under Government Code 551.144(a) that a Board member acted in reasonable reliance on a court order or a written interpretation of the open meetings law contained in an opinion of a court of record, the attorney general, or the Board's attorney. <i>Gov't Code 551.144(c)</i>

HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES

Date: April 15, 2024

Agenda Item: ____

Board Goal: Community Relations

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. An open forum will be conducted at each meeting. The Board shall allot approximately 30 minutes for comments from members of the public about school district concerns.

Any member of the public who wishes to address the Board in Public Forum must complete and submit the Request to Address the Board of Trustees form (green sheet). This form may be obtained and at the entrance to the Board room and must be submitted to Tim Savoy, Chief Information Officer, at the entrance prior to reconvening in open session. Public participation in Board meetings is limited to the Public Forum portion of the meeting agenda, as is provided in Board policy.

Board Policy DEC (LOCAL) sets the maximum time for any individual presentation as 5 minutes, unless decreased by the Board President prior to the start of public comment. In order to ensure efficiency in all meetings, our standard practice is to afford 3 minutes for speakers covering current agenda items and 2 minutes for speakers covering non-agenda items. Speakers with comments on posted agenda items will be called to speak first. Speakers with comments on items not posted for tonight's agenda will then be called to speak, if time permits.

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

Date: April 15, 2024

Agenda Item: E.1

Board Goal: Safety & Security

Subject: Discussion and Possible Action regarding Hays CISD Bus Fleet Seatbelt Plan

Administrator Responsible/Position: Dr. Eric Wright, Superintendent
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. Summary:
 Previous board action relating to this item -
 Future action anticipated – As needed or requested
 Background information –

D. Comments Received:
 Cabinet DLT FBOC Teacher Org. Reps. Other
All agenda items are reviewed by Superintendent's Cabinet.

E. Suggested Motion
I move that the Hays CISD Board of Trustees authorize the Administration to move forward with next steps to implement the Plan, as presented, and to return to the Board at a future meeting for funding approval.

Hays CISD Bus Fleet Seatbelt Plan

Original Publication Date: April 12, 2024

BACKGROUND AND OVERVIEW

On March 22, 2024, the Hays CISD family suffered a tragic loss and a devastating trauma. A concrete pumper truck struck bus #1106 causing unspeakable and irreversible consequences. The lives of so many are forever changed, especially those of the Montoya and Wallace families who lost young, 5-year-old Ulises and a soon-to-be doctoral graduate, Ryan. Many others were injured and affected by this crash and will have very long recovery journeys ahead.

The concrete truck driver, and the company for which he worked, will have to answer charges and calls for accountability stemming from the crash in both the criminal and civil courts. Hays CISD is grateful that the justice system is working swiftly. Additionally, lawmakers and agencies at the local, state, and federal levels are revisiting the rules in place that govern commercial concrete truck drivers to see if changes can be enacted that will prevent the circumstances that led to this crash from ever happening again. Hays CISD is looking at what it can do too.

One item of concern arising from the crash pertains to seatbelts on school buses. Hays CISD is in compliance with the state's laws regarding seatbelts on buses. However, given the justified community concern, the district has committed to accelerating the normal bus replacement cycle to have a bus fleet fully equipped with seatbelts at the absolute soonest possible date. We may never know for sure if a seatbelt on the school bus would have made a difference for Ulises. But, if there is even a chance that it would have done so, Hays CISD must do more than is required. And, we will.

Hays CISD has never shied from addressing safety concerns, nor has the district spared any expense in terms of providing the safest learning environment possible for its students and staff – that includes the school buildings and the buses. Prior to the accident on March 22, 2024, the issue of seatbelts on buses had not surfaced, compared to building security and preventing acts of violence on campus, as one of the top pressing concerns during the district's continuing safety discussions and improvements. Bus accidents with injuries are incredibly rare. No student in Texas died in a school bus accident in 2023; and since 2009, the oldest available data according to the Texas Education Agency Bus Accident Reporting System, most years in Texas see no children die in school bus accidents. School buses are incredibly safe.

Since the crash, the district has heard from parents and community members on the seatbelt matter. Hays CISD is aware of the national debate about whether to equip school buses with seatbelts at all, given that buses are designed differently than passenger cars in terms of crash force absorption and that seatbelts may impede bus evacuations in crashes involving fire or underwater submersion. However, for the district, the debate is moot. In 2017, Texas law changed requiring school buses purchased after that year to be equipped with seatbelts.

With an urgent understanding of the seatbelt concern, a vigilant shared call to action, and a firm understanding that safety is paramount, Hays CISD has developed the following framework that will allow the district, without hesitation, to achieve a completely seatbelt-equipped bus fleet.

PRIMARY OBJECTIVE:

ACHIEVE, AT THE SOONEST POSSIBLE DATE, A HAYS CISD SCHOOL BUS FLEET WITH 100% OF THE BUSES IN SERVICE EQUIPPED WITH SEATBELTS

THE CURRENT FLEET AND OPERATIONAL CONSIDERATIONS

The Hays CISD school bus fleet consists of route buses, support buses, and decommissioned buses awaiting auction or disposal.

Route buses are used to transport students to and from school each day. They are also always the first-choice option for field trips and other student transportation needs, so long as those activities do not interfere with the regular route service.

Support buses are held in reserve and are used primarily by coaches for athletics, or occasionally to temporarily replace route buses that are briefly out-of-service for maintenance.

- All Hays CISD special education buses have seatbelts.
- On March 22, 2024, the date of the bus #1106 crash, Hays CISD operated 109 bus routes (72 regular education routes and 37 special education routes).
- On March 22, 2024, all Hays CISD routes were assigned buses with seatbelts, except for 15 of the regular education bus routes.
- The district routinely uses about 40 buses from the support bus fleet on a daily basis.
- In addition to having seatbelts on all route buses, the district also needs to have about 80 buses with seatbelts in the support fleet, based on the current student population and transportation needs.
- As the district grows, the number of routes and the size of the needed support fleet will also grow.
- The current cost of new school buses is about \$160,000 each.
- The current cost of retrofitting buses that are between model years 2012 and 2017 is about \$36,000 each.
- The district is working as fast as it can to purchase, receive, and in-process new buses. In the meantime, buses without seatbelts will still need to be used, but as newer buses are placed into service, the buses without seatbelts will be cycled out of service.
- The district transports about 12,000 students to and from school each day, covering about 2.5 million miles each year.

MEASURING PROGRESS

The district's focus as this plan is implemented will be on the number of buses that are in service rather than the total number of district-owned buses. The total number of district-owned buses will fluctuate during the process. For example, the district will place into service new buses with seatbelts likely before it can auction off older buses without seatbelts. The number that will matter is the number of buses the district is actually using to transport children rather than the number of buses the district owns at any given time during this process.

Hays CISD Bus Fleet on Accident Date of March 22, 2024			
	Route Buses <i>(Special Education and Regular Education)</i>	Support Buses <i>(Special Education and Regular Education)</i>	Decommissioned Buses
Total	109	107	0
Without Seatbelts	15	87	N/A

Hays CISD Bus Fleet Goal at the Soonest Possible Date			
	Route Buses <i>(Special Education and Regular Education)</i>	Support Buses <i>(Special Education and Regular Education)</i>	Decommissioned Buses
Total	115	80	All buses without seatbelts that may happen to still be owned by the district.
Without Seatbelts	0	0	N/A

PLAN FRAMEWORK & PRIMARY COMPONENTS

The following plan framework components will be addressed simultaneously:

COMPONENT 1: IN-PROCESSING EXISTING RECEIVED BUSES

The district is in the final receiving phase of 21 buses that are being outfitted with cameras, decals, numbering, and GPS equipment. These buses are coming online now and through the next couple of weeks. By April 30, 2024, all regular route buses and 6 reserve fleet buses will have seatbelts.

Funding: Included in previously adopted bond measures.

At completion of Component 1	
Route Buses	Total Support Buses with Seatbelts
<i>All buses will have seatbelts.</i>	6

COMPONENT 2: IN-PROCESSING EXISTING BUS ORDERS

The district is awaiting receipt of 8 additional regular education 2023 model buses from the manufacturer. No receipt date is confirmed.

On August 10, 2023, the district ordered 7 regular education 2024 model buses from the manufacturer. No receipt date is confirmed.

The current turn-around time from the purchase of a school bus to receipt of the bus is approximately 12 months. There are only three major manufacturers of school buses in the United States. Some smaller companies make buses, but they are not approved to make school buses that will meet safety requirements to operate in Texas.

Funding: Included in previously adopted bond measures.

At completion of Component 2	
Route Buses	Total Support Buses with Seatbelts
<i>All buses will have seatbelts.</i>	21

COMPONENT 3: RETROFITTING 2016 AND 2017 BUSES WITH SEATBELTS

The district has nine 2017 model buses and four 2016 model buses that can be retrofitted for about \$36,000 each.

The district owns no 2015, 2014, or 2012 model year buses that can be retrofitted. There are two 2013 model year buses in inventory that could be retrofitted, but the recommendation on those buses would be to purchase new buses instead. Because of their age, 2013 model year buses have a limited number of useful service years left.

Retrofitting buses that are model years 2011 and older are more difficult and fiscally impractical. The seats on those buses would need to be replaced, as well as the flooring on each bus, to support seatbelt anchoring. Funding that would be used to retrofit 2011 and older model buses would be better used to purchase new buses instead.

Funding: \$468,000 needed. The source could either be bond interest money or surplus bond funds. No time estimate is confirmed, but this is likely much faster than purchasing new buses.

At completion of Component 3	
Route Buses	Total Support Buses with Seatbelts
<i>All buses will have seatbelts.</i>	34

COMPONENT 4: ACCELERATING THE PURCHASE OF 2025 BUSES

The 2023 Hays CISD bond, which was approved by voters, included approximately \$1.5 million for the purchase of about nine 2025 model buses. The recommendation is to accelerate the purchase of these buses. Additionally, the district proposes using bond interest money or surplus bond money to purchase 21 more buses for a total bus purchase in the batch of 30 buses.

Action item to the Board in either April or May 2024 for authorization to purchase the buses.

Funding: \$4.8 million needed (\$1.5 million from 2023 bond funds + \$3.3 million in bond interest or surplus bond money)

At completion of Component 4	
Route Buses	Total Support Buses with Seatbelts
<i>All buses will have seatbelts.</i>	64

COMPONENT 5: INCLUDING TRANSPORTATION ITEMS IN THE MAY 2025 BOND MEASURE

The Facilities and Bond Oversight Committee (FBOC) will soon be putting items together for potential inclusion in a bond measure that would go to voters in May 2025. The recommendation would be to include at least 16 additional regular education buses to bring the spare bus fleet to the goal of 80, and six more buses to accommodate the anticipated increase in the number of bus routes in Hays CISD because of growth. The minimum total package of new buses for a proposed 2025 bond initiative would be 22 regular education buses.

Additionally, the FBOC may also consider including in the bond special transportation vehicles such as trip buses to further enhance safety for Hays CISD students traveling away on school business.

Funding: At least \$3.6 million, but likely more depending on the final number of buses and special transportation vehicles included in the bond measure.

At completion of Component 5	
Route Buses	Total Support Buses with Seatbelts
<i>All buses will have seatbelts. (Total of 115 routes – an increase from the 109 routes at the time of the creation of this plan).</i>	80

An additional component for consideration is exploring leasing buses with seatbelts until Hays CISD is able to receive from the manufacturer its new buses.