

## **Agenda of Regular Meeting**

### **The Board of Trustees Rains ISD**

A Regular Meeting of the Board of Trustees of Rains ISD will be held Tuesday, March 7, 2017, beginning at 6:30 PM in the Office, 1759 W. US Highway 69, Emory, Texas 75440.

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

- I. OPENING - CALL TO ORDER/PLEDGES OF ALLEGIANCE, INVOCATION
- II. WILDCAT ROAR
- III. OPEN FORUM
- IV. ITEMS FOR DISCUSSION AND/OR ACTION
  - IV.A. Consent Agenda
    - IV.A.1. Minutes of Previous Meeting(s)
    - IV.A.2. Financial Reports
    - IV.A.3. Region 7 – Certification of Superintendent to Regional Advisory Committee
    - IV.A.4. TASB Board Policy Update 107, Affecting Local Policies (See Attached List)
  - IV.B. Business and Finance
    - IV.B.1. WAG Report
    - IV.B.2. Comptroller Office Financial Transparency Designation Award
  - IV.C. Curriculum & Instruction
    - IV.C.1. School Health Advisory Council Report
    - IV.C.2. School Calendar, 2017-2018
    - IV.C.3. ESL Summer School
    - IV.C.4. Instructional Material Allotment & TEKS Certification, 2017-18
  - IV.D. Superintendent Reports
    - IV.D.1. Buildings/Grounds and Construction/Remodeling Projects
    - IV.D.2. Baseball/Softball Proposal
    - IV.D.3. Commissioners Court Request for CPSF
    - IV.D.4. Budget Reports
    - IV.D.5. Report of Disbursements
    - IV.D.6. High School/JH Cheerleader Constitution, 2017-2018
    - IV.D.7. 85th Legislative Update
- V. PERSONNEL ITEMS
  - V.A. Personnel Changes/Update

- V.B. Contracts (Report and/or Board Action): Teachers, Teacher/Coaches,  
Librarian, LSSP, Diagnostician(s), Speech Pathologist(s)
- VI. CLOSED SESSION
  - VI.A. Personnel, Texas Government Code § 551.074
  - VI.B. Real Property, Texas Government Code § 551.072
- VII. Board Correspondence

If, during the course of the meeting, discussion of any item on the agenda should be held in a closed meeting, the Board will conduct a closed meeting in accordance with the Texas Open Meetings Act, Government Code, Chapter 551, Subchapters D and E or Texas Government Code section 418.183(f). Before any closed meeting 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. [See BEC(LLEGAL)]

**I. OPENING - CALL TO ORDER/PLEDGES OF ALLEGIANCE/INVOCATION**

**UNITED STATES FLAG**

**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**

The amended (HB1034, effective June 15, 2007) pledge of allegiance to the Texas state flag is:

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

## **II. WILDCAT ROAR**

The Elementary Campus will be spotlighted at this meeting.

### **III. OPEN FORUM - Public Open Forum**

Forms will be available at the meeting for comments during Open Forum.

#### **BOARD POLICY - BED(LOCAL):**

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.

#### **PUBLIC COMMENT**

At regular meetings the Board shall allot 30 minutes to hear persons who desire to make comments to the Board. Persons who wish to participate in this portion of the meeting shall sign up with the presiding officer or designee before the meeting begins and shall indicate the topic about which they wish to speak.

No presentation shall exceed five minutes. Delegations of more than five persons shall appoint one person to present their views before the Board.

#### **BOARD'S RESPONSE**

Specific factual information or recitation of existing policy may be furnished in response to inquiries, but the Board shall not deliberate or decide regarding any subject that is not included on the agenda posted with notice of the meeting.

#### **COMPLAINTS AND CONCERNS**

The presiding officer or designee shall determine whether a person addressing the Board has attempted to solve a matter administratively through resolution channels established by policy. If not, the person shall be referred to the appropriate policy (see list below) to seek resolution:

Employee complaints: DGBA

Student or parent complaints: FNG

Public complaints: GF

#### **DISRUPTION**

The Board shall not tolerate disruption of the meeting by members of the audience. If, after at least one warning from the presiding officer, any person continues to disrupt 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.

#### **IV. ITEMS FOR DISCUSSION AND/OR ACTION**

##### **A. Consent Agenda**

##### **2. Financial Reports**

##### **Background:**

Financial reports for February are presented.

##### **Administrative Considerations:**

As available, these reports are provided.

##### **Recommendations:**

As needed.

##### **Board Action:**

Board approval, as needed.

**IV. ITEMS FOR DISCUSSION AND/OR ACTION**  
**C. Curriculum and Instruction**  
**2. School Health Advisory Council Report**

**Background:**

This is an annual report requirement.

**Administrative Considerations:**

The Assistant Superintendent of Curriculum/Instruction will provide information regarding the School Health Advisory Council (SHAC) Report.

**Recommendation:**

As needed.

**Board Action:**

Board approval, as needed.

**VI. CLOSED SESSION**  
**A. Personnel, Texas Government Code § 551.074**

**TEXAS GOVERNMENT CODE**

**6. Section 551.074. Personnel Matters**

Section 551.074 authorizes certain deliberations about officers and employees of the governmental body to be held in executive session:

(a) This chapter does not require a governmental body to conduct an open meeting:

(1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or (2) to hear a complaint or charge against an officer or employee.

(b) Subsection (a) does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing.<sup>267</sup>

This section permits executive session deliberations concerning an individual officer or employee. Deliberations about a *class* of employees, however must, be held in an open session.<sup>268</sup> For example, when a governmental body discusses salary scales without referring to a specific employee, it must meet in an open session.<sup>269</sup> The closed meetings authorized by section 551.074 may deal only with officers and employees of a governmental body; closed deliberations about the selection of an independent contractor are not authorized.<sup>270</sup>

Section 551.074 authorizes the public officer or employee under consideration to request a public hearing.<sup>271</sup> In *Bowen v. Calallen Independent School District*,<sup>272</sup> a teacher requested a public hearing concerning nonrenewal of his contract, but did not object when the school board moved to go into executive session. The court concluded that the school board did not violate the Act.<sup>273</sup>

Similarly, in *James v. Hitchcock Independent School District*,<sup>274</sup> a school librarian requested an open meeting on the school district's unilateral modification of her contract. The court stated that refusal of the request for a hearing before the school board "is permissible only where the teacher does not object to its denial."<sup>275</sup> However, silence may not be deemed a waiver if the employee has no opportunity to object.<sup>276</sup> When a board heard the employee's complaint, moved on to other topics, and then convened an executive session to discuss the employee after he left, the court found that the employee had not had an opportunity to object.<sup>277</sup>

<sup>263</sup> TEX. GOV'T CODE ANN. § 551.0726.

<sup>264</sup> *Id.* § 551.073.

<sup>265</sup> See Act of Mar. 28, 1973, 63d Leg., R.S., ch. 31, § 2, 1973 Tex. Gen. Laws 45, 46 (former article 6252-17, § 2(f), Revised Civil Statutes).

<sup>266</sup> See, e.g., *Dallas Cnty. Flood Control Dist. No. 1 v. Cross*, 815 S.W.2d 271, 282-83 (Tex. App.—Dallas 1991, writ denied).

<sup>267</sup> TEX. GOV'T CODE ANN. § 551.074.

<sup>268</sup> *Gardner*, 21 S.W.3d at 777; Tex. Att'y Gen. Op. No. H-496 (1975) (construing predecessor to Government Code, section 551.074).

*Closed Sessions*

**VI. CLOSED SESSION**  
**B. Real Property, Texas Government Code § 551.072**

**TEXAS GOVERNMENT CODE**

**2. Section 551.072. Deliberations about Real Property**

Section 551.072 authorizes a governmental body to deliberate in executive session on certain matters concerning real property. It provides as follows:

A governmental body 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 position of the governmental body in negotiations with a third person.<sup>258</sup>

Section 551.072 permits an executive session only where public discussion of the subject would have a detrimental effect on the governmental body's negotiating position with respect to a third party.<sup>259</sup> Where a court found that open discussion would not be detrimental to a city's negotiations, a closed session under this provision was not permitted.<sup>260</sup> It does not allow a governmental body to "cut a deal in private, devoid of public input or debate."<sup>261</sup> A governmental body's discussion of nonmonetary attributes of property to be purchased that relate to the property's value may fall within this exception if deliberating in open session would detrimentally affect subsequent negotiations.<sup>262</sup><sup>250</sup>

TEX. GOV'T CODE ANN. § 551.071(2).

<sup>251</sup> Cf. *Weatherford v. City of San Marcos*, 157 S.W.3d 473, 486 (Tex. App.—Austin 2004, pet. denied) (concluding that city council did not violate Act when it went into executive session to seek attorney's advice about land use provision); Tex. Att'y Gen. Op. Nos. JC-0233 (2000) at 3, JM-100 at 2 (1983).

<sup>252</sup> *Gardner v. Herring*, 21 S.W.3d 767, 776 (Tex. App.—Amarillo 2000, no pet.).

<sup>253</sup> Tex. Att'y Gen. Op. No. JM-100 (1983) at 2; see *Finlan*, 888 F. Supp. 779, 782 n.9 (N.D. Tex. 1995); Tex. Att'y Gen. Op. No. JC-0233 (2000) at 3.

<sup>254</sup> *Olympic Waste Servs. v. City of Grand-Saline*, 204 S.W.3d 496, 503S04 (Tex. App.—Tyler, 2006, no pet.) (citing Tex. Att'y Gen. Op. No. JC-0233 (2000) at 3).

<sup>255</sup> See Tex. Att'y Gen. Op. Nos. JC-0506 (2002) at 6, JM-100 (1983) at 2.

<sup>256</sup> Tex. Att'y Gen. Op. No. MW-417 (1981) at 2S3; see also Tex. Att'y Gen. Op. No. JM-1004 (1989) at 4 (concluding that school board member who has sued other board members may be excluded from executive session held to discuss litigation).

<sup>257</sup> See Tex. Att'y Gen. Op. No. JC-0506 (2002) at 6; see also Tex. Att'y Gen. Op. No. JM-238 (1984) at 5.

<sup>258</sup> TEX. GOV'T CODE ANN. § 551.072.

*Closed Sessions*

2012 Open Meetings Handbook • Office of the Attorney General

## **VII. BOARD CORRESPONDENCE**

The Superintendent has placed this on the agenda for the purpose of sharing miscellaneous correspondence/information item(s) that may be of interest to Board members.