

A PUBLIC HEARING meeting of the Board of Trustees of the Nixon-Smiley CISD will be held on August 30, 2021, beginning at 6:00 PM in the Nixon-Smiley HS Library, 800 N Rancho Rd, Nixon, TX 78140.

The subjects to be discussed or considered, or upon which any formal action may be taken, are as follows: (Items do not have to be taken in the same order as shown on the meeting notice.)

- 1. Establish quorum, call to order 2
- 2. Pledges 3
- 3. Public comments on the agenda 3
- 4. **Public Hearing on Proposed Budget and Proposed Tax Rate** 5
 - a. Discussion of budget
 - b. Discussion of proposed tax rate
- 5. Budget amendment for 2020-21 7
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- 7. Adopt 2021-22 tax rate 10
- 8. COVID updates and return to school plan 12
- 9. DAEP MOU agreement with Yorktown ISD 24
- 10. Adjourn

If, during the course of the meeting, discussion of any item on the agenda should be held in closed meeting, the board will conduct a closed meeting in accordance with the Texas Open Meetings Act, Tex. Gov't. Code, Chapter 551, Subchapters D and E. 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.

**This notice was posted in compliance with the Texas Open Meetings Act at 4pm; August 26, 2021.
For the Board of Trustees: Dr. Cathy L. Lauer**

INFORMATION

August 30, 2021

SUBJECT: Pledges

PRESENTED BY: Cathy L. Lauer, Ph.D.

The Pledge of Allegiance to the 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.

The Pledge of Allegiance to the Flag of Texas

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

INFORMATION

August 30, 2021

Subject: Public Comments on the Agenda

Presented By: Board President

BACKGROUND INFORMATION

Board Policy BED (LOCAL) provides an opportunity for persons who wish to address the Board at regular meetings to do so during the OPEN FORUM segment on the agenda.

ADMINISTRATIVE CONSIDERATION

While Board Policy allows a citizen to address the Board without being on the agenda, "the Board may not deliberate, discuss, or make any decision on any subject not on the agenda." Board Policy GF (Local) states that if a complaint involves complaints or charges about an employee, it will be heard by the Board in closed meeting unless the employee complained about requests it to be public.

The Board shall allot 30 minutes to hear persons who desire to make comments to the Board. No presentation shall exceed five minutes. The Board may not deliberate, discuss, or make any decision on any subject not on the agenda.

ADMINISTRATIVE RECOMMENDATION

That the Board provides time to hear citizens or groups who request an audience with the Board.

BOARD ACTION REQUESTED

Hear the information presented and ask for additional information as necessary.

The above formats are not for complaints against individuals. For complaints about individuals Policy GF (Local) will be followed.

PUBLIC COMPLAINTS GF (LOCAL):

Complaints for which other resolution procedures are provided shall be directed first through those channels before addressing the Board under this policy. [see (LEGAL) and/or (LOCAL) text at codes DGBA, EFA, FB, FMA, FNG, FOA, FOD; for complaints against peace officers, see CKE (LEGAL)]

PRESENTATIONS In most circumstances, citizens shall be entitled to administrative conferences and informal presentations of the complaint to the Board.

LEVEL ONE Complaints shall initially be discussed with the appropriate administrator within 15 calendar days of the event or action that is the subject of the complaint.

LEVEL TWO If the complaint is not resolved, the citizen may request a conference with the Superintendent or designee. Prior to or at the conference with the Superintendent or designee, the citizen shall submit a written complaint that includes a description of the complaint, the solution sought, and the date of the conferences with the administrator.

LEVEL THREE If the outcome of a conference with the Superintendent or designee is not to the complainant's satisfaction or if the time for a response has expired, the complainant may submit to the Superintendent or designee a request to place the matter on the agenda of a future Board meeting. The request shall be in writing and must be filed within seven days of the response or, if no response is received, within seven days of the response deadline.

The Superintendent shall inform the complainant of the date, time, and place of the meeting.

The presiding officer shall establish a reasonable time limit for complaint presentations. The District shall make an audiotape record of the Level Three proceeding before the Board. The Board shall hear the complaint and shall then make and communicate its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting.

CLOSED MEETING If the complaint involves complaints or charges about an employee, it will be heard by the Board in closed meeting unless the employee complained about requests it to be public.

INFORMATION

August 30, 2021

Subject: PUBLIC HEARING
Discussion of Budget and Proposed Tax Rate

Presented By: Cathy L. Lauer, Ph.D.

BACKGROUND INFORMATION

At least 10 but not more than 30 days before the adoption of the tax rate all districts must publish a "Notice of Public Meeting to Discuss Budget and Proposed Tax Rate" and hold a meeting to discuss the tax rate regardless of whether the tax levy is increasing, decreasing, or remaining the same. The administration posted the "Notice of Public Meeting to Discuss Budget and Proposed Tax Rate" in the newspaper.

The budget will be under separate cover.

ADMINISTRATIVE CONSIDERATION

Superintendent Lauer will review the proposed budget with the Board and guests.

BOARD ACTION REQUESTED

That the Board and guest hear the report and discuss items it deems important.

NOTICE OF PUBLIC MEETING TO DISCUSS BUDGET AND PROPOSED TAX RATE

The NIXON-SMILEY CISD will hold a public meeting at 6:00 PM, August 30, 2021 in the High School Library in Nixon, Texas. The purpose of this meeting is to discuss the school district's budget that will determine the tax rate that will be adopted. Public participation in the discussion is invited.

The tax rate that is ultimately adopted at this meeting or at a separate meeting at a later date may not exceed the proposed rate shown below unless the district publishes a revised notice containing the same information and comparisons set out below and holds another public meeting to discuss the revised notice.

Maintenance Tax	\$0.9734/\$100 (proposed rate for maintenance and operations)
School Debt Service Tax	\$0.1766/\$100 (proposed rate to pay bonded indebtedness)
Approved by Local Voters	

Comparison of Proposed Budget with Last Year's Budget

The applicable percentage increase or decrease (or difference) in the amount budgeted in the preceding fiscal year and the amount budgeted for the fiscal year that begins during the current tax year is indicated for each of the following expenditure categories.

Maintenance and operations	-0.87 % decrease
Debt Service	-9.98 % decrease
Total expenditures	-1.84 % decrease

Total Appraised Value and Total Taxable Value (as calculated under Section 26.04, Tax Code)

	<u>Preceding Tax Year</u>	<u>Current Tax Year</u>
Total appraised value* of all property	\$2,048,778,289	\$1,935,457,703
Total appraised value* of new property**	\$2,827,298	\$8,383,778
Total taxable value*** of all property	\$1,113,451,887	\$843,685,745
Total taxable value*** of new property**	\$2,669,102	\$7,939,714

*Appraised value is the amount shown on the appraisal roll and defined by Section 1.04(8), Tax Code.
 ** "New property" is defined by Section 26.012(17), Tax Code.
 *** "Taxable value" is defined by Section 1.04(10), Tax Code.

Bonded Indebtedness

Total amount of outstanding and unpaid bonded indebtedness* \$10,736,317

*Outstanding principal.

Comparison of Proposed Rates with Last Year's Rates

	<u>Maintenance & Operations</u>	<u>Interest & Sinking Fund*</u>	<u>Total</u>	<u>Local Revenue Per Student</u>	<u>State Revenue Per Student</u>
Last Year's Rate	\$0.9764	\$0.1636*	\$1.1400	\$12,946	\$741
Rate to Maintain Same Level of Maintenance & Operations Revenue & Pay Debt Service	\$0.9709	\$0.1957*	\$1.1666	\$10,644	\$2,929
Proposed Rate	\$0.9734	\$0.1766*	\$1.1500	\$10,535	\$3,503

*The Interest & Sinking Fund tax revenue is used to pay for bonded indebtedness on construction, equipment, or both. The bonds, and the tax rate necessary to pay those bonds, were approved by the voters of this district.

Comparison of Proposed Levy with Last Year's Levy on Average Residence

	<u>Last Year</u>	<u>This Year</u>
Average Market Value of Residences	\$86,107	\$95,737
Average Taxable Value of Residences	\$42,782	\$48,734
Last Year's Rate Versus Proposed Rate per \$100 Value	\$1.1400	\$1.1500
Taxes Due on Average Residence	\$487.71	\$560.44
Increase (Decrease) in Taxes		\$72.73

Under state law, the dollar amount of school taxes imposed on the residence homestead of a person 65 years of age or older or of the surviving spouse of such a person, if the surviving spouse was 55 years of age or older when the person died, may not be increased above the amount paid in the first year after the person turned 65, regardless of changes in tax rate or property value.

Notice of Voter-Approval Rate: The highest tax rate the district can adopt before requiring voter approval at an election is \$1.1526. This election will be automatically held if the district adopts a rate in excess of the voter-approval rate of \$1.1526.

Fund Balances

The following estimated balances will remain at the end of the current fiscal year and are not encumbered with or by a corresponding debt obligation, less estimated funds necessary for operating the district before receipt of the first state aid payment.

Maintenance and Operations Fund Balance(s)	\$3,000,000
Interest & Sinking Fund Balance(s)	\$1,824,053

A school district may not increase the district's maintenance and operations tax rate to create a surplus in maintenance and operations tax revenue for the purpose of paying the district's debt service.

ACTION

August 30, 2021

SUBJECT: 2020-210Budget Amendment

PRESENTED BY: Cathy L. Lauer, Ph.D.

BACKGROUND INFORMATION

In compliance with Texas Education Agency (TEA) Bulletin 679, the Administration will, from time to time, present to the Board for consideration amendments to the current year's budget. The purpose of amending the budget is to modify budget categories to reflect the changing needs of the District.

ADMINISTRATIVE CONSIDERATION

A request to amend the 2020-2021 Budget for reasons discussed on the request form as presented.

BOARD ACTION REQUESTED

MOTION: "I move that the Board amend the 2020-21 budget for reasons shown."

Approve/Disapprove.

Motion _____ Second _____ Results _____

2020-21
NIXON-SMILEY
BUDGET AMENDMENT #5
FINAL

ACCOUNT NUMBER								DESCRIPTION	AMOUNT	
#	Fund	Func	Obj	Sub	Org	Prog	Opt Code		Debit	Credit
1	199	11	6119	00	001	111	000	TEACHER-REG-H.S.	75,000.00	
	199	51	6239	05	905	199	000	TXED INTERNET SERVICE	66,000.00	
	199	12	6329	00	001	199	000	LIBRARY BOOKS & SUPPLIES		20,000.00
	199	21	6119	00	907	199	000	CURRICULUM AND		50,000.00
	199	31	6399	00	041	199	000	GENERAL SUPPLIES		20,000.00
	199	33	6119	00	001	199	000	NURSE-RN		30,000.00
	199	52	6119	05	101	199	000	GUARDIAN STIPEND		20,000.00
	199	61	6129	00	800	199	000	DAY CARE SUPPORT STAFF		1,000.00
	458	11	6129	01	751	128	000	DAEP SALARIES-TEACHER AIDE	16,000.00	
	458	11	6129	03	751	128	000	DAEP SALARIES-TEMP HELP	4,000.00	
	458	23	6119	00	751	128	000	DAEP PRINCIPAL		20,000.00
								TOTAL	161,000.00	161,000.00

REASON FOR REQUEST	
1	INCREASE BUDGETS TO COVER UNEXPECTED EXPENSES

Y. Zepeda
Originator

8/25/2021
Date

Approved

Cathy K. Lam PhD
Superintendent

8/25/21
Date

Approved _____

Denied _____

Board Officer

Date

ACTION

August 30, 2021

SUBJECT: Adopt 2021-20 Budget

PRESENTED BY: Cathy L. Lauer, Ph.D.

BACKGROUND INFORMATION

After a public meeting has been held to discuss the propose budget and tax rate and comments from the public have been heard, the budget may be adopted.

Texas Educational Code section 29.081(b-2) requires school districts to “separately budget” sufficient funds for providing accelerated instruction to students who do not perform satisfactorily on state-mandated end-of-course exams. Districts may not use compensatory education funds for any other purpose until sufficient funds are budgeted for accelerated instruction. Because school district budgets do not typically have a separate line item for accelerated instruction, district may wish to maintain separate documentation to show how the costs of required accelerated instruction are represented throughout the budget.

The budget will be under separate cover.

ADMINISTRATIVE CONSIDERATION

That the board adopts the budget as presented.

BOARD ACTION REQUESTED

That the Board hears the report and discuss items it deems important and take action necessary to meet the requirement of the law.

MOTION #1: “I move that the board adopt the accelerated instructional budget as presented.”

Motion_____Second_____Results___

MOTION #2: “I move that the board adopt the budget functions to include fund codes 199, 240, and 599, as presented.”

Motion_____Second_____Results___

Approve/Disapprove

ACTION

August 30, 2021

SUBJECT: Adopt Tax Rate for 2021-22

PRESENTED BY: Cathy L. Lauer, Ph.D.

BACKGROUND INFORMATION

Board Policy requires that the tax collector prepare and submit a written report for all taxes collected during the preceding month.

ADMINISTRATIVE CONSIDERATION

The highest tax rate the district can adopt before requiring voter approval at an election is \$ 1.15. This election will be automatically held if the district adopts a rate in excess of the rollback rate of \$ 1.15.

BOARD ACTION REQUESTED

Review the information presented and discuss as necessary.

After a public meeting has been held to discuss the proposed tax rate and comments from the public have been heard, the tax rate may be adopted.

BOARD ACTION REQUESTED

MOTION: "I move that the Board set the 2021 tax rate on \$100.00 valuation for the District at \$1.15 (\$.9734 maintenance & operation and \$0.1766 interest & sinking) assessed and collected by the duly specified tax officials for use for maintenance and operations expenditures".

Approve/Disapprove

Motion _____ Second _____ Results _____

The following board members voted for: _____

The following board members voted against: _____

The following board members were absent: _____

ORDINANCE SETTING TAX RATE

Date: August 30, 2021

On this date, we, the Board of Trustees of the **Nixon-Smiley Consolidated Independent School District**, hereby levy or set the tax rate on \$100 valuation for the District for the tax year 2021 at a total tax rate of \$ 1.15 to be assessed and collected by the duly specified assessor and collector as follows:

\$ 0.9734 for the purpose of maintenance and operation, and

\$ 0.1766 for the purpose of payment of principal and interest on debts.

Such taxes are to be assessed and collected by the tax officials designated by the District.

IN CERTIFICATION THEREOF:

Signed: _____
President

Attest: _____
Secretary

Note: The above ordinance must be referred to in the minutes of the meeting of the Board, this will state that the ordinance was in writing and was acted upon by the Board by record vote; will state the rate and purpose for which the tax was levied; and will state the action and vote of the Board. A signed copy of the ordinance should be attached to and incorporated into the minutes.

ACTION

August 30, 2021

SUBJECT: COVID Updates and Return to School Plan

PRESENTED BY: Cathy L. Lauer, Ph.D.

BACKGROUND INFORMATION

The Superintendent will update the Board on case counts, the status of GA-38, employee leave questions, and any other relevant topics.

ADMINISTRATIVE CONSIDERATION

The Administration will review the information and make a recommendation to the Board.

BOARD ACTION REQUESTED

Review the information presented and discuss any item(s) requiring clarification.

MOTION: "I move that the Board _____

_____."

Motion _____ Second _____ Results _____

Approve/Disapprove



#mustangSTRONG
Nixon-Smilely CISD
Safe Return to In-Person Instruction
and
Continuity of Services Plan

As of July 28, 2021

Si necesita ayuda para comprender esta carta en su idioma nativo, comuníquese con el Distrito al 830-582-1536.

Notice

Nixon-Smilely CISD is providing notice to parents, families, and the community regarding back-to-school plans and instruction through this document, which is being disseminated via our District web page, social media, and other appropriate means to all families. It was also shared at a public meeting on July 19, 2021. NSCISD will continue to follow guidance from TEA and the Centers for Disease Control (CDC), as well as orders from the Governor, and update our plan as conditions change and require adjustments for returning to school safely.

This guidance is subject to change based on state and local decisions.

COVID-19 Response Team – Nixon-Smilely CISD has developed a COVID-19 Response Team to respond to concerns and communicate district decisions. Members of the team and email addresses are noted below:

Cathy Lauer	Superintendent of Schools	cathy.lauer@nixonsmilely.net
Jeff Van Auken	Director of Business and Operations	jeff.vanauken@nixonsmilely.net
Bobby Newman	Maintenance Director	bobby.newman@nixonsmilely.net
Jane Dwyer	Director of Curriculum and Instruction	jane.dwyer@nixonsmilely.net
Lisa May Jackson	District RN	lisa.jackson@nixonsmilely.net

You may also contact campus principals who can help guide your question to the appropriate responder.

Safety Protocols

Nixon-Smilely CISD has identified and will implement practices to prevent the virus from entering the school and mitigate or reduce the likely spread inside the school to include the following district practices and guidelines:

HEALTH AND SAFETY GUIDANCE

- **Social and Emotional Well-Being** – Students’ social and emotional well-being remain a top priority. Together, schools and families can support your child during this challenging time. With the continuation of the COVID-19 pandemic, it is natural for your child to experience some changes in behavior and mood. Counselors and staff will continue to work closely with families and students to ease the stress. Keeping routines predictable, sharing COVID facts that are

age-appropriate, making time to listen and share feelings, and reaching out to us for support are all important. We are here for you and your child(ren). Please contact your child(ren's) campus principal or counselor if you need help or have questions as we continue to navigate through the COVID-19 epidemic. Nixon-Smiley CISD is also very proud of our *Communities in Schools* program. Representatives can come to your home to assist you with needs for your family's well-being.

- **Masks** – Face coverings are optional for NSCISD students, staff, and visitors while on campus or at school activities. Those not fully vaccinated are encouraged to wear a mask when indoors or when six feet of social distancing is not possible. The District reserves the ability to require face coverings if environmental conditions change, transmission levels elevate, or revised recommendations are provided by governing entities.
- **Handwashing/Sanitizing/Cleaning** - Students and staff are expected to regularly use hand sanitizer or wash hands throughout the school day. Also:
 - Students, staff, teachers, and visitors are encouraged to cover coughs and sneezes with a tissue and/or their elbow (even with a mask on.) Used tissues must be thrown in the trash and hands should be washed immediately with soap and water for at least 20 seconds or hand sanitizer should be used.
 - Nixon-Smiley CISD will incorporate the CDC guidance on cleaning community buildings to prevent COVID-19 spread.
 - NSCISD will ensure cleaning products are stored safely, including storing harmful products where children cannot access them, and ensuring that harmful cleaning products are not used near children.
 - Whenever possible, NSCISD will open windows or otherwise work to improve air flow by allowing outside air to circulate in the building.
 - If a building has remained dormant for an extended period, NSCISD will use CDC guidance on maintaining water system safety.
- **Temperature Checks/Screening** – Per CDC guidelines, initial monitoring of symptoms begins at home. Individuals who are feeling ill, including symptoms like fever, cough, shortness of breath, sore throat, abdominal pain, fatigue, muscle aches, or headache, should stay at home and consult with a medical professional regarding school participation.

Temperatures will be taken only as needed. Parents/guardians who allow their student to leave home to attend school are attesting that their child does not have symptoms of COVID-19, has not received a positive test result, nor has been in close contact with someone that has had COVID-19 (if unvaccinated). Teachers and staff will monitor students throughout the day and refer any student showing symptoms to the school nurse, or designee if the nurse is unavailable. Those students will be screened and parents will be contacted.

TEXAS EDUCATION AGENCY GUIDANCE (PREVENT & MITIGATE) --

NSCISD is currently governed by *School Health Operations Requirements*, dated June 5, 2021, found on the TEA Coronavirus web site: <https://tea.texas.gov/sites/default/files/covid/SY-20-21-Public-Health-Guidance.pdf> and Executive Order GA-34.

Parents must ensure they do not send a child to school if the child has COVID-19 symptoms (as listed below) or is test-confirmed to have COVID-19.

▪ **Current List of COVID-19 symptoms include:**

- Temperature of 100.4 degrees Fahrenheit or higher when taken by mouth;
- Sore throat;
- New uncontrolled cough that causes difficulty breathing (or, for students with a chronic allergic/asthmatic cough, a change in their cough from baseline);
- Diarrhea, vomiting, or abdominal pain; or
- New onset of severe headache, especially with a fever.

Nurses are staffed at each school and Nixon-Smiley CISD also employs a Lead Nurse, Lisa Jackson, RN. These individuals have been trained to support and assist with health and safety matters.

- **Social Distancing** – Social distancing will be implemented when possible in classrooms and common areas on campus. Classrooms will be arranged to allow for maximizing space between students and disinfecting supplies will be available in all classrooms. Face coverings are encouraged for those not fully vaccinated. Staff will continue frequent hand washing and/or sanitizing and seek increased airflow from outdoors when possible.
- **Personal Protective Equipment** – Staff and students that have not been fully vaccinated or prefer to wear PPE are expected to provide their own masks.
- **Students with Health Conditions** – Parents and families know their child’s needs. While we are taking great measures to ensure each student’s safety, parents must place their child’s health needs first.
- **COVID-19 Cases** – Nixon-Smiley CISD will take all safety precautions possible. However, if a student or staff member tests positive, we will immediately separate any individual who shows COVID-19 symptoms while at school until the person can leave campus or the child can be picked up by a parent or guardian.

CAMPUSES AND CLASSROOMS

- **Visitors, Drop-off, and Pick-Up** – All campuses and offices will remain locked. Visitors must call the office and will be met at the door. We apologize for this inconvenience, but believe it is in the best interest of our students and staff.

When an on campus visit is required, visits must be scheduled via an appointment. Additionally, each school will have procedures in place for daily drop-off and pick-up. This information will be communicated prior to the first day of school.

- **Classroom Configurations (also see Social Distancing above)** – Nixon-Smiley CISD will arrange student learning spaces to maximize space between students as feasible.

▪ **Use of Non-Classroom Spaces --**

- **Extracurricular Activities** - NSCISD will continue to offer extracurricular activities and non-UIL extracurricular activities aligned with the guidance found on the UIL website for all UIL activities. Ticket information and other guidance will be posted on the Nixon-Smiley CISD website.
- **Facilities** - As is the case in typical years, Nixon-Smiley CISD has policies that allow for non-school use of some facilities if the activity is primarily for school aged children. Use and operation will be consistent with the governor’s executive orders for similar activities.
- **RISE After-School Program** – The after-school program will be available on the first day of instruction. Pre-registration will be required through Ms. Rogers at the Elementary Campus (830) 582-1536 ext. 411. This program will follow the same sanitation and safe practices established during the regular instructional day.

INSTRUCTIONAL MODEL

The instructional model is further detailed on the Nixon-Smiley CISD webpage but summarized here for your convenience.

- **In-person learning** (traditional classroom experience) -- Face-to-face learning will be the only mode of instruction offered in NSCISD for the 2021-22 school year. Students will attend school daily and follow safety and sanitation guidelines.
 - In the event a student is required to stay at home due to COVID-19, every effort will be made to ensure the student can stay current in his or her classes. This can include district-provided technology devices, internet access, digital classroom resources, and any other materials that will assist the student in minimizing missed instruction.
- **Attendance** – Per Texas Education Code (TEC), §25.092, students must attend 90% of the days a course is offered in order to be awarded credit for the course and/or to be promoted to the next grade. This requirement remains in force during the 2021-22 school year.

MEALS AND TRANSPORTATION

- **Meals** – Nixon-Smiley CISD must comply with child nutrition guidelines. Health and safety guidelines previously outlined in this document will apply, including frequent sanitation and hand-washing. No outside food may be dropped off at the campus.
- **Transportation** – Families are encouraged to drop off students or walk with students to reduce possible exposure to the virus on school buses. However, safety measures will be implemented for those using bus transportation:
 - Hand sanitizer *may* be offered to students prior to boarding the school bus. We recognize that some students may have sensitive skin and thus unable to use it day after day.

- Temperatures *may* be taken for students before boarding the bus if symptoms are apparent. If a student's temperature is at or above 100.4°, the student will not be allowed on the bus. Parents should discuss medical/safety information with the campus nurse and ensure compliance with guidelines before the student is allowed to return to school. If no parent is immediately available, the first three rows of the bus will be cleared and the student will sit in the second row with a mask on. The parent will be required to pick the child at school as soon as possible. If the parent is not available, campus staff will contact the alternate emergency contact individuals noted on the student's registration form.
- When possible, windows will be open to allow outside air to circulate in the bus.
- Buses will be cleaned frequently, focusing on high-touch surfaces such as bus seats, steering wheels, knobs, and door handles.

Respond

Nixon-Smilely CISD has identified and will implement responsive actions to address the situation if there are lab-confirmed cases in a school. If an individual who has been in a school is lab-confirmed to have COVID-19, Nixon-Smilely CISD must notify our local health department (*Department of State Health Services- Public Health Region 8*), in accordance with applicable federal, state and local laws and regulations, including confidentiality requirements of the Americans with Disabilities Act (ADA) and Family Educational Rights and Privacy Act (FERPA).



GOVERNOR GREG ABBOTT

July 29, 2021

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:15 PM O'CLOCK

JUL 29 2021

Secretary of State

Mr. Joe A. Esparza
Deputy Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

Dear Deputy Secretary Esparza:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-38 relating to the continued response to the COVID-19 disaster.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
July 29, 2021

EXECUTIVE ORDER
GA 38

Relating to the continued response to the COVID-19 disaster.

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all Texas counties; and

WHEREAS, in each subsequent month effective through today, I have renewed the COVID-19 disaster declaration for all Texas counties; and

WHEREAS, from March 2020 through May 2021, I issued a series of executive orders aimed at protecting the health and safety of Texans, ensuring uniformity throughout Texas, and achieving the least restrictive means of combatting the evolving threat to public health by adjusting social-distancing and other mitigation strategies; and

WHEREAS, combining into one executive order the requirements of several existing COVID-19 executive orders will further promote statewide uniformity and certainty; and

WHEREAS, as the COVID-19 pandemic continues, Texans are strongly encouraged as a matter of personal responsibility to consistently follow good hygiene, social-distancing, and other mitigation practices; and

WHEREAS, receiving a COVID-19 vaccine under an emergency use authorization is always voluntary in Texas and will never be mandated by the government, but it is strongly encouraged for those eligible to receive one; and

WHEREAS, state and local officials should continue to use every reasonable means to make the COVID-19 vaccine available for any eligible person who chooses to receive one; and

WHEREAS, in the Texas Disaster Act of 1975, the legislature charged the governor with the responsibility “for meeting ... the dangers to the state and people presented by disasters” under Section 418.011 of the Texas Government Code, and expressly granted the governor broad authority to fulfill that responsibility; and

WHEREAS, under Section 418.012, the “governor may issue executive orders ... hav[ing] the force and effect of law;” and

WHEREAS, under Section 418.016(a), the “governor may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business ... if strict compliance with the provisions ... would in any way prevent, hinder, or delay necessary action in coping with a disaster;” and

WHEREAS, under Section 418.018(c), the “governor may control ingress and egress to

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:15pm O'CLOCK

and from a disaster area and the movement of persons and the occupancy of premises in the area;” and

WHEREAS, under Section 418.173, the legislature authorized as “an offense,” punishable by a fine up to \$1,000, any “failure to comply with the [state emergency management plan] or with a rule, order, or ordinance adopted under the plan;”

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective immediately:

1. To ensure the continued availability of timely information about COVID-19 testing and hospital bed capacity that is crucial to efforts to cope with the COVID-19 disaster, the following requirements apply:
 - a. All hospitals licensed under Chapter 241 of the Texas Health and Safety Code, and all Texas state-run hospitals, except for psychiatric hospitals, shall submit to the Texas Department of State Health Services (DSHS) daily reports of hospital bed capacity, in the manner prescribed by DSHS. DSHS shall promptly share this information with the Centers for Disease Control and Prevention (CDC).
 - b. Every public or private entity that is utilizing an FDA-approved test, including an emergency use authorization test, for human diagnostic purposes of COVID-19, shall submit to DSHS, as well as to the local health department, daily reports of all test results, both positive and negative. DSHS shall promptly share this information with the CDC.
2. To ensure that vaccines continue to be voluntary for all Texans and that Texans’ private COVID-19-related health information continues to enjoy protection against compelled disclosure, in addition to new laws enacted by the legislature against so-called “vaccine passports,” the following requirements apply:
 - a. No governmental entity can compel any individual to receive a COVID-19 vaccine administered under an emergency use authorization. I hereby suspend Section 81.082(f)(1) of the Texas Health and Safety Code to the extent necessary to ensure that no governmental entity can compel any individual to receive a COVID-19 vaccine administered under an emergency use authorization.
 - b. State agencies and political subdivisions shall not adopt or enforce any order, ordinance, policy, regulation, rule, or similar measure that requires an individual to provide, as a condition of receiving any service or entering any place, documentation regarding the individual’s vaccination status for any COVID-19 vaccine administered under an emergency use authorization. I hereby suspend Section 81.085(i) of the Texas Health and Safety Code to the extent necessary to enforce this prohibition. This paragraph does not apply to any documentation requirements necessary for the administration of a COVID-19 vaccine.
 - c. Any public or private entity that is receiving or will receive public funds through any means, including grants, contracts, loans, or other disbursements of taxpayer money, shall not require a consumer to provide, as a condition of receiving any service or entering any place, documentation regarding the consumer’s vaccination status for any COVID-19 vaccine administered under an emergency use authorization. No consumer may be denied entry to a facility financed

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- in whole or in part by public funds for failure to provide documentation regarding the consumer's vaccination status for any COVID-19 vaccine administered under an emergency use authorization.
- d. Nothing in this executive order shall be construed to limit the ability of a nursing home, state supported living center, assisted living facility, or long-term care facility to require documentation of a resident's vaccination status for any COVID-19 vaccine.
 - e. This paragraph number 2 shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster. I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the COVID-19 disaster that are inconsistent with this executive order.
3. To ensure the ability of Texans to preserve livelihoods while protecting lives, the following requirements apply:
- a. There are no COVID-19-related operating limits for any business or other establishment.
 - b. In areas where the COVID-19 transmission rate is high, individuals are encouraged to follow the safe practices they have already mastered, such as wearing face coverings over the nose and mouth wherever it is not feasible to maintain six feet of social distancing from another person not in the same household, but no person may be required by any jurisdiction to wear or to mandate the wearing of a face covering.
 - c. In providing or obtaining services, every person (including individuals, businesses, and other legal entities) is strongly encouraged to use good-faith efforts and available resources to follow the Texas Department of State Health Services (DSHS) health recommendations, found at www.dshs.texas.gov/coronavirus.
 - d. Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities should follow guidance from the Texas Health and Human Services Commission (HHSC) regarding visitations, and should follow infection control policies and practices set forth by HHSC, including minimizing the movement of staff between facilities whenever possible.
 - e. Public schools may operate as provided by, and under the minimum standard health protocols found in, guidance issued by the Texas Education Agency. Private schools and institutions of higher education are encouraged to establish similar standards.
 - f. County and municipal jails should follow guidance from the Texas Commission on Jail Standards regarding visitations.
 - g. As stated above, business activities and legal proceedings are free to proceed without COVID-19-related limitations imposed by local governmental entities or officials. This paragraph number 3 supersedes any conflicting local order in response to the COVID-19 disaster, and all relevant laws are suspended to the extent necessary to preclude any such inconsistent local orders. Pursuant to the legislature's command in Section 418.173 of the Texas Government Code and the State's emergency management plan, the imposition of any conflicting or inconsistent limitation by a local governmental entity or official constitutes a "failure to comply with" this executive order that is subject to a fine up to \$1,000.

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4. To further ensure that no governmental entity can mandate masks, the following requirements shall continue to apply:
 - a. No governmental entity, including a county, city, school district, and public health authority, and no governmental official may require any person to wear a face covering or to mandate that another person wear a face covering; *provided, however, that*:
 - i. state supported living centers, government-owned hospitals, and government-operated hospitals may continue to use appropriate policies regarding the wearing of face coverings; and
 - ii. the Texas Department of Criminal Justice, the Texas Juvenile Justice Department, and any county and municipal jails acting consistent with guidance by the Texas Commission on Jail Standards may continue to use appropriate policies regarding the wearing of face coverings.
 - b. This paragraph number 4 shall supersede any face-covering requirement imposed by any local governmental entity or official, except as explicitly provided in subparagraph number 4.a. To the extent necessary to ensure that local governmental entities or officials do not impose any such face-covering requirements, I hereby suspend the following:
 - i. Sections 418.1015(b) and 418.108 of the Texas Government Code;
 - ii. Chapter 81, Subchapter E of the Texas Health and Safety Code;
 - iii. Chapters 121, 122, and 341 of the Texas Health and Safety Code;
 - iv. Chapter 54 of the Texas Local Government Code; and
 - v. Any other statute invoked by any local governmental entity or official in support of a face-covering requirement.

Pursuant to the legislature's command in Section 418.173 of the Texas Government Code and the State's emergency management plan, the imposition of any such face-covering requirement by a local governmental entity or official constitutes a "failure to comply with" this executive order that is subject to a fine up to \$1,000.

- c. Even though face coverings cannot be mandated by any governmental entity, that does not prevent individuals from wearing one if they choose.
5. To further ensure uniformity statewide:
 - a. This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts services allowed by this executive order or allows gatherings restricted by this executive order. Pursuant to Section 418.016(a) of the Texas Government Code, I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the

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- COVID-19 disaster that are inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order.
- b. Confinement in jail is not an available penalty for violating this executive order. To the extent any order issued by local officials in response to the COVID-19 disaster would allow confinement in jail as an available penalty for violating a COVID-19-related order, that order allowing confinement in jail is superseded, and I hereby suspend all relevant laws to the extent necessary to ensure that local officials do not confine people in jail for violating any executive order or local order issued in response to the COVID-19 disaster.

This executive order supersedes all pre-existing COVID-19-related executive orders and rescinds them in their entirety, except that it does not supersede or rescind Executive Orders GA-13 or GA-37. This executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive order may also be amended by proclamation of the governor.



Given under my hand this the 29th
day of July, 2021.

Handwritten signature of Greg Abbott in black ink.

GREG ABBOTT
Governor

ATTESTED BY:

Handwritten signature of Joe A. Esparza in black ink, written over a horizontal line.

JOE A. ESPARZA
Deputy Secretary of State

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3:15pm O'CLOCK

JUL 29 2021

ACTION

August 30, 2021

SUBJECT: NS DAEP - MOU Agreement with Yorktown ISD

PRESENTED BY: Cathy L. Lauer, Ph.D.

BACKGROUND INFORMATION

In January, 2016, Nixon-Smilely CISD voted to start a Discipline Alternative Education Program (DAEP) at Smiley.

ADMINISTRATIVE CONSIDERATION

On the following pages is the Interlocal Cooperation Agreement for the DAEP which addresses operating guidelines and procedures between the school(s) and Nixon-Smilely CISD.

BOARD ACTION REQUESTED

MOTION: "I move that the board approve the DAEP MOU Interlocal Agreements between Nixon-Smilely CISD and Yorktown ISD as presented."

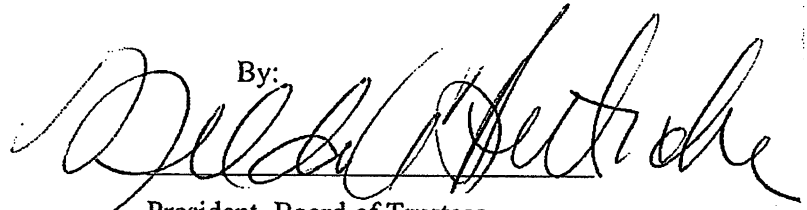
Motion _____ Second _____ Results

Approval\Disapproval

EXECUTED IN MULTIPLE ORIGINALS, as authorized by the Participating Districts
by action on dates as indicated below, to be effective the 1st day of August, 2021

YORKTOWN INDEPENDENT SCHOOL DISTRICT

Date of Authorization: August 23, 2021

By: 

President, Board of Trustees

NIXON-SMILEY CONSOLIDATED INDEPENDENT SCHOOL DISTRICT

Date of Authorization: _____

By:

President, Board of Trustees