

MINUTES OF SCHOOL DISTRICT SPECIAL MEETING

BOARD OF TRUSTEES

SMITHVILLE INDEPENDENT SCHOOL DISTRICT

Notice is hereby given that a Special Meeting of the Board of Trustees of the Smithville Independent School District was held on Monday, August 7, 2023 beginning at 6:00 PM at the Smithville ISD Administrative Building, PO Box 479, 901 N.E. 6th Street, Smithville, Texas 78957.

Members present: Grant Gutierrez, Chris Hinnant, Josh Magden, Nancy Towry

Members absent: Michael Hancock, Alan Hemphill, Candice Parsons,

Others present: Jean Ann McCarthy, Cheryl Burns, Denise Behrens

Call to Order – The Board President called the meeting to order at 6:02 p.m.

Roll Call – The Board President called the roll of members. Mr. Hemphill, Mrs. Parsons and Mr. Hancock were absent.

Public Communications – There were no communications from the public.

CLOSED SESSION: Pursuant to Texas Government Code sections 551.129 and 551.071, discussion with attorney regarding legal issues related to multi-party legal representation on possible agreement(s) related to legal issues related to possible agreement terms and conditions for special education services agreement with Education Service Center Region 13, for possible services including but not limited to an intensive behavioral support classroom or functional communication support classroom.

The Board entered closed session at 6:03 p.m. and returned at 6:25 p.m. with no official action taken.

Consider and possible action regarding consent to multi-party legal representation by Walsh Gallegos Treviño Kyle & Robinson, P.C. related to possible agreement for special education services agreement with Education Service Center Region 13, for possible services including but not limited to an intensive behavioral support classroom or functional communication support classroom – Grant Gutierrez moved that the Board consent to multi-party legal representation by Walsh Gallegos Treviño Kyle & Robinson, P.C. of Smithville ISD and Education Service Center Region 13 related to possible special education

services agreement with Education Service Center Region 13, for possible services including but not limited to an intensive behavioral support classroom or functional communication support classroom and authorize the Superintendent to execute the consent form. Josh Magden seconded and the motion carried 4-0.

Consider and possible action regarding special education services agreement with Education Service Center Region 13, for possible services including but not limited to an intensive behavioral support classroom or functional communication support classroom, with possible delegation of authority to Superintendent or designee to negotiate and execute an agreement in a form approved by legal counsel – Grant Gutierrez moved that the Board delegate authority to the Superintendent or designee to negotiate and execute an agreement for special education services with Education Service Center Region 13, for services including but not limited to an intensive behavioral support classroom or functional communication support classroom, in a form approved by legal counsel. in a form approved by legal counsel and further direct the Superintendent to update the Board regarding the final agreement at a future board meeting. Nancy Towry seconded, and the motion carried 4-0.

Consider Interlocal Agreement with Bastrop Works for Certain Special Education Services – This agreement is made between Bastrop ISD ("Service Provider District") and Smithville ISD ("Recipient of Services District") for the purpose of allowing eligible students residing in the Smithville ISD to access certain special education services, specifically Bastrop Works (18+) Transition Program, pursuant to the individuals with Disabilities Education Act (hereinafter "IDEA"), provided by Bastrop ISD as set forth herein. This agreement is authorized by Texas Govt. Code 791001 et seq. (Texas Interlocal Cooperation Act). Both the Service Provider District and the Recipient of Services District are independent school districts, which are political subdivisions of the State of Texas. Josh Magden made a motion to approve the agreement between Bastrop ISD and Smithville ISD for certain special education services as presented. Grant Gutierrez seconded and the vote passed 4-0.

Delegate the Authority to Obligate School District Under Chapter 49 to the Superintendent – At the July Board meeting, it was revealed that Smithville ISD has been notified as being a school district in Excess of Entitlement for School Year 2023-2024. To be compliant with the notification, Smithville ISD must submit the District Intent/Choice Selection form (which has been submitted) and the Agreement for the Purchase of Attendance Credit (Netting Chapter 48 Funding) contract before September 1st. At the recommendation of TEA, we would like for the Smithville Board of Trustees to delegate authority to obligate the school district under TEC, Chapter 49, to Mrs. Burns, so that the contract is submitted in a timely manner and we meet all requirements. Grant Gutierrez moved that, for the 2023-2024 school year, the Board of Trustees delegate contractual authority to obligate the school district under Texas Education Code (TEC) 11.1511(c)(4) to the Superintendent, solely for the

purpose of obligating the district under TEC 48.257 and TEC Chapter 49, Subchapters A and D, and the rules adopted by the commissioner of education as authorized under TEC 49.006. This included approval of the Agreement for the Purchase of Attendance Credit (Netting Chapter 48 Funding). Nancy Towry seconded and the vote carried 4-0.

Adjournment – Grant Gutierrez moved to adjourn the meeting at 6:30 p.m. With a second from Nancy Towry and a vote of 4-0, the meeting was adjourned.