

**Official Agenda and Meeting Notice
of the Board of the
Beaumont Independent School District
in the VIA ZOOM**

Friday, February 19, 2021

Emergency Meeting

9:00 AM

The items on this agenda may be taken in any order.

As directed under the Texas Open Meetings Act, Texas Government Code, Chapter 551 (the “Act”), if during the course of the meeting covered by this Notice, the Board should determine that a closed session of the Board is required, then such closed session will be held by the Board at the date, hour, and place given in this Notice or as soon after the commencement of the meeting covered by this Notice as the Board may conveniently meet in closed session concerning any and all purposes permitted by the Act.

9:00 AM - (CALL TO ORDER)

- I. INTRODUCTION
 - A. ROLL CALL
- II. (OPEN MEETING)
 - A. ACTION ITEMS
 1. Consider Board Resolution Declaring State of Emergency
 2. Consider Board Resolution Authorizing Employee Pay during Emergency School Closing
 - B. An emergency or urgent public necessity exists that requires immediate action of the Board or an imminent threat to public health and safety or a reasonably unforeseeable situation exists, as follows:
 - On February 12, 2021, the Governor of Texas issued a Declaration of Disaster for the State of Texas and on February 14, 2021, the President of the United States approved the Texas Emergency Declaration.
 - The Board of Trustees recognizes that the severe winter storm is an unforeseen and unavoidable emergency of urgent public necessity, and that additional emergency declarations may follow in the coming days and weeks.
 - The Board of Trustees has a substantial public interest in protecting the health and safety of its students, staff, and community and therefore desires to ensure that the school district and community are prepared to the fullest extent possible to protect the health and safety of students, staff, and community in light of the severe winter weather.
 - C. 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, Texas 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 Board Policy BEC(LLEGAL)]

This notice was posted in compliance with the Texas Open Meetings Act on February 18, 2021, at 4:00 p.m.

**RESOLUTION OF THE BEAUMONT INDEPENDENT SCHOOL DISTRICT
BOARD OF TRUSTEES**

WHEREAS, severe winter weather across the State of Texas resulted in closure of facilities and transition to virtual instruction at Beaumont Independent School District beginning Monday, February 15, 2021 and continuing through Friday, February 19, 2021 for the safety of students and staff;

WHEREAS, President Biden issued a Federal Emergency Declaration for Texas in response to the severe winter weather throughout the state;

WHEREAS, Governor Abbott issued a Disaster Declaration for Texas in response to the severe winter weather, stating that such “poses an imminent threat of widespread and severe property damage, injury, and loss of life due to prolonged freezing temperature, heavy snow, and freezing rain statewide;”

WHEREAS, BISD directed employees to perform work virtually, when possible, because it must act in the best interests of, and for the safety of, its students, staff, and community;

WHEREAS, through circumstances completely beyond their control, some BISD employees were unable to work virtually or report to their facility assignments at BISD;

WHEREAS, to financially penalize employees who are acting in the interests of public safety potentially will be harmful in the future if these people fail to act in a safe and prudent manner during a required or recommended shelter in place for fear of financial loss;

WHEREAS, it will be detrimental to the best interests of BISD for BISD to act in a way that may lead to unsafe conduct by its employees in a future natural disaster;

WHEREAS, there is a public purpose served and a benefit to BISD to encourage prudent and safe behavior in a natural disaster so that employees have the best opportunity of protecting their safety and being able to resume their duties;

WHEREAS, the BISD Board of Trustees (“Board”) finds that there is a public purpose served and a benefit to BISD to demonstrate support of BISD employees, enhance employee morale, and support the retention of employees;

WHEREAS, BISD work schedules have been affected by these events;

WHEREAS, pursuant to BISD Board Policy DEA (Local), if the Board chooses to pay employees during an emergency closure for which the workdays are not scheduled to be made up at a later date, then that authorization shall be by resolution or other Board action and shall reflect the purpose served by the expenditure;

WHEREAS, given the circumstances, the Board wishes to authorize the Superintendent not to dock the pay of BISD employees for workdays not made up on any revised calendar;

WHEREAS, the Board believes that a public purpose exists for forgiving or excusing the absences of these employees;

WHEREAS, this resolution is not meant to excuse the failure to report to duty on these days by any employees who were instructed by the administration to do so or who were required by contract or job description to report for duty, and who are emergency services personnel or whose presence is necessary to provide for the safety and well-being of the general public.

**RESOLUTION OF EMERGENCY DECLARATION
OF THE BEAUMONT INDEPENDENT SCHOOL DISTRICT
BOARD OF TRUSTEES**

WHEREAS, Beaumont Independent School District (“BISD”) has a substantial public interest to protect the health and safety of its students, staff and community;

WHEREAS, severe winter weather across the State of Texas resulted in the closure of all BISD schools and facilities beginning Monday, February 15, 2021 and continuing through Friday, February 19, 2021 for the safety of students and staff;

WHEREAS, President Biden issued a Federal Emergency Declaration for Texas in response to the severe winter weather throughout the state;

WHEREAS, Governor Abbott issued a Disaster Declaration for Texas in response to the severe winter weather, stating that such “poses an imminent threat of widespread and severe property damage, injury, and loss of life due to prolonged freezing temperature, heavy snow, and freezing rain statewide;”

WHEREAS, in the event school facilities and/or equipment are damaged or undergo operational failures as a result of an unforeseen catastrophe or emergency, Section 44.031(h) of the Texas Education Code authorizes the Board of Trustees to determine that the delays posed by competitive procurement laws would prevent or substantially impair the conduct of classes or other essential school activities;

WHEREAS, BISD school facilities and equipment have been damaged as a result of the severe winter weather; and

WHEREAS, over the coming days and weeks, the emergency purchase of goods and services will be necessary to restore and repair such damage to BISD facilities and equipment and to protect the health and safety of BISD students and staff.

THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Beaumont Independent School District formally declares that (1) the recent severe winter weather constitutes an unforeseen emergency; (2) the delays posed by competitive procurement of contracts necessary to restore and repair BISD facilities and equipment will prevent or substantially impair the conduct of classes or other essential school activities; and (3) the Superintendent is authorized to procure, negotiate, and execute contracts for goods and services that are necessary to mitigate, prevent, restore, and repair damage caused to BISD facilities and equipment or to protect the health and safety of BISD students and staff; and (4) the Superintendent shall inform the Board of Trustees of all emergency purchases made hereunder at the next regular Board meeting following such purchases.

Passed at a duly called and posting meeting of the BISD Board of Trustees on the 19th day of February, 2021. This Resolution may be executed electronically and in counterparts.

By: Thomas P. Szye
President, Board of Trustees

Attest:
Robert C. Dunn
Secretary, Board of Trustees

**Notice of Emergency Meeting
Board of Trustees
Beaumont Independent School District
February 19, 2021**

An emergency meeting of the Board of Trustees of the Beaumont Independent School District will be held on February 19, 2021 beginning at 9:00 a.m. In accordance with guidance from the Texas Governor and Attorney General dated March 16, 2020 regarding suspension of open meeting laws, Beaumont ISD's board meeting will convene via videoconference at the following link: <https://us02web.zoom.us/j/84197278079>. Following the meeting, the public will be provided access to a recording of the meeting.

The subjects to be discussed or considered or upon which any formal action may be taken are as follows:

1. Consider Board Resolution Declaring State of Emergency
2. Consider Board Resolution Authorizing Employee Pay During Emergency School Closing

An emergency or urgent public necessity exists that requires immediate action of the Board or an imminent threat to public health and safety or a reasonably unforeseeable situation exists, as follows:

- On February 12, 2021, the Governor of Texas issued a Declaration of Disaster for the State of Texas and on February 14, 2021, the President of the United States approved the Texas Emergency Declaration.
- The Board of Trustees recognizes that the severe winter storm is an unforeseen and unavoidable emergency of urgent public necessity, and that additional emergency declarations may follow in the coming days and weeks.
- The Board of Trustees has a substantial public interest in protecting the health and safety of its students, staff, and community and therefore desires to ensure that the school district and community are prepared to the fullest extent possible to protect the health and safety of students, staff, and community in light of the severe winter weather.

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, Texas 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 Board Policy BEC (LEGAL)]

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For the Board of Trustees