



**Temple ISD**

**Special Meeting**

**Wednesday, October 30, 2019 4:00 PM**

# **Agenda of Special Meeting**

## **The Board of Trustees Temple ISD**

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A Special Meeting of the Board of Trustees of Temple ISD will be held October 30, 2019, beginning at 4:00 PM in the TISD Administration Building, 401 Santa Fe Way, Temple, Texas 76501.

The subjects to be discussed or 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.

I. Public Forum

II. Board Policy Committee Agenda, Item A - E

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Temple Independent School District  
Board Policy Committee Agenda  
2019 10-30

- A. Public Forum
  
- B. Naming Facilities
  - 1. CW(LOCAL) – Naming Facilities
  
- C. Distribution of Non-School Literature
  - 1. GKDA(LOCAL) – Nonschool Use of School Facilities
  
- D. Update on HB 2840 – Public Comments at Board Meetings
  - 1. Open Meetings Act (TASB)
  - 2. BED (LEGAL)
  - 3. BED (LOCAL)
  
- E. Future Items and/or Information Request
  - 1. Temple ISD Alumni Spotlight

## PROPOSED REVISIONS

### Recommendation Process

The Board shall have final authority and responsibility for the naming and renaming of District facilities.

The Board may direct the Superintendent to solicit recommendations of names from staff, students, and the community.

Each nomination shall be submitted to the communications department, along with supporting information including a succinct description detailing the name's importance and any pertinent history that should be considered. Nominations shall be forwarded to the Board policy committee.

In a timely manner prescribed by the Board, the committee shall submit to the Board ~~three~~-recommended names for each campus or facility to be named.

#### **Optional text for two-review process:**

The Board shall review and modify the recommendations as the Board deems appropriate. The committee shall select and submit to the Board one name for each campus or facility to be named.

### Board Decision

The Board retains the final authority for the decision in naming facilities.

### Guidelines

~~The following guidelines shall be used in the naming of school buildings or other facilities in the District:~~

- ~~1. Facilities may be named after persons who have served the District or community, especially in service to children. If the person served the District as an employee, he or she must no longer be employed by the District and must have made a significant historical contribution to the District, local community, state, or nation.~~
- ~~2. Facilities may be named for any local, state, or national heroic figure.~~
- ~~3. Each nominee shall have made a significant contribution to society and/or education and his or her name shall lend prestige and status to an institution of learning.~~
- ~~4. Facilities may be named for local residential or geographic areas or state or national landmarks.~~

~~The Board may name a District facility or portion of a building such as the library or auditorium. A petition shall not be considered by the Board as a criterion for consideration.~~

~~New facilities shall be named based upon Board request that the Superintendent solicit recommendations of names from staff, students, and District patrons.~~

~~Recommendations for naming existing facilities may be made to the Board by any District patron.~~

~~The consideration for naming a facility shall be conducted by a committee comprised of the following:~~

- ~~1. Two District employees who reside within the District.~~
- ~~2. Two community representatives who reside within the District.~~

~~At a regularly scheduled meeting, the Board shall select a name from the list of recommendations for each campus or facility to be named.~~

**Costs for Renaming Portions of Facilities**

~~The District may require that other parties bear the applicable costs (i.e., food, plaques, advertising, receptions, and the like) associated with the renaming of facilities or portions thereof.~~

**Plaque for New Facilities**

~~A plaque shall be placed in each new school building or facility. The plaque shall include the names of all Board members seated from the time of the term when the bond was approved by the voters to the Board seated at the time of the building's opening. The plaque shall also indicate the appropriate bond program, school name, opening year, project scope, project team leader, architect, general contractor, and the names of all Superintendents throughout the duration of the respective bond program or anyone else determined by the Board to have significant responsibilities for the building or facility.~~

**Plaque for Renovations and Additions**

~~A plaque may be placed in an existing facility or campus if the building is renovated or if a special purpose building is built. The Board shall, at the time of contract, determine whether a plaque will be included in the specifications. If a plaque is required in the addition or special purpose building, the plaque shall follow the specifications listed above.~~

**Public Dedication**

~~New school buildings or facilities that have been renamed may be dedicated in a public and formal ceremony.~~

NAMING FACILITIES

CW  
(LOCAL)

~~The principal and designated District or central administrator's staff shall ensure that District procedures are followed.~~

~~When the naming of an addition or part of a building in the District is approved by the Board, a plaque may be mounted at the entrance or on an inside wall identifying the honoree.~~

### PROPOSED REVISIONS

#### **Distribution of Nonschool Literature Permitted**

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the District or by a District-affiliated school-support organization shall not be sold, circulated, distributed, or posted on any District premises by any District employee or by persons or groups not associated with the District, except in accordance with this policy.

The District shall not be responsible for, nor shall the District endorse, the contents of any nonschool literature distributed on any District premises.

[See CPAB regarding use of the District's internal mail system and FNAA regarding distribution of nonschool literature by students.]

#### **Limitations on Content**

Nonschool literature shall not be distributed on District property if:

1. The materials are obscene, vulgar, or otherwise inappropriate for the age and maturity of the audience.
2. The materials endorse actions endangering the health or safety of students.
3. The materials promote illegal use of drugs, alcohol, or other controlled substances.
4. The distribution of such materials would violate the intellectual property rights, privacy rights, or other rights of another person.
5. The materials contain defamatory statements about public figures or others.
6. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action.
7. The materials are hate literature or similar publications that scurrilously attack ethnic, religious, or racial groups or contain content aimed at creating hostility and violence, and the materials would materially and substantially interfere with school activities or the rights of others.
8. There is reasonable cause to believe that distribution of the nonschool literature would result in material and substantial interference with school activities or the rights of others.

#### **Prior Review**

All nonschool literature intended for distribution on school campuses or other District premises under this policy shall be submitted to the Superintendent or designee for prior review in accordance with the following:

NONSCHOOL USE OF SCHOOL FACILITIES  
DISTRIBUTION OF NONSCHOOL LITERATURE

GKDA  
(LOCAL)

1. Materials shall include the name of the person or organization sponsoring the distribution.
2. Using the standards found in this policy at Limitations on Content, the Superintendent or designee shall approve or reject submitted materials within two school days of the time the materials were received.

**Exceptions to Prior Review**

Prior review shall not be required for distribution of nonschool literature in the following circumstances:

1. Distribution of materials by an attendee to other attendees at a school-sponsored meeting intended for adults and held after school hours;
2. Distribution of materials by an attendee to other attendees at a community group meeting held in accordance with GKD(LOCAL) or a noncurriculum-related student group meeting held in accordance with FNAB(LOCAL); or
3. Distribution for electioneering purposes during the time a school facility is being used as a polling place in accordance with state law [see BBBA].

All nonschool literature distributed under these exceptions shall be removed from District property immediately following the event at which the materials were distributed.

Even when prior review is not required, all other provisions of this policy shall apply.

**Time, Place, and Manner Restrictions**

~~Each campus principal shall designate times, locations, and means by which nonschool literature that is appropriate for distribution, as provided in this policy, may be made available or distributed to students or others at the principal's campus.~~

The Superintendent ~~or designee~~ shall designate times, locations, and means for distribution of nonschool literature at District facilities ~~other than school campuses~~, in accordance with this policy.

**Violations of Policy**

Failure to comply with this policy regarding distribution of nonschool literature shall result in appropriate administrative action, including but not limited to confiscation of nonconforming materials and/or suspension of use of District facilities. Appropriate law enforcement officials may be called if a person refuses to comply with this policy or fails to leave the premises when asked. [See GKA]

**Appeals**

Decisions made by the administration in accordance with this policy may be appealed in accordance with the appropriate District complaint policy. [See DGBA or GF]



**Texas Association of School Boards**

Legal Services

P.O. Box 400 • Austin, Texas 78767-0400 • 512.467.3610 • 800.580.5345 • [legal.tasb.org](http://legal.tasb.org) • [legal@tasb.org](mailto:legal@tasb.org)

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## Open Meetings Act

### House Bill 2840—Public Comment and Testimony at Board Meetings

Published online in [TASB School Law eSource](#)

For more frequently asked questions about public comments at school board meetings and the Open Meetings Act (OMA), please see TASB Legal Services' [Open Meetings Act—Public Comment](#).

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### House Bill 2840—Public Comment and Testimony

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Currently, the Open Meetings Act (OMA) does not require a governmental body to offer the public an opportunity to address the board at every meeting. A new law will significantly change this.

Effective September 1, 2019, HB 2840 amends the OMA to modify how a governmental body, including a school district board of trustees, may manage public input at its meetings. This law is new and has not yet been interpreted by a legal authority such as the attorney general or a court. Districts are encouraged to work closely with their school attorneys to interpret the requirements of the new law.

Specifically, HB 2840 will require the following:

- A board must allow every person who wishes to address the board on an agenda item to do so during or before the board's consideration of the item;
- A board must allow public comment before or during the board's consideration of agenda items at all open meetings as defined by the OMA;
- A board may establish reasonable rules for public comments, including rules that limit the total time a member of the public can address the board on a given item;
- A board may not prohibit public criticism of the board, including criticism of any act, omission, policy, procedures, program, or service; and
- If a board adopts rules limiting the amount of time a member of the public may have to address the board, but does not use simultaneous translation equipment in a manner that allows the board to hear the translated public testimony simultaneously, then the board must provide at least twice the amount of time for non-English speakers who need a translator.

Until the board revises BED(LOCAL) and the district updates its public comment procedures, the board must ensure that any board meetings held on or after September 1 comply with the new requirements noted above.

If your board has been operating under typical TASB-recommended policy provisions for public comment, your board should adjust its current meeting practices to reflect the impact of the bill:

- Opportunities for the public to comment on agenda items to be considered by the board must be permitted at every open meeting, not just regular meetings. This may include special called meetings and workshops.
- The board may continue, but is not required, to receive public comments concerning subject matters not posted on an agenda.
- The board may no longer require the designation of a spokesperson to reduce the number of speakers.
- Public comments about an agenda item must be accepted before or during the board's consideration of that item.
- Per-speaker time limits may still be enforced, and citizens may be required to sign up at or before the meeting in order to address the board. However, no member of the public who wishes to speak about an agenda item and who has followed reasonable sign-up rules should be turned away due to an overall cap on the number of speakers or total time for public comment. If your board finds that it is overwhelmed by the number of citizens wishing to address the board, the board should seek legal advice before refusing to allow a citizen to address the board before its consideration of a given agenda item.

TASB-recommended revisions to Model Policy BED(LOCAL) will incorporate these changes as required by HB 2840 at Update 114. Meanwhile, please consult your school attorneys or call TASB Legal Services if you have questions about implementing your local policies in compliance with HB 2840.

### **Frequently Asked Questions about HB 2840**

***Q: Does HB 2840 apply to school district boards of trustees?***

**A:** Yes. HB 2840 applies to all governmental bodies that are defined by Texas Government Code sections 551.001(3)(B)-(L), which includes a school district board of trustees. HB 2840 does not apply to a board, commission, department, committee, or agency within the executive or legislative branch of state government that is directed by one or more elected or appointed members, under Section 551.001(3)(A) of the Texas Government Code.

**Q: Will districts need to update their Policy BED(LOCAL) prior to receiving TASB's Update 114?**

A: No. A new law on its effective date automatically takes legal precedence over any conflicting local policies or regulations. Therefore, the legal requirements in HB 2840 will be effective and controlling on September 1, 2019, with or without the adoption of a new local policy. Although the district may choose to update their policies prior to receiving TASB's Update 114, TASB Policy Services discourages duplicating updates for BED(LOCAL) pending receipt of Policy Update 114 as it may unnecessarily increase administrative burdens for the district.

**Q: The board does not vote or take any action at work sessions. Will public comment still be required for work sessions?**

A: Yes, if the board is going to consider an item on the agenda for an open meeting, as defined by the OMA. A board must allow each member of the public who desires to address the board regarding an item on an agenda for an open meeting of the board to address the board regarding the item at the meeting before or during the board's consideration of the item. The OMA defines *open* to mean open to the public, and *meeting* to mean any deliberation or gathering that meets the definition of a meeting under Section 551.001(4) of the OMA. Tex. Gov't Code § 551.001(4), (5).

**Q: What does HB 2840 require if a board does not use simultaneous translation equipment?**

A: If a board does not use simultaneous translation equipment in a manner that that allows the board to hear the public comment and its translation simultaneously, and the board limits the amount of time a person may have to address the board, then the board is required to provide any person requiring a translator to have at least twice the amount of time as a person who does not need a translator.

**Q: May a board prohibit public criticism of the board or the district?**

A: No. HB 2840 specifically disallows a governmental body from prohibiting public criticism of the governmental body, including criticism of any act, omission, policy, procedure, program, or service.

**Q: May a board prohibit public criticism of an individual?**

A: Maybe. HB 2840 will not apply to public criticism that is otherwise prohibited by law. A district should consult its school attorney when developing procedures prohibiting certain public comments, including the consideration of whether prohibitions are reasonable, viewpoint-neutral, and avoids interfering with a person's rights under other law.

**Q: Is the full text of HB 2840 available online?**

A: Yes. The Texas Legislature Online [website](#) offers a publicly available copy of the enrolled text of HB 2840 [here](#).

This document is continually updated, and references to online resources are hyperlinked, at [tasb.org/services/legal-services/tasb-school-law-esource/governance/documents/hb2840-public-comment-and-testimony-at-board-meetings.pdf](https://tasb.org/services/legal-services/tasb-school-law-esource/governance/documents/hb2840-public-comment-and-testimony-at-board-meetings.pdf). For more information on this and other school law topics, visit TASB School Law eSource at [schoollawesource.tasb.org](https://schoollawesource.tasb.org).

*This document is provided for educational purposes only and contains information to facilitate a general understanding of the law. It is not an exhaustive treatment of the law on this subject nor is it intended to substitute for the advice of an attorney. Consult with your own attorneys to apply these legal principles to specific fact situations.*

*Updated October 2019*

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TASB Legal Services

**United States  
Constitution**

A district shall take no action abridging the freedom of speech or the right of the people to petition the board for redress of grievances. *U.S. Const. Amend. I, XIV*

A board may confine its meetings to specified subject matter and may hold nonpublic sessions to transact business. When the board sits in public meetings to conduct public business and hear the views of citizens, it may not discriminate between speakers on the basis of the content of their speech or the message it conveys. *Rosenberger v. Rector & Visitors of Univ. of Virginia*, 515 U.S. 819, 828 (1995); *City of Madison v. Wis. Emp. Rel. Comm'n*, 429 U.S. 167, 176 (1976); *Pickering v. Bd. of Educ.*, 391 U.S. 563, 568 (1968)

A board may create a limited public forum for the purpose of hearing comments from the public so long as:

1. The board does not discriminate against speech on the basis of viewpoint;
2. Any restrictions are reasonable in light of the purpose served by the forum; and
3. The board provides alternative paths for expressing categories of protected speech that are excluded from the forum.

*Fairchild v. Liberty Indep. Sch. Dist.*, 597 F.3d 747 (5th Cir. 2010)

**Texas Constitution**

Citizens shall have the right, in a peaceable manner, to assemble together for their common good and to apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address, or remonstrance. *Tex. Const. Art. I, Sec. 27*

**Public Comment**

As long as the requirements of the Open Meetings Act are satisfied and the right of citizens to apply to a board for redress of their grievances is not abridged, the board need not provide a public forum for every citizen wishing to express an opinion on a matter. Reasonable restraints on the number, length, and frequency of presentations are permissible. A board may limit the number of persons it will hear on a particular subject and the frequency with which they may appear, so long as the regulation does not abridge constitutionally guaranteed rights of freedom of speech and to petition, nor unfairly discriminate among views seeking expression. *Atty. Gen. Op. H-188 (1973)*

**Disruption**

It is a criminal offense for a person, with intent to prevent or disrupt a lawful meeting, to substantially obstruct or interfere with the ordinary conduct of a meeting by physical action or verbal utterance

Temple ISD  
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BOARD MEETINGS  
PUBLIC PARTICIPATION

BED  
(LEGAL)

and thereby curtail the exercise of others' First Amendment rights.  
*Penal Code 42.05; Morehead v. State, 807 S.W. 2d 577 (Tex. Cr.  
App. 1991)*

**Limit on  
Participation**

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 three 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.