

**Spring Branch Independent School District  
Agenda Item Information**

**Date of Board Meeting:** July 23, 2007  
**Subject:** Request for Approval of Consideration and Possible Action on Resolution to Declare an Emergency Under Texas Education Code § 44.301(h) to Complete Repairs of Damage/Structural Failure at Pine Shadows Elementary School

**Administrator Responsible:**

**Name:** Ruben Reyes

**Position:** Associate Superintendent for Operations

**Purpose of Agenda Item:**

Information only       Action needed       Report

**Additional Information and/or Back-Up:**

The Administration is requesting approval of the attached resolution declaring the work needed at Pine Shadows Elementary an emergency under Texas Education Code Section 44.301 (h) in order to complete repairs of the damage/structural failure prior to the beginning of school.

Additional backup information was sent to the Board in your Board Packet on July 12, 2007.

**Resolution Declaring Pine Shadows Elementary an Emergency under TEC 44.301**

WHEREAS, the District has experienced major structural damage at Pine Shadows Elementary School ("School") as a result of the caving-in of a soffit; and

WHEREAS, the District reasonably believes that there may be other structural problems at the School; and

WHEREAS, Texas Education Code § 44.301(h) allows a method to declare an emergency and timely complete repairs without following the bidding/proposal process prescribed by Chapter 44 of the Texas Education Code ("Chapter 44") under the following conditions: (1) if a school facility or a portion of a school facility is destroyed or severely damaged or undergoes major operational or structural failure, and (2) such delay would prevent or substantially impair the conduct of classes or other school activities; and

WHEREAS, the Spring Branch ISD Board of Trustees ("Board") believes that an emergency situation exists given the immediate need for repairs, and the delay posed by the contract methods required by Chapter 44 would prevent or substantially impair the conduct of classes or other school activities at the School; and

WHEREAS, the reconstruction work at the School must begin immediately to be completed for the commencement of classes in late August 2007.

THEREFORE, BE IT RESOLVED that pursuant to Section 44.301(h), the Board approve the entry into contracts for the repair of the School by a method other than the methods required in Chapter 44 of the Texas Education Code, and hereby directs the District administration to enter into contracts or other legal documents necessary to complete the repair work in the most expeditious manner possible.

BE IT RESOLVED on this 23<sup>rd</sup> day of July, 2007.

By: \_\_\_\_\_  
President, Board of Trustees  
Spring Branch ISD

Attest:

By: \_\_\_\_\_  
Secretary, Board of Trustees  
Spring Branch ISD