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Oct. 7, 2008

U.S. Department of Justice preclears placement of board of managers for North Forest ISD

AUSTIN - The U.S. Department of Justice has given the Texas Education Agency a green light to install a new superintendent and board of managers in the North Forest Independent School District.

“We plan to move as expeditiously as possible to install this new team to help North Forest. However, I am waiting to make these appointments until some legal challenges are resolved,” Commissioner of Education Robert Scott said.

Because Texas is one of the jurisdictions subject to preclearance under the Voting Rights Act, the justice department must review any plans that could affect voting.

A letter was received from the department late Monday approving the move. The full letter is attached.

However, last week, the 3rd Court of Appeals issued a stay ordering the TEA to halt an administrative record review of the decision to install a board of managers and name a new superintendent. A record review allows a district to present any relevant information it wishes the agency to consider before issuing a final decision. The record review was completed shortly before the stay was received on Thursday. The attorney representing the North Forest board members presented no information on the district’s behalf.

“While our position is that the record review was completed before the court’s order was received, we will work through the Attorney General’s Office to resolve this issue before moving ahead with the installation of the superintendent and managers,” Scott said. The court’s order requires TEA to file a response by Friday.

The TEA-installed superintendent and board of managers will have all the authority granted by law to a superintendent and a school board. The agency announced its plans to install the team in July but was awaiting preclearance from Justice.

In the meantime, two agency staff members and two conservators will continue to work with North Forest to improve its financial and academic status. Additionally, a TEA auditor goes to North Forest each month to help the district with cash flow statements and accounting issues. With the help of this team, the district’s budget deficit has been reduced from a \$17 million deficit projection in February to \$11 million today and its academic programs have been strengthened.



U.S. Department of Justice
Civil Rights Division

CC:RPL:SMC:par
DJ 166-012-3
2008-4051

Voting Section - NWB
950 Pennsylvania Avenue, NW
Washington, DC 20530

October 6, 2008

Mr. Robert Scott
Commissioner of Education
1701 North Congress Avenue
Austin, Texas 78701-1494

Dear Mr. Scott:

This refers to the temporary replacement of the elected board of trustees with a board of managers appointed by the Texas Education Agency, for the North Forest Independent School District in Harris County, Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on August 5, 2008; supplemental information was received through September 3, 2008.

The Attorney General does not interpose any objection to the specified change. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. In addition, as authorized by Section 5, we reserve the right to reexamine this submission if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. Procedures for the Administration of Section 5 of the Voting Rights Act (28 C.F.R. 51.41 and 51.43).

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Coates", written over a horizontal line.

Christopher Coates
Chief, Voting Section