

# New law may jeopardize bond proposal

## Beaumont Independent School District trustees will get extended terms

By Jerry Jordan  
News Editor

Efforts by the Beaumont Independent School District's Community Advisory Bond Committee to place a \$443 million bond proposal on the ballot for voters to consider in November may be for naught, with the discovery of a change in school elections law that might make the election illegal.

According to House Bill 1, which was passed during the 79th Legislative Session, Third Called Special Session, school districts are now required to combine their elections with either a municipality or a county government and hold those election at common places, in either May or November.

The problem comes with the interpretation of Section 11.01 of HB1 and Texas Education Code Section 11.0581.

In the official briefing book on HB 1 from the state of Texas dated June 2006, the following excerpts bring into question whether or not a school district can have elections in odd-numbered years, such as 2007, when there are state constitutional issues on the ballot.

"The new Section 11.0581 requires that a school district election be held jointly either with (1) the election of members of the governing body of a municipality located in the school district in May, or (2) the general election for state and county officers, which is held in November of even-numbered years," states the briefing book.

The briefing book, which is provided to state legislators as reference guide on pending legislation, continues by pointing out the changes to the law.

"The current uniform election dates are the second Saturday in May or the first Tuesday after the first Monday in November," states the briefing book in regards to the previous law. "Currently, school district elections are not



Photo by Jerry Jordan

David Teuscher and Paul Brown discuss the district's school bond proposal.

required to have joint election with common polling places. He said a delay would be devastating. "I was aware of the law, but not with the aspect of how it might affect the November bond election," Teuscher told The Examiner. "I will certainly start asking questions so that we can get a clear answer about what we can and can't do. I would certainly be concerned if we had to put off the bond election until May or November of 2008. We need to do this now. That gravely concerns me."

Another aspect of HB 1 that has yet to be pointed out locally is that two school board trustees — Martha Hicks and Janice Brassard — will receive extra time on their elected terms because there are no city elections next year, meaning the district would have to either extend those terms by at least a year or establish the month of November in even-numbered years as its regular election cycle.

Further muddying the water is the fact that the city of Beaumont holds all of its municipal elections on odd-numbered years, according to Beaumont City Clerk Tina Broussard.

Although the law appears vague on the issue, BISD spokesperson Jolene Ortego said the district is moving forward with the bond proposal and looking for legal clarity on the new law.

"We are checking with our attorney and we have placed calls to the secretary of state to get a clarification," Ortego said in a telephone interview. "It looks like we may be okay with this November."

Dr. David Teuscher, who serves as co-chairman of the bond committee, said he is extremely concerned about the new law and its affect on

the proposed bond election. He said a delay would be devastating. "I was aware of the law, but not with the aspect of how it might affect the November bond election," Teuscher told The Examiner. "I will certainly start asking questions so that we can get a clear answer about what we can and can't do. I would certainly be concerned if we had to put off the bond election until May or November of 2008. We need to do this now. That gravely concerns me."

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Texas Attorney General Greg Abbott did not provide an exception to the new law when questioned by Webb County Attorney Homero Ramirez about the Union

Independent School District, in Opinion No. GA-535, which states school district must change the trustee terms of office in order to comply with the new law.

Ramirez's request dealt specifically with a trustee who had three-year terms but the law would appear to give a school district the authority to extend the terms of other trustees for the same reason.

"In answer to your questions, and based on the facts you have provided about the UISD Board of Trustees, the UISD will be required to change school board members' terms of office from three-year to four-year terms in order to ensure that every election is a joint election. Section 11.0581 of the Education Code requires independent school districts to comply with the election dates it sets out and to hold joint elections on those dates," Abbott wrote.

BISD trustee Martha Hicks said she has tried to get an answer from Melody Chappell, who represents the school district. Hicks said she wants clarification on whether or not the district will have to move its election

cycle to November because the city holds its elections on odd-numbered years.

"I have asked that question of our attorney and have not received a response back," Hicks said. "I think it would be better that we are elected with city officials than in November with the federal elections and the presidential race."

Hicks said that it doesn't matter as to her personal situation, but she believes that competing for attention in the midst of a federal election could cost more money and cause school trustees to be tied up into political issues that they are general not involved in. "I think that gets you tied up in big dollar, partisan races and don't think that is where a school trustee should be," Hicks said. "It would really politicize the issues, much more than they are now, and it would make it too expensive for some qualified people to seek the office of school board trustee. In my mind the election(s) for school board trustees need to stay with the elections for city officials, because that what we are essentially. But this question is something that absolutely needs to be clarified. We need to know where we stand."

Hicks added that she is also concerned about HB 1's impact on the proposed school bond election, and agrees with Teuscher that delaying the school bond proposal would be disastrous for BISD.

"That is going to be hard if you can only ... bring a bond election to voters every two years," Hicks said. "That would be unfortunate. No matter how you feel about the bond proposal, we should, at least, give voters the opportunity to make the decision. At the end of the day I think we all share one common interest, and that is what we can do to provide the children of BISD with the best possible education they can get."