

BREATH OF LIFE? THE FIGHT CONTINUES OVER NORTH FOREST ISD

Written by Jeffrey L. Boney
Wednesday, 29 May 2013 00:00



Supporters of the North Forest Independent School District (NFISD) are holding out hope and continuing their fight, in their quest to save the embattled district.

In a letter obtained by the Houston Forward Times, the U.S. Department of Justice has responded to the North Forest ISD issue, giving a temporary reprieve to the district and some hope to its' supporters. In the letter, dated May 24th, the U.S. Department of Justice indicates they are looking into whether the NFISD closure and annexation violates the Voting Rights Act of 1965, 42 U.S.C. 1973c. The U.S. Department of Justice has to sign off on this closure and annexation because the annexation involves voting rights.

The Texas Education Agency (TEA) ordered that the district be closed and annexed to Houston Independent School District (HISD) on July 1. An appeal was filed by NFISD with the State Office of Administrative Hearings (SOAH), to contest the decisions of the TEA Commissioner.

The letter came on the same day that SOAH heard an appeal from NFISD and ruled against them. In their appeal to SOAH, North Forest ISD was asking the Administrative Law Judge (ALJ) to reverse the TEA Commissioner's decisions, restore their accreditation and stop the closure and annexation. The basis of their appeal was that NFISD believed the TEA Commissioner acted contrary to applicable law in revoking their accreditation and ordering its closure and annexation.

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“Although the district was unsuccessful in its appeal to the State Office of Administrative Hearings, we continue to hope for a positive outcome,” said Edna Forté, North Forest ISD Superintendent.

Prior to the ruling, Forté indicated that NFISD had filed an appeal with the U.S. Department of Justice and were optimistic they would receive an affirmative response.

This letter serves as indication that the pending NFISD closure and annexation was enough for the U.S. Department of Justice to look into. We have included a copy of the letter for your review.

Prior to these happenings, the North Forest school board defied a state order to fire all its teachers for the upcoming year in protest of the TEA's decision. The North Forest trustees, explaining their defiance over the mass firings, said they considered the TEA's order “awful” and “immoral.”

A TEA appointee, Doris Delaney, ordered the board during a recent public meeting to terminate all teachers' contracts, but the trustees unanimously refused, voting against the proposed motions or failing to second them.

Debbie Ratcliffe, a spokeswoman for the TEA, said Tuesday that agency officials are expecting to work out a plan to ensure the terminations occur so that HISD is not responsible for paying millions of dollars to fulfill the teachers' contracts. Ratcliffe refused to indicate whether TEA Commissioner Michael Williams had the legal authority to terminate teacher's contracts without the NFISD school board's vote.

Under state law, teachers in any district have to be given notice before the end of the school year if their contracts are not going to be renewed for the following school year. Under state law, teachers can appeal to the TEA to get their jobs back.

North Forest teachers' union President Betty Robinson indicated that she plans to file appeals on behalf of the teachers she represents if they are fired and said she is considering asking the

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TEA to require HISD to hire her members.

HISD Superintendent Terry Grier has not promised jobs to the 900 or so North Forest employees and only has 600 jobs in the district. Of that 600, there are 400 teaching positions open.

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U.S. Department of Justice Civil Rights Division

TCH:RSB:LB:KG:tst
DJ 166-012-3
2013-1101
2013-1102

Voting Section - NFB
510 Pennsylvania Avenue, NW
Washington, DC 20530

May 24, 2013

David A. Anderson, Esq.
General Counsel
Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701-1494

Dear Mr. Anderson:

This refers to the dissolution of the North Forest Independent School District and its annexation to the Houston Independent School District in Harris County, Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c. We received your submissions on April 1, 2013.

We understand that the territory currently comprising the North Forest Independent School District has not been designated to one or more of the single-member districts used for electing trustees to the board of education for the Houston Independent School District. As a result, it is not possible to determine the effect of the instant changes on voters in the North Forest Independent School District without an understanding of where they will be placed within the Houston Independent School District. Because the changes now before us and the designation to an election district in the Houston Independent School District are directly related, they must be reviewed simultaneously. Accordingly, it would be inappropriate for the Attorney General to make a determination on the instant change until the related change has been submitted for Section 5 review. *Procedures for the Administration of Section 5 of the Voting Rights Act of 1965*, 28 C.F.R. 51.22(b) and 51.35.

Changes that affect voting are legally not enforceable until the appropriate Section 5 determination has been obtained *Clark v. Rosner*, 500 U.S. 646 (1990); 28 C.F.R. 51.10. Should you elect to make a submission to the Attorney General for administrative review rather than seek a declaratory judgment from the United States District Court for the District of Columbia, it should be made in accordance with Subparts B and C of the procedural guidelines. At that time we will review all changes simultaneously; however, any documentation previously provided need not be resubmitted.

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