



“Frequently Asked Questions”

Board of Trustees
Red Lick Independent School District

As a public service to the parents, patrons, and employees of the Red Lick Independent School District, the Board of Trustees provides this list of “frequently asked questions” and answers to those questions.¹

1. What is the function and authority of the Board of Trustees?
2. When and how are school board members elected?
3. Why are school board members sometimes appointed rather than elected?
4. What type of training do trustees complete?
5. What is the function and authority of the Superintendent of Schools?
6. What is the difference between an “open meeting” and “closed session”?
7. What is the “public comment” period during school board meetings?
8. Can I bring a complaint to the Board during the “public comment” period?
9. Other than the “public comment” period, am I permitted to speak at school board meetings?
10. How can I learn more about the district’s policies?

1. What is the function and authority of the Board of Trustees?

The Red Lick Board of Trustees is a three-member board.² Because the Board is a body corporate, members can perform no valid act except as a body at meetings properly convened and conducted.³ Board members receive no compensation for their services to the school district.⁴

Texas law vests the board with several responsibilities.⁵ Some of those responsibilities include:

- Governance and oversight of the management of the Red Lick I.S.D. public schools
- Hire and evaluate the Superintendent of Schools
- Establish academic and fiscal performance goals for the district
- Adopt a tax rate each fiscal year as required by Texas law
- Adopt and file a budget for the succeeding fiscal year
- Monitor District finances to ensure that the Superintendent is properly maintaining the District's financial procedures and records, and following the close of each fiscal year, have District fiscal accounts audited annually by a certified or public accountant holding a permit from the Texas State Board of Public Accountancy
- Ensure that the Superintendent implements and monitors plans, procedures, programs, and systems to achieve appropriate, clearly defined, and desired results in the major areas of District operations; and that the Superintendent is accountable for achieving performance results, recognizes performance accomplishments, and takes action as necessary to meet performance goals
- Conduct and canvass elections as required by law
- Acquire and hold real and personal property in the name of the district
- Adopt policies providing for the employment and duties of district personnel
- Seek to establish working relationships with other public entities to make effective use of community resources and to serve the needs of public school students in the community

- By rule, adopt a process through which district personnel, students or the parents or guardians of students, and members of the public may obtain a hearing from the district administrators and the Board regarding a complaint

2. When and how are school board members elected?

Texas law provides for specific criteria for eligibility to be elected or appointed to the Red Lick I.S.D. school board; these criteria include:⁶

- registered voter in the school district
- residency in Texas for twelve months and residency in the district for six months (prior to the filing deadline for elections, or prior to the appointment)

Election of trustees is at large in accordance with Texas law. Elections are held annually on the second Saturday in May (a uniform election date prescribed by election law). Generally, in order to be elected, the candidate must receive a plurality of the votes cast (more votes than any other candidate). If a candidate for trustee is unopposed, the Board may declare the candidate elected to office and forego the expense of holding an election.⁷ As the chart on page 5 shows, the Board has declared many candidates elected to office when the candidates drew no election opponent.

Texas law contains specific filing requirements and deadlines for election candidates. A candidate's application for a place on the ballot must be filed not later than 5 p.m. of the 62nd day before the day of the election. An application may not be filed earlier than the 30th day before the date of the filing deadline. A declaration of write-in candidacy must be filed no later than 5 p.m. of the fifth day after the date an application for a place on the ballot is required to be filed.⁸ As required by statute, an application must be in writing, sworn to by the candidate, and must include specific information including the candidate's name and occupation, date of birth, the office sought, a statement that the candidate is a U.S. citizen, a statement that the candidate has not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote, a statement that the candidate has not been finally convicted of a felony from which the candidate has not been pardoned or otherwise released from the resulting disabilities, and a statement that the candidate is aware of the Texas nepotism law.⁹

A person elected to serve as a Board member must remain a resident of Red Lick I.S.D. throughout the term of office. A Board member who ceases to reside in the district vacates his or her office.¹⁰

3. Why are school board members sometimes appointed rather than elected?

When a vacancy occurs on the Board (for example, a trustee resigns, moves out of the district, or dies while in office), the Board may fill the vacancy by appointment until the next regular Board election or may order a special election to fill the vacancy for the unexpired term. If more than one year remains in the term of the position vacated, the vacancy must be filled no later than 180 days following the date the vacancy occurs.¹¹

For a Board member's resignation to be effective, it must be in writing, signed by the officer, and delivered to the Board for action on the resignation. The Board may not refuse to accept a resignation. If a trustee submits a resignation, whether to be effective immediately or at a future date, a vacancy occurs on the date the resignation is accepted by the Board or on the eighth day after the date of its receipt by the Board, whichever is earlier. Even after a trustee resigns, the trustee continues to perform the duties of office until a successor is duly qualified (that is, sworn in), except that the trustee holding over in office may not vote on the appointment of the trustee's successor.¹²

If the Board chooses to hold a special election, the election must be conducted in the same manner as a general election, and it must be held on the next uniform election date that will afford enough time to hold the election in the manner required by law. Under federal civil rights laws and regulations, a special election is subject to federal preclearance requirements to the extent that the District makes changes in the practices or procedures to be followed. Any discretionary setting of the date for a special election or scheduling of events leading up to or following a special election is subject to the preclearance requirement.¹³

Generally, the same criteria for eligibility to be elected as a school board member also applies to appointments to the Red Lick I.S.D. school board; these criteria include:¹⁴

- registered voter in the school district
- residency in Texas for twelve months and residency in the district for six months prior to the appointment

Over the past three decades, as the chart on the following page shows, the Board has opted to fill vacancies by appointment, rather than incur the expense of a special election. District history shows that many appointed trustees have been elected for unexpired or full terms, and upon being elected successfully ran for re-election in subsequent terms.

**Red Lick I.S.D. Trustee Election/Appointment History
1979 to Present**

Place 1

Billy Pitman

el 4/79
rsg 7/79

J. W. Farren

ap 7/79
el 4/80 – 2 yr term

Richard Floyd

el no 4/82 – 3 yr term
el no 4/85 – 3 yr term
el no 5/88 – 3 yr term
rsg 4/90

Bill Clements

ap 4/90
el no 5/91 – 3 yr term
el no 5/94 – 3 yr term
el unopp 5/97 – 3 yr term
rsg 5/99

Bob Murray

ap 5/99
el unopp 5/00 – 3 yr term
el unopp 5/03 – 3 yr term
el unopp 5/06 – 3 yr term

Place 2

R. B. Birdwell

el 4/80 – 3 yr term
died 7/82

Don Harris

ap 7/82

James McEntire

el no 4/83 – 3 yr term
el no 4/86 – 3 yr term
el no 5/89 – 3 yr term
rsg 6/89

David Birdwell

ap 6/89
el no 5/90 – 2 yr term
el no 5/92 – 3 yr term
rsg 6/93

Byron Cook

ap 6/93
el no 5/94 – 1 yr term
el no 5/95 – 3 yr term
el 5/98 – 3 yr term

Jim Davenport

el unopp 5/01 – 3 yr term
el unopp 5/04 – 3 yr term
el unopp 5/07 – 3 yr term

Place 3

Travis Norton

el 4/81 – 3 yr term

J. C. Markham

el 4/84 – 3 yr term
el 4/87 – 3 yr term
el no 4/90 – 3 yr term
rsg 9/92

Steve Durham

ap 9/92
el no 5/93 – 3 yr term
el 5/99 – 3 yr term
el unopp 5/02 – 3 yr term
rsg 7/02

Jeff Prieskorn

ap 7/02
el unopp 5/03 – 2 yr term
el unopp 5/05 – 3 yr term
rsg 1/07

Terry Benefield

ap 1/07
el unopp 5/07 – 1 yr term

Todd Martin

el 5/08 – 3 yr term

Key to abbreviations:

el	Elected
el no	Elected No Opponent
el unopp	Elected Unopposed
rsg	Resigned
ap	Appointed

4. What type of training do trustees complete?

Trustees are required by law to complete any training required by the State Board of Education. Both new trustees and sitting trustees must participate in specific continuing education and training programs.¹⁵

5. What is the function and authority of the Superintendent of Schools?

The Superintendent of Schools is hired by the Board and acts as its executive officer in administering district policies and the day-to-day operation of the Red Lick schools. He also acts as an advisor in keeping the Board informed of the needs and progress of the district. The Superintendent is available to the Board as a professional resource, and by law the Board provides the Superintendent an opportunity to present at school board meetings an oral or written recommendation to the Board on any item that is voted on by the Board at the meeting.¹⁶

6. What is the difference between an “open meeting” and “closed session”?

All Texas public school boards must hold open meetings in compliance with the Texas Open Meetings Act. An agenda for each meeting of the Red Lick I.S.D. Board of Trustees is prepared and posted at least 72 hours prior to the scheduled time of the meeting. Meetings of the Board are open for the public to hear the deliberations, discussions, and votes of the trustees.¹⁷

The Open Meetings Act provides certain specific exceptions for the Board to meet in closed session (that is, closed to the public) after an open meeting is properly posted and convened. Some of these exceptions include:

- consulting with the Board's legal counsel
- discussing the purchase, exchange, or lease of real property
- discussing prospective gifts or donations
- considering the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee
- considering discipline of a public school child

A final action, decision, or vote on a matter deliberated in a closed meeting shall be made only in an open meeting for which proper notice has been given.¹⁸

If a trustee or a member of the public inquires at a meeting about a subject for which notice has not been given, the Texas Open Meetings Act only allows for a response in the form of a statement of specific factual information or a recitation of existing policy; any deliberation or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda of a subsequent meeting.¹⁹

7. What is the “public comment” period during school board meetings?

Under the 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; and under the United States Constitution, the district shall take no action abridging the freedom of speech or the right of the people to petition the Board for redress of grievances.²⁰ The law permits the Board to 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.²¹

At its regular meetings, the Board allots thirty 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 five minutes. Delegations of more than five persons shall appoint one person to present their views before the Board. Audience participation at a Board meeting is limited to this public comment portion of the meeting.²²

The same Texas Open Meetings Act requirements apply if a member of the public, during the public comment portion of the meeting, inquires about a subject for which notice has not been given: the only response that can be provided is a statement of specific factual information or a recitation of existing policy. Any deliberation or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda of a subsequent meeting.²³

8. Can I bring a complaint to the Board during the “public comment” period?

If a complaint is brought to the Board during the public comment period, 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.²⁴ The Board has established resolution channels for various concerns, including employee complaints,²⁵ student or parent complaints,²⁶ and public complaints.²⁷ If a person has not attempted to solve a matter administratively through such resolution channels, the person shall be referred to the appropriate policy to seek resolution.²⁸

9. Other than the “public comment” period, am I permitted to speak at schoolboard meetings?

At all 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. The Board shall not tolerate disruption of any meeting by members of the audience. Local policy provides that 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.²⁹

Texas law also imposes criminal penalties for any 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 and thereby curtail the exercise of others’ First Amendment rights.³⁰

10. How can I learn more about the district’s policies?

The district’s policy book is available for inspection during the district’s normal business hours.³¹ There is no fee for inspecting the policy book. Requesting copies of policies is also allowed by law, and district policies provide for reasonable and appropriate copying charges.³²

Endnotes

- 1 Most of the “answers” to frequently asked questions can be found in district policies. The district maintains a three-inch thick book of policies prepared with the assistance of the Texas Association of School Boards. The policy book, informally referred to as “the blue book” because of the blue color of the binder and pages, sets forth both Texas law in “legal” policies and “local” policies adopted by the Board for operation of the Red Lick schools. The policies are organized with letter designations, and specific policies are referenced below in the corresponding endnotes.
- 2 BBB (Legal)
- 3 BBE (Legal)
- 4 BBG (Legal)
- 5 BAA (Legal)
- 6 BBA (Legal) — refer to this policy for other eligibility criteria
- 7 BBB (Legal)
- 8 *Id.*
- 9 TEXAS ELECTION CODE § 141.031
- 10 BBC (Legal)
- 11 *Id.*
- 12 *Id.*
- 13 *Id.*
- 14 BBA (Legal) — refer to this policy for other eligibility criteria; *see also* BBC (Legal)
- 15 BBD (Legal)
- 16 BJA (Legal), BJA (Local), BE (Legal)
- 17 BE (Legal), BE (Local)
- 18 BEC (Legal)
- 19 BE (Legal), BED (Local)
- 20 BED (Legal)
- 21 *Id.*

- 22 BED (Local)
- 23 BE (Legal), BED (Local)
- 24 BED (Local)
- 25 DGBA (Legal), DGBA (Local)
- 26 FNG (Legal), FNG (Local)
- 27 GF (Legal), GF (Local)
- 28 BED (Local)
- 29 *Id.*
- 30 BED (Legal)
- 31 GBA (Local)
- 32 GBAA (Exhibit)