



Texas Association of School Boards • Legal Services  
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*Serving Texas Schools Since 1949*

December 8, 2014

CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION

Mr. Brian Thompson  
Superintendent  
Sunray ISD  
PO Box 240  
Sunray, TX 79086-0240

Dear Mr. Thompson:

Tammy Jordan has submitted material for legal review as part of Localized Policy Manual Update 101, previously mailed under separate cover. The purpose of this legal review is to identify to the board potential legal problems that may arise as a result of the district's local policy choices.

**Scope of Review:**

When TASB Legal Services reviews a district's local policies, the district receives the benefit of our unique, statewide view of policy trends and legal issues. By the nature of this review, however, the reviewing attorney has no background information regarding local circumstances in your district that might influence your policy choices. Therefore, this review is intended as a complement to, but not a substitute for, periodic comprehensive review by the district's own attorney, who is better able to consider the board's policy manual as a whole in light of local circumstances.

Most comments from TASB Legal Services address potential legal risks arising from the express language of the policies. Your district may also receive comments about significant application issues evident from the policy language. Because the potential legal issues arising from the application of policy language are so numerous, Legal Services cannot comment on every possible application issue. The district should contact its attorney or TASB Legal Services if it needs legal advice about how to apply any of its policies in specific circumstances.

**Review of Your Policies:**

For this review, we have examined only the following code(s): **BE(LOCAL)**. We have the following comments:

**BE(LOCAL):** This policy requires the agreement of **three** board members to call a special or emergency meeting. This policy could result in an inadvertent violation of the OMA if one board member contacts the other members of the board seeking agreement by a second and third board member. The Attorney General has concluded that a violation of the OMA occurs when the members of a governmental body discuss a public matter through a series of gatherings of less than a quorum. Op. Tex. Att'y Gen. No. GA-326 (2005). TASB Legal Services urges the district to require the agreement of **no more than two board members to call a special or emergency meeting**, and to make all members of the board aware of the OMA restrictions.

**Changes to Your Policies**

Ultimately the content of local policy is the board's choice. As the board makes its policy decisions, it should consider the recommendations of district administrators, input from TASB Policy and Legal Services, and the advice of the district's school attorney. If the district wishes to make changes to its policy, contact Tammy Jordan.

Sincerely,

TASB Legal Services

By: \_\_\_\_\_  
Holly Murphy

