

EANES INDEPENDENT SCHOOL DISTRICT

NOTICE OF BOARD [*STUDY*] SESSION October 18, 2004 8:00 a.m.

Notice is hereby given that a Board Study Session for the Board of Trustees of the Eanes Independent School District will be held on Monday, October 18, 2004 starting at 8:00 a.m. in the Board Room located in the S. Don Rogers Administration Building, 601 Camp Craft Rd., Austin, 78746.

The subjects to be discussed are as follows. Items do not have to be taken in the same order as shown on the meeting notice.

I. Session Topics

- Administrative Software Package Update
- Accountability Ratings/District Improvement Plan & Campus Improvement Plans
- Westlake High School Master Plan
- Business Services Report
 - ~ Revised August Business Report
 - ~ Business Services Report for September
 - ~ WADA Partners
- Policy Review
 - ~ Policy GKD – Non-school Use of School Facilities
 - ~ Policy BBB (Legal) – Board Member: Elections
- Public Comments

II. Adjournment

Dated this the 14th day of October 2004
Eanes Independent School District

Dr. Nola Wellman
Superintendent of Schools

OCTOBER BOARD MEETINGS

Topics for Board [*Study*] Sessions:

October 18

- Administrative Software Package Update
- Accountability Ratings/District Improvement Plan & Campus Improvement Plans
- Westlake High School Master Plan
- Business Services Report
 - ~ Revised August Business Report
 - ~ Business Services Report for September
 - ~ WADA Partners
- Policy Review
 - ~ Policy GKD (Local) – Non-school Use of School Facilities
 - ~ Policy BBB (Legal) – Board Member: Elections
- Public Comment

Eanes Independent School District
Board Update on Administrative Software Selection Process
October 18, 2004

The Eanes ISD Board and staff have identified the need for new administrative software as critical. Funds are designated in the 2001 bond issue for the purchase of administrative software and the implementation process. New administrative software is needed to improve the collection and processing of required data and to improve access to information for planning, administration, and decision-making.

In July 2004, a Request for Proposal (RFP) was sent out to 19 vendors of administrative software. Responses were received from 8 vendors in late August. Four of the eight vendors provide software for both student and finance/human resources (HR) applications. The other four vendors provide either a student application or a finance/HR application.

A committee of 18 district staff members assisted in preparation of the RFP specifications and met on September 3, 2004 to begin the review and evaluation of the responses to the RFPs. The committee has established a timeline and has met several times to view demonstrations from selected vendors. Reference calls have been made by the committee members to users of the software packages in other Texas school districts. Other district staff members, who are not members of the committee, will be involved in more detailed demonstrations of the software during the months of October and November. Site visits are being scheduled for committee members to meet with their counterparts in other Texas school districts that use the software packages being considered. These site visits will also occur in October and November.

A recommendation will be presented to the Board in November or December to begin contract negotiations with the recommended vendor. A district implementation plan will be developed with the vendor and communicated in December or January. District implementation is anticipated to begin in January 2005 with a goal to have key systems operational by the beginning of the 2005-06 school year and fiscal year.

Eanes Independent School District
Business Services Reports
October 18, 2004

Dear Members of the Board,

Updated (but unaudited) reports for August are provided here. I will review the changes since the August reports were presented on September 29th with you at the meeting on Monday.

Due to software problems, the September Business Services Reports are not yet prepared. We will provide the reports at the October 18th study session if at all possible. If they are not ready by Monday morning, we will email the reports to you as soon as possible after Monday's meeting.

Susan Pulis
October 15, 2004

**EANES INDEPENDENT SCHOOL DISTRICT
COMBINED INTERIM BALANCE SHEET - GOVERNMENTAL AND PROPRIETARY FUNDS
FOR THE MONTH OF August 31, 2004 - Updated (Unaudited)**

CODE	DESCRIPTION	GENERAL FUND	SPECIAL FUND	DEBT SERVICE FUND	CAPITAL PROJECTS FUND	ENTERPRISE FUND	MEMO TOTAL
CURRENT ASSETS							
Cash & Temporary Investments:							
1110-60	Cash	\$ (4,461,199)	\$ 651,267	\$ 238,983	\$ 2,437,444	\$ 1,119,547	\$ (13,958)
1170	Temporary Investments	20,542,908	187,163	1,630,030	19,232,884	-	41,592,985
1100	Total Cash/Temporary Investments	\$ 16,081,709	\$ 838,430	\$ 1,869,013	\$ 21,670,328	\$ 1,119,547	\$ 41,579,027
Receivables:							
1210	Property Taxes-Current	-	-	-	-	-	-
1220	Property Taxes-Delinquent	1,420,800	-	266,531	-	-	1,687,331
1230	Allowance for Uncollectible Taxes	(810,348)	-	(150,076)	-	-	(960,424)
1240	Due from State Agencies	-	133,983	-	-	4,644	138,627
1250	Accrued Interest	-	-	-	-	-	-
1260	Due from Other Funds	5,550,499	-	608	-	65,530	5,616,637
1290	Sundry Receivables	59,780	(36)	-	-	752	60,496
1200	Total Receivables	\$ 6,220,731	\$ 133,947	\$ 117,063	\$ -	\$ 70,926	\$ 6,542,667
1300	Inventories, at Cost	426,922	-	-	-	-	448,584
1400	Other Current Assets	-	-	-	-	-	-
1500	Fixed Assets	-	-	-	-	512,649	512,649
13X-16xx	Other Current Assets	\$ 426,922	\$ -	\$ -	\$ -	\$ 534,311	\$ 961,233
1000	Total Current Assets	\$ 22,729,362	\$ 972,377	\$ 1,986,076	\$ 21,670,328	\$ 1,724,784	\$ 49,082,927
LIABILITIES AND FUND EQUITY							
Current Liabilities:							
2110	Accounts Payable (Note 1)	\$ 254,802	\$ 22,474	\$ 12,936	\$ 2,871,044	\$ 5,334	\$ 3,166,591
2130	Lease Payable Current	-	-	-	-	-	-
2140	Interest Payable	-	-	-	-	-	-
2150	Payroll Deductions and Withholdings	93,614	-	-	-	-	93,614
2160	Accrued Wages Payable	2,043,590	2,409	-	-	139,364	2,185,363
2170	Due to Other Funds	66,448	-	35,507	5,514,667	-	5,616,622
2180	Due to Other Governments	327,107	375	-	-	-	327,482
2190	Due to Other	-	-	-	-	-	-
2100	Total Current Liabilities	\$ 2,785,561	\$ 25,258	\$ 48,443	\$ 8,385,711	\$ 144,698	\$ 11,389,672
2210	Accrued Expenses	-	-	-	-	-	-
2300	Deferred Revenues	852,043	-	115,989	-	286,252	1,254,284
2400	Bond Issue Cost Payable	-	-	-	-	-	-
2500	Bonded Debt Payable	-	-	-	-	-	-
2900	Due to Other	-	-	-	-	-	-
2000	Total Liabilities	\$ 3,637,604	\$ 25,258	\$ 164,432	\$ 8,385,711	\$ 430,950	\$ 12,643,956
Fund Balance/Equity:							
3400	Designated	\$ 415,536	\$ -	\$ 1,821,644	\$ 13,081,283	\$ -	\$ 15,318,463
3600	Unreserved	18,676,222	947,119	0	203,334	1,293,834	21,120,508
3000	Total Fund Balance/Equity	\$ 19,091,758	\$ 947,119	\$ 1,821,644	\$ 13,284,617	\$ 1,293,834	\$ 36,438,972
Total Liabilities and Fund Equity		\$ 22,729,362	\$ 972,377	\$ 1,986,076	\$ 21,670,328	\$ 1,724,784	\$ 49,082,928

Note 1: Negative accounts payable balances represent credit memorandums that will be applied to forthcoming invoices.

EANES INDEPENDENT SCHOOL DISTRICT
COMBINED INTERIM STATEMENT OF REVENUES AND EXPENDITURES - GOVERNMENTAL AND PROPRIETARY FUNDS
As of August 31, 2004 - Updated (Unaudited)

		GENERAL FUND				Unrealized/ Unexpended Budget
Code	Description	Official Budget	Actual Y-T-D	Percent Y-T-D		
	Revenues:					
5700	Local	\$ 90,765,324	\$ 90,920,400	100.17%	\$	(155,076)
5800	State	4,726,645	5,045,242	106.74%		(318,597)
5900	Federal	-	-	0.00%		-
5030	Total Revenue	\$ 95,491,969	\$ 95,965,642	100.50%	\$	(473,673)
	Expenditures:					
10	Instructional Services	\$ 30,067,664	\$ 29,904,523	99.46%	\$	163,141
20	Instructional Related Services	3,429,312	3,316,496	96.71%		112,816
30	Pupil Services	5,168,255	5,125,913	99.18%		42,342
40	General Administration	2,073,331	1,896,421	91.47%		176,910
50	Plant Services	5,863,404	5,600,810	95.52%		262,594
53	Data Processing Services	779,854	779,854	100.00%		-
60	Ancillary Services	-	-	0.00%		-
70	Debt Services	-	-	0.00%		-
80	Facilities Acquisition & Construction	-	-	0.00%		-
90	Intergovernmental Charges	53,050,000	52,959,547	99.83%		90,453
6050	Total Expenditures	\$ 100,431,820	\$ 99,583,564	99.16%	\$	848,256
	Other Resources and (Uses):					
7060	Other Resources	\$ 801,120	\$ 805,270	100.52%	\$	(4,150)
8060	Other Uses	-	-	0.00%		-
7X & 8X	Total Other Resources and (Uses)	\$ 801,120	\$ 805,270	100.52%	\$	(4,150)
1200	Excess of Revenues & Other Resources Over (Under) Expenditures & Other Uses ..	\$ (4,138,731)	\$ (2,812,652)			
	Fund Balance and Reserves:					
3410	Reserve for Investment in Inventories	\$ -	\$ 439,612			
0100	Fund Balance/Equity 9/1/03	21,464,798	21,464,798			
	Total Reserve and Fund Balance/Equity ...	\$ 21,464,798	\$ 21,904,410			
3000	Fund Balance/Equity 4/30/04	\$ 17,326,067	\$ 19,091,758			

**EANES INDEPENDENT SCHOOL DISTRICT
 COMBINED INTERIM STATEMENT OF REVENUES AND EXPENDITURES - GOVERNMENTAL AND PROPRIETARY FUNDS
 As of August 31, 2004 - Updated (Unaudited)**

SPECIAL REVENUE FUNDS					
Code	Description	Official Budget	Actual Y-T-D	Percent Y-T-D	Unrealized/Unexpended Budget
Revenues:					
5700	Local	\$ 233,550	\$ 848,485	363.30%	\$ (614,935)
5800	State	946,129	758,674	80.19%	187,455
5900	Federal	2,055,834	1,356,136	65.97%	699,698
5030	Total Revenue	\$ 3,235,513	\$ 2,963,295	91.59%	\$ 272,218
Expenditures:					
10	Instructional Services	\$ 2,515,610	\$ 1,956,431	77.77%	\$ 559,179
20	Instructional Related Services	180,738	121,534	67.24%	59,204
30	Pupil Services	449,586	378,965	84.29%	70,621
40	General Administration	12,391	8,735	70.49%	3,656
50	Plant Services	79,048	71,351	90.26%	7,697
53	Data Processing Services	3,551	3,000	84.48%	551
60	Ancillary Services	8,116	23,703	292.05%	(15,587)
70	Debt Services	-	-	0.00%	-
80	Facilities Acquisition & Construction	-	16,000	0.00%	(16,000)
90	Intergovernmental Charges	18,260	11,445	0.00%	6,815
6050	Total Expenditures	\$ 3,267,300	\$ 2,591,164	79.31%	\$ 676,136
Other Resources and (Uses):					
7060	Other Resources	\$ -	\$ -	0.00%	\$ -
8060	Other Uses	-	394,369	0.00%	(394,369)
7X & 8X	Total Other Resources and (Uses)	\$ -	\$ (394,369)	0.00%	\$ 394,369
1200	Excess of Revenues & Other Resources Over (Under) Expenditures & Other Uses ..	\$ (31,787)	\$ (22,238)		
Fund Balance and Reserves:					
3410	Reserve for Investment in Inventories	\$ -	\$ -		
0100	Fund Balance/Equity 9/1/03	969,357	969,357		
	Total Reserve and Fund Balance/Equity ...	\$ 969,357	\$ 969,357		
3000	Fund Balance/Equity 4/30/04	\$ 937,570	\$ 947,119		

**EANES INDEPENDENT SCHOOL DISTRICT
 COMBINED INTERIM STATEMENT OF REVENUES AND EXPENDITURES - GOVERNMENTAL AND PROPRIETARY FUNDS
 As of August 31, 2004 - Updated (Unaudited)**

DEBT SERVICE FUND						
Code	Description	Official Budget	Actual Y-T-D	Percent Y-T-D	Unrealized/Unexpended Budget	
Revenues:						
5700	Local	\$ 16,506,697	\$ 16,512,067	100.03%	\$ (5,370)	
5800	State	-	-	0.00%	-	
5900	Federal	-	-	0.00%	-	
5030	Total Revenue	\$ 16,506,697	\$ 16,512,067	100.03%	\$ (5,370)	
Expenditures:						
10	Instructional Services	\$ -	\$ -	0.00%	\$ -	
20	Instructional Related Services	-	-	0.00%	-	
30	Pupil Services	-	-	0.00%	-	
40	General Administration	-	-	0.00%	-	
50	Plant Services	-	-	0.00%	-	
53	Data Processing Services	-	-	0.00%	-	
60	Ancillary Services	-	-	0.00%	-	
70	Debt Services	16,499,698	16,499,698	100.00%	-	
80	Facilities Acquisition & Construction	-	-	0.00%	-	
90	Intergovernmental Charges	-	-	0.00%	-	
6050	Total Expenditures	\$ 16,499,698	\$ 16,499,698	100.00%	\$ -	
Other Resources and (Uses):						
7060	Other Resources	\$ -	\$ -	0.00%	\$ -	
8060	Other Uses	-	-	0.00%	-	
7X & 8X	Total Other Resources and (Uses)	\$ -	\$ -	0.00%	\$ -	
1200	Excess of Revenues & Other Resources Over (Under) Expenditures & Other Uses ..	\$ 6,999	\$ 12,369			
Fund Balance and Reserves:						
3410	Reserve for Investment in Inventories	\$ -	\$ -			
0100	Fund Balance/Equity 9/1/03	1,809,275	1,809,275			
	Total Reserve and Fund Balance/Equity ...	\$ 1,809,275	\$ 1,809,275			
3000	Fund Balance/Equity 4/30/04	\$ 1,816,274	\$ 1,821,644			

EANES INDEPENDENT SCHOOL DISTRICT
COMBINED INTERIM STATEMENT OF REVENUES AND EXPENDITURES - GOVERNMENTAL AND PROPRIETARY FUNDS
As of August 31, 2004 - Updated (Unaudited)

CAPITAL PROJECTS FUNDS					
Code	Description	Official Budget	Actual Y-T-D	Percent Y-T-D	Unrealized/Unexpended Budget
Revenues:					
5700	Local	\$ 304,135	\$ 240,730	79.15%	\$ 63,405
5800	State	7,200	7,285	101.18%	(85)
5900	Federal	-	-	0.00%	-
5030	Total Revenue	\$ 311,335	\$ 248,015	79.66%	\$ 63,320
Expenditures:					
10	Instructional Services	\$ -	-	0.00%	\$ -
20	Instructional Related Services	-	-	0.00%	-
30	Pupil Services	-	-	0.00%	-
40	General Administration	-	-	0.00%	-
50	Plant Services	-	-	0.00%	-
53	Data Processing Services	-	-	0.00%	-
60	Ancillary Services	-	-	0.00%	-
70	Debt Services	-	-	0.00%	-
80	Facilities Acquisition & Construction	25,488,861	14,708,074	57.70%	10,780,787
90	Intergovernmental Charges	-	-	0.00%	-
6050	Total Expenditures	\$ 25,488,861	\$ 14,708,074	57.70%	\$ 10,780,787
Other Resources and (Uses):					
7060	Other Resources	\$ -	-	0.00%	\$ -
8060	Other Uses	-	-	0.00%	-
7X & 8X	Total Other Resources and (Uses)	\$ -	-	0.00%	\$ -
1200	Excess of Revenues & Other Resources Over (Under) Expenditures & Other Uses ..	\$ (25,177,526)	\$ (14,460,059)		
Fund Balance and Reserves:					
3410	Reserve for Investment in Inventories	\$ -	-		
0100	Fund Balance/Equity 9/1/03	27,744,676	27,744,676		
	Total Reserve and Fund Balance/Equity ...	\$ 27,744,676	\$ 27,744,676		
3000	Fund Balance/Equity 4/30/04	\$ 2,567,150	\$ 13,284,617		

EANES INDEPENDENT SCHOOL DISTRICT
COMBINED INTERIM STATEMENT OF REVENUES AND EXPENDITURES - GOVERNMENTAL AND PROPRIETARY FUNDS
As of August 31, 2004 - Updated (Unaudited)

ENTERPRISE FUNDS						
Code	Description	Official Budget	Actual Y-T-D	Percent Y-T-D	Unrealized/Unexpended Budget	
Revenues:						
5700	Local	\$ 4,796,271	\$ 4,743,214	98.89%	\$ 53,057	
5800	State	109,089	140,042	128.37%	(30,953)	
5900	Federal	-	-	0.00%	-	
5030	Total Revenue	\$ 4,905,360	\$ 4,883,256	99.55%	\$ 22,104	
Expenditures:						
10	Instructional Services	\$ -	\$ -	0.00%	\$ -	
20	Instructional Related Services	-	-	0.00%	-	
30	Pupil Services	2,958,220	2,769,006	93.60%	189,214	
40	General Administration	-	-	0.00%	-	
50	Plant Services	133,850	63,758	47.63%	70,092	
53	Data Processing Services	802,395	842,804	105.04%	(40,409)	
60	Ancillary Services	1,518,965	1,483,014	97.63%	35,951	
70	Debt Services	-	-	0.00%	-	
80	Facilities Acquisition & Construction	-	-	0.00%	-	
90	Intergovernmental Charges	-	-	0.00%	-	
6050	Total Expenditures	\$ 5,413,430	\$ 5,158,582	95.29%	\$ 254,848	
Other Resources and (Uses):						
7060	Other Resources	\$ 112,000	\$ 113,598	101.43%	\$ (1,598)	
8060	Other Uses	-	405,000	0.00%	(405,000)	
7X & 8X	Total Other Resources and (Uses)	\$ 112,000	\$ (291,402)	-260.18%	\$ 403,402	
1200	Excess of Revenues & Other Resources Over (Under) Expenditures & Other Uses ..	\$ (396,070)	\$ (566,728)			
Fund Balance and Reserves:						
3410	Reserve for Investment in Inventories	\$ -	\$ -			
0100	Fund Balance/Equity 9/1/03	1,843,450	1,860,562			
	Total Reserve and Fund Balance/Equity ...	\$ 1,843,450	\$ 1,860,562			
3000	Fund Balance/Equity 4/30/04	\$ 1,447,380	\$ 1,293,834			

EANES INDEPENDENT SCHOOL DISTRICT
COMBINED INTERIM STATEMENT OF REVENUES AND EXPENDITURES - GOVERNMENTAL AND PROPRIETARY FUNDS
As of August 31, 2004 - Updated (Unaudited)

MEMO TOTALS - ALL FUNDS

Code	Description	Budget	Actual
Revenues:			
5700	Local	\$ 112,605,977	\$ 113,264,896
5800	State	5,789,063	5,951,243
5900	Federal	2,055,834	1,356,136
5030	Total Revenue	<u>\$ 120,450,874</u>	<u>\$ 120,572,275</u>
Expenditures:			
10	Instructional Services	\$ 32,583,274	\$ 31,860,954
20	Instructional Related Services	3,610,050	3,438,030
30	Pupil Services	8,576,061	8,273,884
40	General Administration	2,085,722	1,905,156
50	Plant Services	6,076,302	5,735,919
53	Data Processing Services	1,585,800	1,625,658
60	Ancillary Services	1,527,081	1,506,717
70	Debt Services	16,499,698	16,499,698
80	Facilities Acquisition & Construction	25,488,861	14,724,074
90	Intergovernmental Charges	53,068,260	52,970,992
6050	Total Expenditures	<u>\$ 151,101,109</u>	<u>\$ 138,541,082</u>
Other Resources and (Uses):			
7060	Other Resources	\$ 913,120	\$ 918,868
8060	Other Uses	-	799,369
7X & 8X	Total Other Resources and (Uses)	<u>\$ 913,120</u>	<u>\$ 119,499</u>
1200	Excess of Revenues & Other Resources Over (Under) Expenditures & Other Uses ..	\$ (29,737,115)	\$ (17,849,308)
Fund Balance and Reserves:			
3410	Reserve for Investment in Inventories	\$ -	\$ 439,612
0100	Fund Balance/Equity 9/1/03	53,831,556	53,848,668
	Total Reserve and Fund Balance/Equity ...	<u>\$ 53,831,556</u>	<u>\$ 54,288,280</u>
3000	Fund Balance/Equity 4/30/04	<u>\$ 24,094,441</u>	<u>\$ 36,438,972</u>

Eanes Independent School District
 Chapter 41 WADA Partner Contracts for 2004 – 2005
 October 18, 2004

Partner contracts are being prepared for the purchase of WADA for 2004-05. The table below lists the EISD partner districts for 2003-04 and our potential partners for 2005-06. Laredo and Hooks ISD will not longer participate as WADA partners. United ISD has contacted the district and is interested in participating for 2004-05. United has up to 23,000 WADA available for sale. The estimated amount of WADA to sell was not available for all potential partners, but will be provided in the near future.

2003 – 2004	WADA TO SELL	2004 - 2005	(Estimated) WADA TO SELL
Blanco	537	Blanco	
Florence	920	Florence	830
Gonzalez	1,350	Gonzalez	2,020
Johnson City	2,245	Johnson City	
Laredo	220		0
Lockhart	3,360	Lockhart	3,241
Luling	1,349	Luling	
Nixon-Smilely	1,160	Nixon-Smilely	1,127
Hooks	1,029		0
		United	
TOTAL	12,170		11,426

A recommendation regarding partner district contracts and other related forms will be provided at the October 27, 2004 regular Board meeting for consideration by the Board.

Eanes ISD
227909

BOARD MEMBERS:
ELECTIONS

BBB
(LEGAL)

NUMBER AND TERM	The Board consists of seven Trustees serving terms of three years, with elections held annually. The terms of one-third of the Trustees, or as near to one-third as possible, expire each year. <i>Education Code 11.051(b), 11.059</i>
TERMS	Board policy shall state the schedule on which specific terms expire. <i>Education Code 11.059</i> [See BBB(LOCAL)]
METHOD OF ELECTION	
POSITION OR PLACE	Election of Trustees is by position or place in accordance with Texas law. The decision to elect Trustees by this method shall not be rescinded. <i>Education Code 11.058</i>
FILING INFORMATION	A declaration of write-in candidacy must be filed no later than 5:00 p.m. of the fifth day after the date an application for a place on the ballot is required to be filed. An application of a candidate for a place on the ballot must be filed not later than 5:00 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. The application shall include all statutorily required information, including a statement that the candidate is aware of the nepotism law. <i>Education Code 11.055(a), 11.056(b); Election Code 31.0021, 141.031(4)</i>
LOYALTY OATH	Before a candidate can have his or her name placed on the ballot, the candidate must execute and have notarized the loyalty oath. <i>Election Code 141.031; <u>The Socialist Workers Party v. Martin</u>, 345 F.Supp. 1132 (S.D. Tex. 1972), <u>aff'd</u> 483 F.2d 554 (5th Cir. 1973)</i>
NEPOTISM	A candidate shall not take affirmative action to influence a District employee or current Trustee regarding the appointment, reappointment, employment, confirmation, reemployment, change in status, compensation, or dismissal of a person related to the candidate within a prohibited degree of relationship under the nepotism law. [See DBE(EXHIBIT)] However, this prohibition does not apply to a candidate's actions taken with respect to a bona fide class or category of employees or prospective employees. <i>Gov't Code 573.042</i>
GENERAL ELECTION DATE	Election of Trustees of the District shall be on the May uniform election date. <i>Election Code 41.001</i>
CHANGING ELECTION DATES	The Board may, not later than December 31, 2004, change the date on which it holds its general election for officers to another authorized uniform election date. An election on the new date may not be held before the uniform election date in May 2004. <i>Election Code 41.0052(a)</i>
NOTICE	A call for an election shall be made not later than the 62nd day before election day. Notice of the election shall be published at least once, not earlier than the 30th day or later than the tenth day before election day, in a newspaper published

within the District's boundaries or in a newspaper of general circulation in the District if none is published within the District's boundaries. *Election Code 3.005, 4.003(a)(1)*

The notice shall state the nature and date of the election, the location of each polling place, and the hours the polls will be open. The Board shall retain a copy of the published notice that contains the name of the newspaper and the date of publication and shall preserve that copy for 60 days after election day. *Election Code 4.004, 4.005, 66.058(a)*

POSTING

In addition to the notice described above, the District shall, not later than the 21st day before election day, post a copy of the notice on the bulletin board used for posting notices of the meetings of the Board. The notice must include the location of each polling place. The person posting the notice shall make a record at the time of posting stating the date and place of posting. The person shall sign the record and deliver it to the Board after the last posting is made. *Election Code 4.003(b), 4.005*

BALLOT, ELECTION OFFICIALS, POLLING PLACES

The ballot shall be printed in the form required by law. The Board shall appoint election judges, set the maximum number of election clerks, and designate polling places. Each polling place shall be accessible to and usable by the elderly and physically handicapped. *Election Code 32.005(a), 32.033(a), 43.004, 43.034, 52.061-.064, 52.069, 52.093-.094; Education Code 11.058(g)*

POSTING SIGNS AT POLLING PLACES PROHIBITED

A person other than an election officer commits an offense if the person posts a sign, card, poster, or similar material at a polling place, including the area within 100 feet of an outside door through which a voter may enter the building in which the polling place is located. *Election Code 62.013(b)*

NOTICE OF VOTING RIGHTS HOTLINE

A notice, in the form prescribed by the secretary of state, informing voters of the telephone number and purpose of the secretary of state's toll-free hotline for reporting existing or potential abuse of voting rights, shall be continuously posted in a prominent location at each polling place during the early voting period and on election day for each election held on a uniform election date. *Election Code 31.0055*

BILINGUAL MATERIALS

The District shall provide bilingual election materials, as specified by law, when the director of the federal census determines that:

1. More than five percent of the citizens of voting age of the District are members of a single language minority and are limited-English proficient, or more than 10,000 of the citizens of voting age of the district are members of a single-language minority and are limited-English proficient; and
2. The illiteracy rate of the citizens in the language minority as a group is higher than the national illiteracy rate, illiteracy defined as the failure to complete the fifth primary grade.

The term "limited-English proficient" means unable to speak or understand English adequately enough to participate in the electoral process.

The term "language minorities" or "language minority group" means people who are American Indian, Asian American, Alaskan natives, or of Spanish heritage.

42 U.S.C. 1973aa-1a

Except as provided by Election Code 272.003, bilingual election materials shall be used in each election precinct situated wholly or partly in a county in which five percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census that may be officially recognized or acted upon by the state or political subdivisions.

An election precinct may be exempt from the bilingual requirement if official census information or other information indicates that persons of Spanish origin or descent comprise less than five percent of the precinct's inhabitants.

*Election Code 272.002, 272.003*VOTERS WITH
DISABILITIES

A voting system that is acquired on or after September 1, 1999, must comply with Section 504 and Title II of the ADA and must also provide a practical and effective means for voters with physical disabilities to cast a secret ballot.

Election Code 122.0011; 1 TAC 81.55-.57 [See GA]

This requirement is triggered only by the acquisition of a new voting system (or substantial modification of an existing system) that will change voters' interaction with the ballot at the polling sites. *1 TAC 81.55(2)*

WRITE-IN
VOTING

A write-in vote may not be counted for a person who has not filed a declaration of write-in candidacy with the Secretary of the Board in the manner provided for write-in candidates in a general election for state and county officers. To the extent practicable and in accordance with rules adopted by the secretary of state, Election Code Chapter 146, Subchapter B, shall govern write-in voting in Trustee elections. *Education Code 11.056*

ELECTION OF
UNOPPOSED
CANDIDATE

In any county other than a county in which write-in votes may be counted only for names appearing on a list of write-in candidates, the Board may declare each unopposed candidate elected to the office if:

1. Each candidate whose name is to appear on the ballot is unopposed, and
2. No proposition is to appear on the ballot.

In the case of an election in which any members of the Board are elected from single-member districts, the unopposed candidate procedures can apply to the election in a particular single-member district if each candidate whose name is to appear on the ballot in that district is unopposed and the other requirements described above are met.

Election Code 2.051

The Board may declare each unopposed candidate elected to the office upon receipt of certification from the authority responsible for having the official ballot prepared. The certification must state that only one candidate's name is to appear on the ballot for that office and no candidate's name is to be placed on a list of write-in candidates for that office under applicable law. If the Board makes such a declaration, the election is not held. A copy of the order or ordinance must be posted on election day at each polling place that would have been used in the election. *Election Code 2.052, 2.053(a), (b)*

EARLY VOTING The Board shall provide for early voting in Board elections by personal

appearance at an early voting polling place and by mail in accordance with Election Code Title 7. *Election Code 81.001*

CANVASS RETURNS

The Board shall canvass the returns at the time set by the presiding officer not earlier than the eighth day or later than the 11th day after election day.

Two members of the Board constitute a quorum for purposes of canvassing an election.

Election Code 67.003, 67.004(a)

CERTIFICATE OF ELECTION

After the completion of a canvass, the presiding officer shall prepare a certificate of election for each candidate who is elected to an office for which the official result is determined by that authority's canvass. A certificate of election must contain:

1. The candidate's name;
2. The office to which the candidate is elected;
3. A statement of election to an unexpired term, if applicable;
4. The date of the election;
5. The signature of the officer preparing the certificate; and
6. Any seal used by the officer preparing the certificate to authenticate documents that the officer executes or certifies.

The authority preparing a certificate of election shall promptly deliver it to the person for whom it is prepared, subject to the submission of a recount petition.

A recount petition shall delay the issuance of a certificate of election and qualification for the office involved in the recount pending completion of the recount. A candidate may not qualify for an office involved in a recount before completion of the recount. A candidate who has received a certificate of election and qualified for an office before the submission of a recount petition shall not be affected by the recount petition.

A certificate of election may not be issued to a person who has been declared ineligible to be elected to the office.

Election Code 67.016

CERTIFICATE OF ELECTION FOR UNOPPOSED CANDIDATE

A certificate of election shall be issued to each unopposed candidate in the same manner and at the same time as provided for a candidate elected at the election. The candidate must qualify for the office in the same manner as provided for a candidate elected at the election. *Election Code 2.053(c)*

DETERMINATION OF RESULTS

The candidate receiving the highest number of votes for each respective position voted on is entitled to serve as Trustee. *Education Code 11.057(a)*

MAJORITY VOTE OPTION

The Board of an independent school district in which the positions of Trustees are designated by number may provide by resolution, not later than the 180th day before the date of an election, that a candidate must receive a majority of the votes cast for a position to be elected.

The resolution is effective until rescinded by a subsequent resolution adopted not

later than the 180th day before the date of the first election to which the rescission applies.

Education Code 11.057(c)

RUNOFF
ELECTION

If no candidate for a particular office receives the vote necessary to be elected in an election requiring a majority vote, a runoff election for that office is required. *Election Code 2.021 et seq.*

TIE VOTES

SECOND
ELECTION

If two or more candidates for the same office tie for the number of votes required to be elected, a second election to fill the office shall be held, unless the candidates agree to cast lots, one candidate withdraws, or an automatic recount resolves the tie. Not later than the fifth day after the automatic recount is completed or the final canvass following the automatic recount is completed, if applicable, the Board shall order the second election. This election shall be held not less than 20 nor more than 30 days after the automatic recount is completed or the final canvass following the automatic recount is completed, if applicable. Notice of the second election shall be given in the same manner as for the first election. Only the names of the tying candidates shall be printed on the ballot; write-in votes shall not be permitted. *Election Code 2.002(a)-(e)*

CASTING
LOTS

The tying candidates may agree to cast lots to resolve the tie. The agreement shall be filed with the Board, and the Board President shall supervise the casting of lots. *Election Code 2.002(f)*

WITHDRAWAL
OF
CANDIDATE

A tying candidate may resolve the tie by filing with the Board a written statement of withdrawal signed and acknowledged by the candidate. On receipt of the statement of withdrawal, the remaining candidate is the winner, and a second election or casting of lots is not held. *Election Code 2.002(g)*

RECOUNT

If a tie vote is not resolved by casting lots or by a candidate withdrawing, an automatic recount shall be conducted in accordance with Election Code Chapter 216. *Election Code 2.002(i)*

The cost of the recount shall be paid by the District. *Election Code 216.005(b)*

VOTING
SYSTEM
MALFUNCTION

If no private vendor supports the District's voting system, the District must give notice to the Secretary of State within 24 hours of a malfunction of the District's voting system software or equipment in an election. The notice may be verbal or in writing. *1 TAC 81.64*

OFFICER'S
STATEMENT

Newly elected and appointed Trustees, before taking the oath or affirmation of office and entering upon the duties of office, shall sign the required officer's statement. The statement shall be retained with the official records of the office. *Tex. Const. Art. XVI, Sec. 1(b)* [See BBB(EXHIBIT)]

OATH OF OFFICE

After the officer's statement has been signed and certificates of election have been issued, but before entering upon the duties of the office, the Trustee shall take the oath or affirmation of office and shall file it with the President of the Board. *Tex. Const. Art. XVI, Sec. 1(a); Education Code 11.061* [See BBB (EXHIBIT)]

The oath may be administered and a certificate of the fact given by:

1. A judge, retired judge, senior judge, clerk, or commissioner of a court of record.
2. A notary public.
3. A justice of the peace or clerk of a justice court.
4. The secretary of state of Texas.
5. The speaker of the house of representatives.
6. The lieutenant governor of Texas.
7. The governor of Texas.
8. A legislator or retired legislator.
9. The attorney general.

Gov't Code 602.002, 602.006

VOTING RIGHTS
ACT

The Board, being subject to the Voting Rights Act of 1965, shall submit any changes that affect elections to the U.S. Justice Department for preclearance and shall implement such changes unless the justice department interposes an objection within 60 days after the date of submission. *42 U.S.C. 1973c; 28 CFR 51.6; Garza v. Gates, 482 F.Supp. 1211 (D.C. Tex. 1980)*

DATE ISSUED: 09/30/2003
UPDATE 71
BBB(LEGAL)-B

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]