

GOFORTH LAW FIRM

ATTORNEYS AT LAW
1900 Pennzoil South Tower
711 Louisiana Street
Houston, Texas 77002

DANIEL O. GOFORTH

DIRECT: (713) 589-8103
MAIN: (713) 650-0022
FAX: (713) 650-1669
dangoforth@goforthlaw.com

May 11, 2016

Via CMRRR, Hand Delivery and Email: dthompson@thompsonhorton.com

David Thompson
Thompson & Horton LLP
Phoenix Tower, Suite 2000
3200 Southwest Freeway
Houston, TX 77027

Re: HISD Agenda item to rename schools—May 12, 2016 Board Meeting

Dear Mr. Thompson:

I'm writing to urge the HISD Board to not continue on its unauthorized path to rename Houston's public schools. My firm represents alumni, students, and community members of the schools the Board has resolved to rename.

The Board's path is unauthorized because tomorrow's scheduled vote to rename these schools violates its own regulations. As you know, HISD has statutory obligations to satisfy its financial-accountability standards. Policy Code BE3 of the Board's policy manual is a regulation that governs how agenda items must be presented at Board business meetings. According to this regulation, an agenda's description of cost and funding sources must detail in writing the total dollars being spent and identify all funding sources. These requirements must be present for items the Board considers. Yet the original HISD resolution to rename Houston's public schools failed to identify in writing the costs and the source of funds for the renaming. Just the opposite, the original resolution misrepresented that renaming these schools had no costs. Of course that's impossible. This impossibility is confirmed in the uncovered e-mails of HISD's own Chief Financial Officer. In them, he not only conceded that costs would be incurred to rename the schools but also admitted that the source to cover the renaming costs would come out of HISD's fund balance. It's also confirmed by a study showing that the cost to

rename just one school would be almost half-a-million dollars. That's just one school. Consider the costs for renaming eight schools.

The reality is that renaming HISD schools will cost millions of taxpayer dollars. The Board was required to alert the people of Houston of that fact before it chose to incur this fiscal burden—with possibly no funding source to carry it. But rather than disclose, it concealed. We know that from unearthing HISD's internal e-mails. These e-mails reveal that a boardmember strategically presented the agenda to rename the schools through improper measures because, she admits, it “wouldn't have made it to the agenda any other way.” Deceiving the taxpayers this way doesn't protect our community; it harms our community. The Board above all should know that there's no scarcer resource than the money needed to educate our children. And that's why the Board's own regulations require it to disclose the costs and funding of its actions, so the people of Houston can choose how to allocate their scarce and vital resources for education.

Instead the Board shrouded these pivotal details—defying its regulations in the process. In doing so, it deprived the community of its right to know how its money is being spent on education. To add insult to injury, the Board portrayed to the public that its choice for the proposed replacement names reflected community consensus. But in actuality, the community's preferences were systematically rejected in favor of a result predetermined by HISD. That unfortunate truth is established by the fact that some of the schools selected to be renamed didn't fit within HISD's renaming criteria. Indeed the Board had no set renaming criteria. It morphed the criteria for selecting schools to be renamed from schools named after Confederate *leadership* to mere *participants*. As a result of these gelatin standards, the Board didn't vote to change the names of all schools that met its criteria; rather it cherry-picked which schools it wanted to rename. In fact, the Board's improper vetting led to it selecting schools named after people with no ties to the Confederacy—let alone the despicable cause of slavery. In one case, the selected school was named after someone that was only 10 years old during the Civil War and hadn't participated in the Confederate military.

The whole point of having procedures like the cost-funding-sources requirement is to temper passions that may cloud better judgment. To be sure, the Board is tackling a sensitive issue about our history that has aroused the emotions of many in our community. But the surest way to be on the wrong side of history is for the Board to abandon its procedures to placate the passions of the moment.

For that reason, my clients call on the HISD Board to act as responsible stewards of public funds, to respect the community's wishes, and to follow its own rules. The Board must withdraw from consideration its agenda items for school renaming until reliable cost estimates and sources of funding can be developed for each of the identified schools. And any subsequent consideration of the identified schools must be objectively evaluated against an identifiable standard of Civil War participation. Should the Board

instead affirm its defective renaming resolution at the meeting on May 12, 2016, my clients will initiate legal proceedings to invalidate the Board's resolutions and seek all available remedies under the law.

Please feel free to contact me to discuss these matters further. I look forward to hearing from you soon.

Sincerely,

GOFORTH LAW FIRM



Daniel O. Goforth

DOG/ald

cc: Christopher B. Gilbert
Thompson & Horton LLP
Phoenix Tower, Suite 2000
3200 Southwest Freeway
Houston, TX 77027