



KARCZEWSKI | BRADSHAW | SPALDING  
NICHOLS | LAMP | LANGLOIS

3700 Buffalo Speedway, Suite 560  
Houston, TX 77098  
844-564-0010

**Sarah W. Langlois**  
slanglois@kbslawgroup.com

July 3, 2018

To Any Interested Party

Re: Status of HCDE as a governmental entity

To whom it may concern:

I am outside general counsel for Harris County Department of Education (“HCDE”). I am writing to provide legal authority that HCDE is a governmental entity.

HCDE is the only remaining county school district in Texas that continues to operate under certain provisions of former Chapters 17 and 18 of the Texas Education Code. Section 11.301 of the current Texas Education Code provides that “a school district or county system operating under Chapters 17, 18, 22, 25, 26, 27 or 28 on May 1, 1995 may continue to operate under the applicable chapter as that chapter existed on that date and under state law generally applicable to school districts that does not conflict with that chapter.” *See* TEX. EDUC. CODE § 11.301.

HCDE is governed by a board of trustees who are elected at the general election for state and county officers. *See* TEX. EDUC. CODE § 17.031. The office of county school trustee is considered a county office for purposes of nomination and election, and all elected trustees must take the official oath of office. *See* TEX. EDUC. CODE § 17.06.

The HCDE Board of Trustees annually sets a tax rate that does not exceed the voter cap of \$0.01 per \$100 and ensures that the equalization tax is expended consistent with former Chapter 18 of the Texas Education Code to meet the statutory requirements of “equalization of educational opportunities”<sup>1</sup> and “the advancement of public free schools.”<sup>2</sup> By statute, the funds derived from

---

<sup>1</sup> Section 18.28, entitled “Expenditure of Funds,” mandates that the funds from the equalization tax “be expended by the County School Trustees of such counties for the equalization of educational opportunities in such counties, and for the payment of administration expense.” TEX. EDUC. CODE § 18.28.

<sup>2</sup> Section 18.26, entitled “County Equalization Fund,” provides that the equalization tax must be used “for the advancement of public free schools.” TEX. EDUC. CODE § 18.26.

the equalization tax also pay for the superintendent's salary and all expenses of maintaining his office.<sup>3</sup>

In addition to the provisions cited above from the former and current Texas Education Code, other statutes also explicitly make it clear that HCDE is a governmental entity, including:

1. The Texas Public Information Act, which includes "county board of school trustees" and "county board of education" in its definition of a "governmental body" subject to the TPIA. *See* TEX. GOV'T CODE § 552.003(1)(A)(vi)-(vii).
2. The Texas Open Meetings Act, which also specifically includes "county board of school trustees" and "county board of education" in its definition of a "governmental body" subject to the TOMA. *See* TEX. GOV'T CODE § 551.001(3)(F)-(G).
3. The Interlocal Cooperation Act, which defines "local government" to include a "county, municipality, special district, junior college district, or other political subdivision of this state or another state" and defines "political subdivision" to include any corporate and political entity organized under state law. *See* TEX. GOV'T CODE § 791.003(4)(A), (5).
4. The statutes governing the Teacher Retirement System of Texas, a public retirement system, which define "employer" to include "the governing board of any school district created under the laws of this state" and "any county school board." *See* TEX. GOV'T CODE § 821.001(7).

As detailed above, it is clear that HCDE is a governmental entity. Should you have any questions regarding HCDE's status as a governmental entity, please do not hesitate to contact me.

Very truly yours,



Sarah W. Langlois  
ATTORNEY FOR  
HARRIS COUNTY DEPARTMENT OF EDUCATION

cc: Jesus Amezcua, Ph.D.  
Assistant Superintendent – Business Services  
Harris County Department of Education

*Via Electronic Mail*

---

<sup>3</sup> Section 18.30 states that "the County Superintendent's salary and all expenses of maintaining his office shall be paid out of the funds realized from the collection of [the equalization] tax." TEX. EDUC. CODE § 18.30(a).