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## Case of the Month

**The federal Voting Rights Act of 1965 does not authorize coalitions of racial, ethnic, and language minorities to claim vote dilution in redistricting.**

The Galveston County commissioners court redrew its boundaries for county commissioner precincts, removing the only precinct representing a majority-minority population, which was composed of two minority groups, blacks and Hispanics. Three groups of plaintiffs, including voters and officials, the National Association for the Advancement of Colored People, and the federal government, challenged the redistricting plan in federal court, arguing that the plan diluted the votes of black and Hispanic voters in violation of Section 2 of the federal [Voting Rights Act](#) (VRA) 42 U.S.C. § 1973.

The federal district court applied [Campos v. City of Baytown](#), 840 F.2d 140 (5th Cir. 1988), to find the redistricting plan violated the VRA. The court in *Campos* concluded that a coalition of minority groups may combine their populations when claiming voting dilution. Galveston County appealed.

After a U.S. Fifth Circuit Court of Appeals panel upheld the lower court's decision, the Fifth Circuit reheard the case en banc. The court reconsidered the holding in *Campos* and, in doing so, reviewed the text of Section 2 of the VRA and legal precedent. The court found the text of the VRA did not expressly or impliedly authorize coalition claims but instead supported the proposition that a protected class under the law is defined by shared race, ethnicity, or language. The court rejected the plaintiffs' argument that the legislative history supported coalition claims, finding that the issue was not addressed in any prior case law or legislation. The court looked to U.S. Supreme Court precedent, concluding the Supreme Court required that a single minority group be sufficiently large to constitute the majority. The court also identified concerns with the low likelihood of success of coalition claims and found that the court did not have to adhere to its erroneous previous decision. The Court overruled *Campos*, reversed the judgment of the district court, and remanded the case to the lower court for reconsideration. [Petteway v. Galveston Cnty.](#), No. 23-40582, 2024 WL 3617145 (5th Cir. Aug. 1, 2024) (en banc).

### Why is This Case Significant?

The Fifth Circuit's decision reversed long-standing precedent allowing distinct minority groups to form coalitions to challenge redistricting plans under the Voting Rights Act.

### Highlights

[2024-25 HR Services Community College Salary Survey](#) launches September 5.

New on eLaw:

[Military Leave and Community College Employment](#)

### Resources

[Texas Higher Education Coordinating Board](#)  
[Texas Legislature](#)  
[Texas Statutes](#)  
[Texas Attorney General](#)  
[U.S. Department of Education](#)



## From the Courts and the Attorney General

### Personnel

Former employee failed to provide sufficient evidence to overcome dismissal of her claims that a university discriminated against her based on her race and age and retaliated against her in violation of the [Texas Commission on Human Rights Act](#). [Univ. of Tex. Health Sci. Ctr. v. Carroll](#), No. 01-23-00014-CV, 2024 WL 3417051 (Tex. App.—Houston [1st] July 16, 2024, no pet. h.) (mem. op.).

Former employee failed to provide sufficient evidence to overcome summary judgment on her claims that a university discriminated against her based on her disability and failed to accommodate her in violation of the [Americans with Disabilities Act](#) (ADA) and discriminated against her based on her age in violation of the [Age Discrimination in Employment Act](#). [Hicks v. Baylor Univ. Med. Ctr.](#), No. 3:22-CV-00072-E, 2024 WL 3513471 (N.D. Tex. July 22, 2024) (mem.).

### Students and Instruction

Former medical student failed to provide sufficient evidence to overcome dismissal of his claims that university officials violated his U.S. Constitution [Fourteenth Amendment](#) equal protection rights and [Fifth](#) and [Fourteenth Amendment](#) due process rights by dismissing him from the educational program following a medical leave of absence. [Doe v. Univ. of North Tex. Health Sci. Ctr.](#), No. 23-10764, 2024 WL 3427049 (5th Cir. July 16, 2024) (per curium).

Former student, who was dismissed by a university from its veterinary program for poor

academic performance, failed to provide sufficient evidence to overcome summary judgment on her claims the university and university president discriminated against her based on her disability and failed to accommodate her in violation of the [ADA](#) and the [federal Rehabilitation Act](#). [Reiss v. Tex. A&M Univ.](#), No. 23-20462, 2024 WL 3813745 (5th Cir. Aug. 14, 2024) (per curiam).

Former student, who was sexually assaulted by a fellow student on a university campus, provided sufficient evidence to overcome summary judgment on her claim that a university retaliated against her in violation of [Title IX of the Education Amendments Act of 1972](#) by mishandling her complaint hearing held after she filed a Title IX lawsuit challenging the university's prior response to her assault. [Doe v. Univ. of Ky.](#), No. 22-6012, 2024 WL 3688446 (6th Cir. Aug. 7, 2024).

### Open Records Letter Rulings

This month, the attorney general issued Open Records Letter Rulings<sup>1</sup> based on requests from Texas community colleges related to:

- A solicitation. Tex. Att'y Gen. [OR2024-26484](#) (July 31, 2024);
- Communications pertaining to a Texas Public Information Act request. Tex. Att'y Gen. [OR2024-28065](#) (Aug. 13, 2024); and
- Certain information regarding a request for proposals. Tex. Att'y Gen. [OR2024-28091](#) (Aug. 13, 2024).

<sup>1</sup> Open record letter rulings are limited to the particular records at issue and the facts as presented to the attorney general. These rulings must not be relied upon as a previous determination regarding any other records or any other circumstances.



## Recent Regulations and Guidance

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The Texas Higher Education Coordinating Board (THECB) amended [regulations](#) regarding degree and certificate program approval.

THECB amended [regulations](#) regarding field of study curricula and discipline foundation courses.

THECB amended [regulations](#) to align definitions in the Financial Aid for Swift Transfer (FAST) program with those applicable to dual credit programs.

THECB amended [regulations](#) addressing the community college finance program to clarify timelines for ameliorating errors in data reporting and align relevant rule provisions.

THECB amended [regulations](#) regarding the money allocated for the base tier and performance tier under the community college finance program as well as the rates for each fundable outcome a college achieves.

THECB adopted [regulations](#) regarding a dynamic payment system for calculating and implementing formula funding under the community college finance program.

The Texas Education Agency adopted a [regulation](#) addressing the rural pathway excellence partnership (R-PEP) program, in response to statutory changes made by the 88<sup>th</sup> Legislature.

The State Bar for Educator Certification amended [regulations](#) regarding educator preparation candidates.

The Texas Commission on Law Enforcement amended [regulations](#) addressing peace officer continuing education to require officers to receive active shooter training every 24 months, in response to statutory changes made by the 88<sup>th</sup> Legislature.

The Texas Office of the Attorney General amended [regulations](#) regarding the electronic submission of requests for attorney general opinions under the Texas Public Information Act, in response to statutory changes made by the 88<sup>th</sup> Legislature.

The Texas Ethics Commission amended [regulations](#) regarding candidates' political advertising disclosure statements on social media posts.



## Policy Spotlight

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Effective board meetings are fundamental to successful community college governance. Community college boards should regularly review their policies and operating procedures to ensure they are consistent with law and best practices. Colleges that subscribe to TASB Community College Services' policy services will find board meetings addressed at the BD policy series.

A frequent question that arises in relation to board meeting policies and procedures is how items may be placed on the board meeting agenda. The Texas Open Meetings Act (OMA) does not specify how a board must place items on the agenda, so a board should describe in its local policy or procedures how a board member may place items on the agenda.

A board should be cautious when considering requiring multiple board members to agree to place an item on the agenda. The practice could effectively prevent a member from bringing an item before the board. The Texas attorney general has cautioned governmental entities against adopting procedures which may have the effect of precluding an elected representative from placing an item on the agenda. Also, board members may not discuss

college business among a quorum of the board outside of a properly posted meeting. Requiring a board member to seek the consensus of multiple board members to place an agenda item may require the member to talk to enough members that a quorum may be reached. To avoid these concerns, board policies and procedures should limit the number of board members required to agree to put an item on the agenda and make all board members aware of the OMA restrictions against discussing college business outside of a properly posted meeting.

Community college board policies and procedures should also address how a special or emergency board meeting may be called. Like the agenda items, boards should limit the number of members required to call a special or emergency meeting to avoid concerns that a quorum of the board may become involved in the planning.

If you have any questions on behalf of your member college, email [colleges@tasb.org](mailto:colleges@tasb.org) or call 800.580.1488 to get connected to your college's policy consultant or to speak with a TASB Community College Services attorney.



## In the News

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The Texas governor announced the Texas Workforce Commission awarded a [Jobs and Education for Texans \(JET\) grant](#) to Amarillo College.