

By: Uresti

H.B. No. 2298

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the ineligibility of certain persons affiliated with an  
3 open-enrollment charter school for election to or service on the  
4 State Board of Education or a school district board of trustees.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 7.103, Education Code, is amended by  
7 amending Subsection (a) and adding Subsections (a-1) and (d) to  
8 read as follows:

9 (a) A person is not eligible for election to or service on  
10 the board if the person:

11 (1) holds an office with this state or any political  
12 subdivision of this state;

13 (2) is:

14 (A) an employee, officer, or member of the  
15 governing body of an open-enrollment charter school; or

16 (B) a member of the governing body of a charter  
17 holder;

18 (3) is required to register as a lobbyist under  
19 Chapter 305, Government Code, by virtue of the person's activities  
20 for compensation on behalf of an open-enrollment charter school,  
21 governing body of an open-enrollment charter school, charter  
22 holder, governing body of a charter holder, or management company;

23 (4) has an interest in a management company; or

24 (5) in any way represents the interests of an

1 open-enrollment charter school that are directly or indirectly in  
2 conflict with the interests of an independent school district.

3 (a-1) For purposes of Subsection (a)(4), a person has an  
4 interest in a management company if:

5 (1) the person owns five percent or more of the voting  
6 stock or shares of the management company;

7 (2) the person owns five percent or more of the fair  
8 market value of the management company; or

9 (3) money received by the person from the management  
10 company exceeds five percent of the person's gross income for the  
11 preceding calendar year.

12 (d) In this section, "charter holder," "governing body of a  
13 charter holder," "governing body of an open-enrollment charter  
14 school," "management company," and "officer of an open-enrollment  
15 charter school" have the meanings assigned by Section [12.1012](#).

16 SECTION 2. Section [11.061](#), Education Code, is amended by  
17 adding Subsections (b-1), (b-2), and (e) to read as follows:

18 (b-1) A person may not be elected trustee of an independent  
19 school district or appointed to fill a vacancy on the board of  
20 trustees of an independent school district if the person:

21 (1) is:

22 (A) an employee, officer, or member of the  
23 governing body of an open-enrollment charter school; or

24 (B) a member of the governing body of a charter  
25 holder;

26 (2) is required to register as a lobbyist under  
27 Chapter [305](#), Government Code, by virtue of the person's activities

1 for compensation on behalf of an open-enrollment charter school,  
2 governing body of an open-enrollment charter school, charter  
3 holder, governing body of a charter holder, or management company;

4 (3) has an interest in a management company; or

5 (4) in any way represents the interests of an  
6 open-enrollment charter school that are directly or indirectly in  
7 conflict with the interests of an independent school district.

8 (b-2) For purposes of Subsection (b-1)(3), a person has an  
9 interest in a management company if:

10 (1) the person owns five percent or more of the voting  
11 stock or shares of the management company;

12 (2) the person owns five percent or more of the fair  
13 market value of the management company; or

14 (3) money received by the person from the management  
15 company exceeds five percent of the person's gross income for the  
16 preceding calendar year.

17 (e) In this section, "charter holder," "governing body of a  
18 charter holder," "governing body of an open-enrollment charter  
19 school," "management company," and "officer of an open-enrollment  
20 charter school" have the meanings assigned by Section [12.1012](#).

21 SECTION 3. The changes in law made by this Act regarding  
22 eligibility for membership on the State Board of Education or the  
23 board of trustees of an independent school district do not affect  
24 the entitlement of a member serving on the State Board of Education  
25 or the board of trustees of an independent school district  
26 immediately before the effective date of this Act to continue to  
27 carry out the board's functions for the remainder of the member's

1 term. The changes in law apply only to a member elected or  
2 appointed on or after the effective date of this Act.

3 SECTION 4. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2017.