

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill No: SB 212

49th Legislature, 1st Session, 2009

Short Title: Expand Definition of Nepotism in Schools

Sponsor(s): Senator Vernon D. Asbill and Others

Analyst: David Harrell

Date: February 2, 2009

Bill Summary:

SB 212 expands the prohibition against nepotism in the *Public School Code* to include the brother, brother-in-law, sister, and sister-in-law of a member of a local school board or the local superintendent and the brother, brother-in-law, sister, and sister-in-law of a member of the governing body of a charter school or the head administrator of a charter school.

Fiscal Impact:

SB 212 makes no appropriation.

Issues:

The analysis of SB 212 by the Public Education Department (PED) notes, "nepotism statutes are generally aimed at avoiding inefficiency in public office by preventing officials from favoring their relatives and appointing those who may not be qualified to serve." This point is especially significant, the analysis suggests, in the case of a school business official.

The analysis by the Office of the Attorney General says, "The bill erases an obvious loophole in the nepotism statutes for employment decisions"; and it suggests that the bill be expanded to apply to "all public hiring."

Background:

Current law prohibits a local superintendent from initially hiring "in any capacity . . . the spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, or daughter-in-law of a member of the local school board or the local superintendent." Identical prohibitions apply to the head administrator of a charter school and the governing body of a charter school. In each case "school districts and charter schools" the governing board may waive the nepotism rule for family members of the superintendent or head administrator, respectively. SB 212 leaves this waiver provision intact.

Related Bills:

None as of 01-30-09.