

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill No: *SB 364a

49th Legislature, 1st Session, 2009

Short Title: School Board Member Conflicts of Interest

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

Analyst: James Ball

Date: February 15, 2009

AS AMENDED

The Senate Education Committee amendment prohibits a member of a charter school governing board from being an employee of a local school district.

Original Bill Summary:

SB 364 amends the *Public School Code* to prohibit:

- local school board members from being employed by any local school district or any locally chartered or state-chartered charter school and from serving on a governing body of a charter school; and
- members of a governing body of a charter school from serving on any local school board.

* SB 364 contains an emergency clause.

Fiscal Impact:

SB 364 makes no appropriation.

Issues:

The issue addressed in SB 364 appears to be whether there is a rational and legitimate government interest in avoiding potential conflicts of interest by prohibiting:

- local school board members from being employed by any local school district or any locally chartered or state-chartered charter school and from serving on a governing body of any charter school, not just in the district or charter school where they are elected; and
- employees of public schools and charter schools from serving on any local board of education or on the governing council of any charter school, not just in the district or charter school where they are employed.

One might also consider if a local school board member or member of governing council of a charter school should be prohibited from employment at the Public Education Department (PED) for the same rational. Indeed, PED employment in the case of local school board members or charter school governing council members could possibly provide even greater conflicts of interest.

The analysis of identical HB 334 by the Attorney General states that the bill does not equally restrict local school board members and members of a governing body of a charter school. While the proposed amendments, combined with existing statute, prohibit local school board members from being employed by a local school district or a charter school, members of a governing body of a charter school, however, are not prohibited from being employed by either a local school district or a charter school.

Finally, the PED bill analysis cites a court case suggesting that SB 364 might be seen as an infringement on the rights of public and charter school employees and governing council members' rights to participate in the political process.

Related Bills:

SB 212 *Expand Definition of Nepotism in Schools*

*HB 334 *School Board Membership Conflicts of Interest* (identical)