



Dear Applicant/Community Member,

The Board is currently accepting applications to fill the vacant District 3 Trustee position. Applicants should understand that the role of a School Board Trustee is to serve as part of the governing body that sets the vision and direction for the district, ensuring all students receive a high-quality education. Trustees are responsible for adopting policies, approving budgets, and evaluating the superintendent, while representing the interests and values of the community.

The purpose of this position is to provide leadership and oversight that advance academic excellence, fiscal responsibility, and transparent governance. Trustees work collaboratively to make informed decisions that support student achievement, staff success, and community trust, always keeping students' best interests at the forefront.

A Trustee upholds these responsibilities with integrity, accountability, and a commitment to equity and continuous improvement.

The appointed individual will serve until the next regularly scheduled election on May 1, 2027.

Enclosed is a schedule outlining the steps in the selection process. To be considered, all application materials must be received in the **Board Affairs Office by 4:00 p.m. on Monday, December 1, 2025.**

Required Application Materials

Applicants must submit the following items:

- A **letter of interest** addressed to the President of the Board of Trustees
- A **résumé**, including community service and leadership experience
- A **minimum of two (2) letters of reference**
- **Voter Registration VUID Number** (for address verification)
- The **completed application form**



Eligibility Requirements

In accordance with the **Texas Education Code, Chapter 11**, applicants must meet the following qualifications:

- Be a **resident of District Three** and a **registered voter**
- Be **at least 18 years of age**

All application materials will be reviewed by members of the Board of Trustees to determine the appointment to the vacant District 3 seat. Candidates selected for further consideration will be provided with additional information and will be invited to participate in an interview as part of the selection process.

Applicants are encouraged to review the enclosed materials outlining Governing Board responsibilities and expectations of trustees, including:

- **BBE (LOCAL)** – Board Member Authority
- **BBF (LOCAL)** – Board Member Ethics
- **BBFA (LEGAL)** - Conflict of Interest Disclosures
- **BBFB (LEGAL)** - Prohibited Practices

Additional information about the District can be found at www.bmtisd.com.

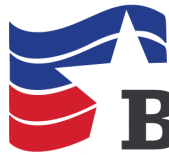
If you have any questions regarding the position or the selection process, please contact **Tisha Smith** at **(409) 617-5003** or tsmith@bmtisd.com

We appreciate your willingness to serve our community and thank you for your interest in supporting the students and staff of Beaumont ISD through board service.

Sincerely,

BISD Board Governance

Beaumont Independent School District



Beaumont ISD

Preparing Our Next Generation

BEAUMONT INDEPENDENT SCHOOL DISTRICT APPLICATION TO FILL BOARD OF TRUSTEES VACANCY

DEADLINE: December 1, 2025 by 4:00 p.m.

**RETURN TO: Tisha Smith, Board Governance
3395 Harrison Avenue Beaumont, Texas 77706**

Questions Contact: (409) 617-5003 or email tsmith@bmtisd.com

Please attach the following materials to your application: a letter to the Board President, your resume, a minimum of two (2) letters of reference and copy of Voter's Registration.

NAME: _____ EMAIL: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

TELEPHONE: _____ CELL PHONE: _____

OCCUPATION: _____ EMPLOYER: _____

VOTER REGISTRATION NUMBER (VUID): _____

LANGUAGES (other than English): _____

EDUCATIONAL BACKGROUND

High School/ Higher Education	Degree Earned	Year Issued	Major/Minor

ELIGIBILITY INFORMATION

Yes No

I am 18 years of age or older.

I am a resident of the Beaumont Independent School

I am a registered voter.

I have not been convicted of a felony or an offense under section 43.02(b) of the Penal Code (prostitution). TEC 11.066



QUESTIONNAIRE

Please enclose typed or written responses to the following questions:

1. Please list all schools you or your children/guardians attended at Beaumont ISD.
2. Please discuss your involvement and interest in the Beaumont Independent School District.
3. Identify and state your position regarding the most significant issues confronting public education, in general, and the Beaumont Independent School District, in particular. Also, discuss the ways you feel the District should respond to these issues.
4. What do you see as the major responsibilities of a Board Member?
5. Please identify and discuss the areas of knowledge or expertise that you would bring to the Board's deliberations.

ATTESTATION

Per my signature below, I affirm that everything in this application is true and correct. I further affirm that I understand a Board Member's responsibility requires attendance at:

1. Monthly regular board meetings,
2. Frequent special meetings or study sessions, and
3. Numerous school events.

I also understand that this application may be made available to the public in compliance with the Texas Public Information Act.

Signature: _____ Date: _____

Name (printed): _____



Materials outlining Governing Board responsibilities and expectations of Trustees

Board Policy [BBE \(LOCAL\)](#), Board Members Authority, Board Policy [BBF \(LOCAL\)](#), Board Members Ethics, and Board Policy [BBFA](#), Conflict of Interest Disclosures.

In addition, should you have a family member who is considering employment at Beaumont ISD, please be aware of the statutory prohibition against nepotism applicable to all board members, including appointees. The statutory requirements are detailed in Beaumont ISD Board Policy [BBFB \(Legal\)](#), Prohibited Practices.

Board Authority

The Board has final authority to determine and interpret the policies that govern the schools and, subject to the mandates and limits imposed by state and federal authorities, has complete and full control of the District. Board action shall be taken only in meetings that comply with the Open Meetings Act. [See BE(LEGAL)]

**Transacting
Business**

When a proposal is presented to the Board, the Board shall hold a discussion and reach a decision. Although there may be dissenting votes, which are a matter of public record, each Board decision shall be an action by the whole Board binding upon each member.

**Individual Authority
for Committing the
Board**

Board members as individuals shall not exercise authority over the District, its property, or its employees. Except for appropriate duties and functions of the Board President, an individual member may act on behalf of the Board only with the express authorization of the Board. Without such authorization, no individual member may commit the Board on any issue. [See BDAA]

**Individual Access to
Information**

An individual Board member, acting in his or her official capacity, shall have the right to seek information pertaining to District fiscal affairs, business transactions, governance, and personnel matters, including information that properly may be withheld from members of the public in accordance with the Public Information Chapter of the Government Code. [See GBA]

Limitations

If a Board member is not acting in his or her official capacity, the Board member has no greater right to District records than a member of the public.

An individual Board member shall not have access to confidential student records unless the member is acting in his or her official capacity and has a legitimate educational interest in the records in accordance with policy FL.

A Board member who is denied access to a record under this provision may ask the Board to determine whether the record should be provided or may file a request under the Public Information Act. [See GBAA]

Requests for
Records

An individual Board member shall seek access to records or request copies of records from the Superintendent or other designated custodian of records, who shall respond within the time frames required by law. When a custodian of records other than the Superintendent provides access to records or copies of records to an individual Board member, the provider shall inform the Superintendent of the records provided.

In accordance with law, the District shall track and report any requests under this provision, including the cost of responding to one

or more requests by any individual Board member for 200 or more pages of material in a 90-day period.

Requests for
Reports

No individual Board member shall direct or require District employees to prepare reports derived from an analysis of information in existing District records or to create a new record compiled from information in existing District records. Directives to the Superintendent or other custodian of records regarding the preparation of reports shall be by Board action.

Confidentiality

At the time a Board member is provided access to records or reports that are confidential or otherwise not subject to public disclosure [see GBA], the Superintendent or other District employee shall advise the Board member of the responsibility to comply with confidentiality requirements and the District's information security controls.

**Referring
Complaints**

If employees, parents, students, or other members of the public bring concerns or complaints to an individual Board member, he or she shall refer them to the Superintendent or another appropriate administrator, who shall proceed according to the applicable complaint policy. [See (LOCAL) policies at DGBA, FNG, and GF]

When the concern or complaint directly pertains to the Board's own actions or policy, for which there is no administrative remedy, the Board member may request that the issue be placed on the agenda.

**Visits to District
Facilities**

A Board member shall adhere to any posted requirements for visitors to first report to the main office of a District facility, including a school campus. Visits during the school or business day shall not be permitted if their duration or frequency interferes with the delivery of instruction or District operations. [See also GKC]

As a member of the Board, I shall promote the best interests of the District as a whole and, to that end, shall adhere to the following ethical standards:

**Equity
In Attitude**

- I will be fair, just, and impartial in all my decisions and actions.
- I will accord others the respect I wish for myself.
- I will encourage expressions of different opinions and listen with an open mind to others' ideas.

**Trustworthiness
In Stewardship**

- I will be accountable to the public by representing District policies, programs, priorities, and progress accurately.
- I will be responsive to the community by seeking its involvement in District affairs and by communicating its priorities and concerns.
- I will work to ensure prudent and accountable use of District resources.
- I will make no personal promise or take private action that may compromise my performance or my responsibilities.

**Honor
In Conduct**

- I will tell the truth.
- I will share my views while working for consensus.
- I will respect the majority decision as the decision of the Board.
- I will base my decisions on fact rather than supposition, opinion, or public favor.

**Integrity
Of Character**

- I will refuse to surrender judgment to any individual or group at the expense of the District as a whole.
- I will consistently uphold all applicable laws, rules, policies, and governance procedures.
- I will not disclose information that is confidential by law or that will needlessly harm the District if disclosed.

**Commitment
To Service**

- I will focus my attention on fulfilling the Board's responsibilities of goal setting, policymaking, and evaluation.
- I will diligently prepare for and attend Board meetings.
- I will avoid personal involvement in activities the Board has delegated to the Superintendent.
- I will seek continuing education that will enhance my ability to fulfill my duties effectively.

**Student-Centered
Focus**

- I will be continuously guided by what is best for all students of the District.

Note: For information regarding conflicts of interest and depository contracts, see BDAE.

See also CBB for conflict of interest requirements when federal funds are involved.

Substantial Interest Affidavit

If a local public official has a substantial interest in a business entity or in real property, the official shall file, before a vote or decision on any matter involving the business entity or the real property, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter if:

1. In the case of a substantial interest in a business entity, the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or
2. In the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.

The affidavit must be filed with the official recordkeeper of the district.

Local Gov't Code 171.004(a)–(b)

Abstention
Exception

If a trustee is required to file and does file an affidavit, that trustee shall not be required to abstain from further participation in the matter or matters requiring such an affidavit if a majority of the trustees are likewise required to file and do file affidavits of similar interests on the same official action. *Local Gov't Code 171.004(c)*

Definitions

*Local Public
Official*

“Local public official” means a member of the governing body or another officer, whether elected, appointed, paid, or unpaid, of any district (including a school district), central appraisal district, or other local governmental entity who exercises responsibilities beyond those that are advisory in nature. *Local Gov't Code 171.001(1)*

*Substantial
Interest*

Business Entity

A person has a substantial interest in a business entity if:

1. The person owns:
 - a. Ten percent or more of the voting stock or shares of the business entity, or
 - b. Either ten percent or more or \$15,000 or more of the fair market value of the business entity; or

2. Funds received by the person from the business entity exceed ten percent of the person's gross income for the previous year.

Local Gov't Code 171.002(a)

"Business entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law. *Local Gov't Code 171.001(2)*

Real Property	A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more. <i>Local Gov't Code 171.002(b)</i>
First-Degree Relatives	A local public official is considered to have a substantial interest under Local Government Code 171.002 if a person related in the first degree by consanguinity or affinity, as determined under Government Code Chapter 573 [see DBE], has a substantial interest under that section. <i>Local Gov't Code 171.002(c)</i>
Separate Vote on Budget	The board shall take a separate vote on any budget item specifically dedicated to a contract with a business entity in which a trustee has a substantial interest. Except as provided at Abstention Exception above, the affected trustee may not participate in that separate vote. The trustee may vote on a final budget if the trustee has complied with Local Government Chapter 171 and the matter in which the trustee is concerned has been resolved. <i>Local Gov't Code 171.005</i>
Violations	A local public official commits an offense if the official knowingly: <ol style="list-style-type: none">1. Violates Local Government Code 171.004.2. Acts as surety for a business entity that has work, business, or a contract with the district.3. Acts as surety on any official bond required of a trustee. <i>Local Gov't Code 171.003</i>
Voidable Actions	The finding by a court of a violation of Local Government Code Chapter 171 does not render an action of the board voidable unless the measure that was the subject of an action involving a conflict of interest would not have passed without the vote of the person who violated the chapter. <i>Local Gov't Code 171.006</i>
Private Corporation	It shall be lawful for a local public official to serve as a member of the board of directors of private, nonprofit corporations when such officials receive no compensation or other remuneration from the

nonprofit corporation or other nonprofit entity. *Local Gov't Code 171.009*

Conflicts Disclosure Statement

A local government officer shall file a conflicts disclosure statement with respect to a vendor if the vendor enters into a contract with the district or the district is considering entering into a contract with the vendor; and the vendor:

1. Has an employment or other business relationship with the local government officer or a family member of the officer, and the business relationship results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that:
 - a. A contract between the district and the vendor has been executed; or
 - b. The district is considering entering into a contract with the vendor;
2. Has given to the local government officer or a family member of the officer one or more gifts, and the gift or gifts have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:
 - a. A contract between the district and the vendor has been executed; or
 - b. The district is considering entering into a contract with the vendor; or
3. Has a family relationship with the local government officer.

Gifts—Exception

A local government officer is not required to file a conflicts disclosure statement in relation to a gift accepted by the officer or a family member of the officer if the gift is:

1. A political contribution as defined by Election Code Title 15; or
2. Food accepted as a guest.

Local Gov't Code 176.003(a)–(a-1)

Filing Date

A local government officer shall file the conflicts disclosure statement with the records administrator of the district not later than 5:00 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of the statement. *Local Gov't Code 176.003(b)*

Vendor Questionnaire

A person who is both a local government officer and a vendor of a district is required to file the required vendor questionnaire only if

	<p>the person enters or seeks to enter into a contract with the district or is an agent of a person who enters or seeks to enter into a contract with the district. [See CHE] <i>Local Gov't Code 176.006(e)</i></p>
Definitions	
<i>Agent</i>	<p>“Agent” means a third party who undertakes to transact some business or manage some affair for another person by the authority or on account of the other person. The term includes an employee. <i>Local Gov't Code 176.001(1)</i></p>
<i>Business Relationship</i>	<p>“Business relationship” means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:</p> <ol style="list-style-type: none">1. A transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;2. A transaction conducted at a price and subject to terms available to the public; or3. A purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency. <p><i>Local Gov't Code 176.001(1-a)</i></p>
<i>Contract</i>	<p>“Contract” means a written agreement for the sale or purchase of real property, goods, or services. <i>Local Gov't Code 176.001(1-d)</i></p>
<i>Family Member</i>	<p>“Family member” means a person related to another person within the first degree by consanguinity or affinity, as described by Government Code Chapter 573, Subchapter B. [See DBE] <i>Local Gov't Code 176.001(2)</i></p>
<i>Family Relationship</i>	<p>“Family relationship” means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Government Code Chapter 573, Subchapter B. [See DBE] <i>Local Gov't Code 176.001(2-a)</i></p>
<i>Gift</i>	<p>“Gift” means a benefit offered by a person, including food, lodging, transportation, and entertainment accepted as a guest. The term does not include a benefit offered on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient. <i>Local Gov't Code 176.001(2-b)</i></p>
<i>Investment Income</i>	<p>“Investment income” means dividends, capital gains, or interest income generated from:</p> <ol style="list-style-type: none">1. A personal or business checking or savings account, share draft or share account, or other similar account;

2. A personal or business investment; or
3. A personal or business loan.

Local Gov't Code 176.001(2-d)

*Local
Government
Officer*

“Local government officer” means a member of the board, the superintendent, or an agent of the district who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. *Local Gov't Code 176.001(4)*

*Records
Administrator*

“Records administrator” means the director, superintendent, or other person responsible for maintaining the records of the district or another person designated by the district to maintain statements and questionnaires filed under Local Government Code Chapter 176 and perform related functions. *Local Gov't Code 176.001(5)*

Vendor

“Vendor” means a person who enters or seeks to enter into a contract with a district. The term includes an agent of a vendor. The term includes an officer or employee of a state agency when that individual is acting in a private capacity to enter into a contract. The term does not include a state agency except for Texas Correctional Industries. *Local Gov't Code 176.001(7)*

Duties of Records
Administrator

A records administrator shall:

1. Maintain a list of local government officers of the district and shall make that list available to the public and any vendor who may be required to file a conflict of interest questionnaire under Local Government Code 176.006; and
2. Maintain the statements and questionnaires that are required to be filed under Government Code Chapter 176 in accordance with the district's records retention schedule. [See CPC]

Local Gov't Code 176.0065

Internet Posting

A district that maintains an internet website shall provide access to the statements and to questionnaires required to be filed under Local Government Code Chapter 176 on that website. *Local Gov't Code 176.009*

Violations

A local government officer commits an offense if the officer is required to file a conflicts disclosure statement under Local Government Code 176.003 and knowingly fails to file the required conflicts disclosure statement with the appropriate records administrator not later than 5:00 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of the statement. It is an exception to the application of this provision that the local government officer filed the required conflicts disclosure statement not later than the seventh business day after

the date the officer received notice from the district of the alleged violation.

A board may reprimand, suspend, or terminate the employment of an employee who knowingly fails to comply with a requirement adopted under Local Government Code 176. [See DF series]

Local Gov't Code 176.013(a), (d), (f)

[See CHE for violations by a vendor.]

**Affidavit Disclosing
Interest in Property**

A public servant who has a legal or equitable interest in property that is to be acquired with public funds shall file an affidavit within ten days before the date on which the property is to be acquired by purchase or condemnation.

The affidavit must be filed with the county clerk of the county in which the public servant resides and the county clerk of each county in which the property is located.

The affidavit must:

1. State the name of the public servant and the public servant's office, public title, or job designation;
2. Fully describe the property;
3. Fully describe the nature, type, and amount of interest in the property, including the percentage of ownership interest;
4. State the date when the person acquired an interest in the property;
5. Include a verification as follows: "I swear that the information in this affidavit is personally known by me to be correct and contains the information required by Section 553.002, Government Code"; and
6. Contain an acknowledgment of the same type required for recording a deed in the deed records of the county.

Gov't Code 553.002

Definition

"Public servant" means a person who is elected, appointed, employed, or designated, even if not yet qualified for or having assumed the duties of office, as:

1. A candidate for nomination or election to public office, or
2. An officer of government.

Gov't Code 553.001

Violations

A person commits an offense if the person violates Government Code 553.002 and the person has actual notice of the acquisition or intended acquisition of the legal or equitable interest in the property. A person who violates Government Code 553.002 by not filing the required affidavit is presumed to have the intent to commit an offense. *Gov't Code 553.003*

Trustee Financial Statement

The board by resolution adopted by majority vote may require each member of the board to file the financial statement required of state officers under Government Code Chapter 572, Subchapter B with the board and the Texas Ethics Commission.

Not later than the 15th day after the date a board adopts this resolution, the board shall deliver a certified copy of the resolution to the Texas Ethics Commission. A resolution applies beginning on January 1 of the second year following the year in which the resolution is adopted. A member of a board that has adopted a resolution is not required to include, in a financial disclosure statement, financial activity occurring before January 1 of the year following the year in which the resolution is adopted.

The commissioner by order shall require the members of the board to file the financial statement required of state officers under Government Code Chapter 572, Subchapter B in the same manner as the members of a board that have adopted a resolution if the commissioner determines that:

1. A board member has failed to comply with filing and recusal requirements applicable to the member under Local Government Code Chapter 171;
2. The district financial accounting practices are not adequate to safeguard state and district funds; or
3. The district has not met a standard set by the commissioner in the financial accountability rating system.

The commissioner may require filing financial statements covering not more than three fiscal years and beginning on January 1 of the second year following the date of the commissioner's order. A member of a board subject to an order issued by the commissioner is not required to include, in a financial disclosure statement, financial activity occurring before January 1 of the year following the year in which the order is issued. The commissioner may renew the requirement if the commissioner determines that a condition described above continues to exist.

Government Code Chapter 572, Subchapter B applies to a trustee subject to these provisions as if the trustee were a state officer, and

governs the contents, timeliness of filing, and public inspection of a statement filed under these provisions.

Violations

A trustee serving in a district that has adopted a resolution or that is subject to an order issued by the commissioner commits an offense if the trustee fails to file the statement required by the resolution or order.

Education Code 11.064

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
NEPOTISM

DBE
(LEGAL)

Definition In this policy, the term “appoint” includes appointing, confirming the appointment of, and voting to appoint or confirm the appointment of a person.

Nepotism Prohibited Except as provided by this policy, a public official may not appoint a person to a position that is to be directly or indirectly compensated from public funds or fees of office if:

1. The person is related to the public official by consanguinity (blood) within the third degree or by affinity (marriage) within the second degree [see Consanguinity and Affinity, below]; or
2. The public official holds the appointment or confirmation authority as a member of a local board and the person is related to another member of the board by blood or marriage within a prohibited degree.

Gov’t Code 573.002, .041; Atty. Gen. Op. JC-184 (2000)

Independent Contractor The nepotism law governs the hiring of an individual, whether the employee is hired as an individual or an independent contractor.
Atty. Gen. Op. DM-76 (1992)

Superintendent
Counties with
Population 35,000
or More
In a district located wholly in, or whose largest part is located in, a county with a population of 35,000 or more, if, under the employment policy [see DC], a board delegates to the superintendent the final authority to select district personnel:

1. The superintendent is a public official for purposes of the nepotism prohibitions only with respect to a decision made under that delegation of authority; and
2. Each member of the board remains subject to the nepotism prohibitions with respect to all district employees.

For purposes of this provision, a person hired by a district before September 1, 2007, is considered to have been in continuous employment [see Continuous Employment, below] and is not prohibited from continuing employment with the district subject to the abstinence requirements.

Education Code 11.1513(f)-(h)

Counties with
Population Less
Than 35,000
In a district located wholly in, or whose largest part is located in, a county with a population of less than 35,000, to the extent a board has delegated final hiring authority to a superintendent to select personnel [see DC], the superintendent is a “public official” for purposes of the nepotism laws. *Atty. Gen. Op. GA-123 (2003)* [See BBFB]

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
NEPOTISM

DBE
(LEGAL)

Compensation of Prohibited Employee

A public official may not approve an account or draw or authorize the drawing of a warrant or order to pay the compensation of an ineligible person if the official knows the person is ineligible. *Gov't Code 573.083*

Consanguinity

Two persons are related to each other by consanguinity (blood) if one is a descendant of the other or if they share a common ancestor. An adopted child is considered to be a child of the adoptive parents for this purpose. *Gov't Code 573.022*

An individual's relatives within the third degree by consanguinity are the individual's:

1. Parent or child (first degree);
2. Brother, sister, grandparent, or grandchild (second degree); and
3. Great-grandparent, great-grandchild, aunt or uncle (who is a sibling of a parent of the person), nephew or niece (who is a child of a brother or sister of the person) (third degree).

Gov't Code 573.023(c)

Half-Blood
Relatives

There is no distinction under the nepotism statute between half-blood and full-blood relations. Thus, half-blood relationships fall within the same degree as those of the full blood. *Atty. Gen. Op. LO-90-30 (1990)*

Affinity

Two persons are related to each other by affinity (marriage) if they are married to each other or if the spouse of one of the persons is related by consanguinity to the other person.

The ending of a marriage by divorce or the death of a spouse ends relationships by affinity created by that marriage unless a child of the marriage is living, in which case the marriage is considered to continue as long as a child of that marriage lives. This provision applies to a school board member or officer of a school district only until the youngest child of the marriage reaches the age of 21 years.

Gov't Code 573.024

A husband and wife are related to each other in the first degree by affinity. For other relationships, the degree of affinity is the same as the degree of the underlying relationship by consanguinity. For example, if two persons are related to each other in the second degree by consanguinity, the spouse of one of the persons is related to the other person in the second degree by affinity.

A person's relatives within the second degree by affinity are:

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
NEPOTISM

DBE
(LEGAL)

1. The person's spouse;
2. Anyone related by consanguinity to the person's spouse within the first or second degree; and
3. The spouse of anyone related to the person by consanguinity within the first or second degree.

Gov't Code 573.025

**Effect of Board
Member Resignation**

All public officers shall continue to perform the duties of their offices until their successors shall be duly qualified, i.e., sworn in. Until the vacancy created by a board member's resignation is filled by a successor, the board member continues to serve and have the duties and powers of office, and a relative within a prohibited degree of relationship is barred from employment. *Tex. Const., Art. XVI, Sec. 17; Atty. Gen. Ops. JM-636 (1987), DM-2 (1991), O-6259 (1945)*

Exceptions

Continuous
Employment
("Grandfather
Clause")

The nepotism prohibitions do not apply to the appointment of a person to a position if the person is employed in the position immediately before the election or appointment of the public official to whom the person is related in a prohibited degree and that prior employment is continuous for at least:

1. Thirty days, if the public official is appointed; or
2. Six months, if the public official is elected.

Gov't Code 573.062(a)

Retirees

A teacher who has retired from a full-time, certified teacher position has broken his or her employment with a district and does not qualify for the continuous-employment exception to the nepotism laws. *Atty. Gen. Op. JC-442 (2001)*

For purposes of calculating the appropriate date for the applicability of the continuous-employment exception, a superintendent with final authority to select personnel is an appointed public official. *Atty. Gen. Op. GA-177 (2004)*

Abstention

If an employee continues in a position under this exception, the public official to whom the employee is related in a prohibited degree may not participate in any deliberation or voting on the appointment, reappointment, employment, reemployment, change in status, compensation, or dismissal of the employee, if the action applies only to the employee and is not taken regarding a bona fide class or category of employees. *Gov't Code 573.062(b)*

A "change in status" includes a reassignment within an organization, whether or not a change in salary level accompanies the reassignment. *Atty. Gen. Op. JC-193 (2000)*

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
NEPOTISM

DBE
(LEGAL)

For an action to be “taken with respect to a bona fide category of employees,” the officeholder’s action must be based on objective criteria, which do not allow for the preference or discretion of the officeholder. *Atty. Gen. Op. DM-46 (1991)*

Substitute Teacher The nepotism prohibitions do not apply to appointment or employment of a substitute teacher. *Gov’t Code 573.061*

Bus Driver The nepotism prohibitions do not apply to an appointment or employment of a bus driver if:

1. The district is located wholly in a county with a population of less than 35,000;
2. The district is located in more than one county and the county in which the largest part of the district is located has a population of less than 35,000; or
3. The board approves the appointment or employment.

Gov’t Code 573.061(4)

Trading A public official may not appoint a person to a position in which the person’s services are under the public official’s direction or control and that is to be compensated directly or indirectly from public funds or fees of office if:

1. The person is related to another public official within the prohibited degree; and
2. The appointment would be carried out in whole or in partial consideration for the other public official’s appointing a person who is related to the first public official within a prohibited degree.

Gov’t Code 573.044

Federal Funds The rules against nepotism apply to employees paid with public funds, regardless of the source of those funds. Thus, the rules apply in the case of a teacher paid with funds from a federal grant. *Atty. Gen. L.A. No. 80 (1974)*

Penalties An individual who violates the nepotism prohibitions shall be removed from his or her position. *Gov’t Code 573.081, .082*

An individual who violates Government Code 573.041 [see Nepotism Prohibited], 573.062(b) [see Continuous Employment and Abstinence], or 573.083 [see Compensation of Prohibited Employee] commits an offense involving official misconduct. *Gov’t Code 573.084*