
(a) Purpose. The State Board of Education (SBOE) may accept a gift and/or grant for the limited purpose of expenses associated with evaluating an applicant for an open-enrollment charter school.

(1) An entity making a gift and/or grant under this section may not:

   (A) limit the use of the funds to any individual applicant, cycle or class of applicants;

   (B) be a charter operator in this or any other state, a management company, service provider or vendor of any kind to charter schools in this or any other state;

   (C) have common board members or corporate members with any entity operating a charter in Texas or applying to operate a charter in Texas;

   (D) be an individual required to register as a lobbyist under Chapter 305, Government Code; or

   (E) be an employee, attorney, contractor or other agent of any kind to charter schools in this or any other state.

(2) An entity making a gift and/or grant under this section may not do so if the source of funds used for the gift and/or grant were received from an entity that could not make a gift and/or grant under this section.

(3) For purposes of this section, a spouse or dependent child of an individual prohibited from making a gift and/or grant is also prohibited.

(4) For purposes of this section, an entity includes any legal entity such as corporations, individuals and other business associations. An individual is limited to a natural person.

(5) An entity making a gift and/or grant shall certify that it has complied with all requirements of this section in a format approved by the board chair.

(b) Procedure. The SBOE may accept a gift and/or grant under this section only by an affirmative vote of the board.

(1) A charter may not be evaluated using funds under this section unless the commissioner has:

   (A) proposed to award a charter to that applicant pursuant to Section 12.101(b); or

   (B) requested the participation of individual board members in the agency’s preliminary evaluation of an applicant.

(2) The commissioner shall receive, disburse and account for funds accepted by the board.
(3) Funds accepted under this section may be used solely to pay reasonable travel expenses, including meals and accommodations, for SBOE members and TEA staff as necessary to evaluate applicants for open-enrollment under this section. Unless approved by the board chair and the commissioner, travel expenses are limited to those available for travel by SBOE members or state employees.

(4) In making decisions under this section, the board chair will consult with the board member acting as a liaison under Section 12.101(b). The board chair will also consult with the chair of the Committee on School Initiatives, unless doing so would create a quorum of a committee of the board. A decision by the board chair under this section is final.

(5) Board members evaluating a charter applicant under this section shall be selected by the board chair. The board chair will, to the extent possible, give preference to board members whose districts include proposed locations at which the charter would operate. Under no circumstances will a quorum of the board or a committee of the board participate in an evaluation under this section.

(6) The board chair may request that relevant TEA employees accompany board members in evaluating charter applicants under this section. The commissioner must approve participation of agency employees.

(7) Except as provided by this subsection, board members and TEA staff may not accept anything of value from an applicant and shall limit contact with the applicant and its employees and representatives to the actual investigation of the charter. The board chair may authorize acceptance of reasonable local transportation and meals from the applicant as necessary to facilitate the evaluation.

(8) In addition to board members and TEA staff, the board chair may authorize other professionals to participate in an evaluation under this section. Such a professional may not be an individual or entity unable to donate funds under subsection (a) and is subject to all conditions and limits imposed by this section on board members.

(c) Evaluation. Each board member will individually report to the Committee on School Initiatives regarding his/her evaluation of a proposed charter prior to consideration of the charter by the board under Section 12.101(b-0). The Committee on School Initiatives will develop a standard form for use by board members in evaluating a charter under this section.

(d) Reporting. Expenses reimbursed for each board member, TEA staff or other professionals shall be made publicly available and reported as appropriate on a board member’s personal financial statement.