Sec. 1. SCOPE OF POLICY

The requirements in this policy shall apply to:

a. The members of the governing body of Midland Academy Charter and Midland Academy Charter;
b. The employees and agents of Midland Academy Charter and Midland Academy Charter; and
c. Any management company under contract with Midland Academy Charter or Midland Academy Charter.

19 TAC § 100.1049(a).

Sec. 2. DEFINITIONS

a) ***"Person, corporation, or other legal entity"***

This term includes:

a. Any individual who would have a substantial interest in the person, corporation, or other legal entity as that term is defined in Texas Government Code § 572.005(1)-(6);
b. An attorney, representative, registered lobbyist, employee, or other agent who receives payment for representing the interests of the person, firm, or corporation before the school board or its members, or whose duties are directly related to the contract, grant, or charter; or
c. An individual related within the first degree by affinity or consanguinity, as determined under Chapter 573, Government Code, to the person covered by item 2(a) above.

b) ***"Contract, grant, or charter"***

This term means any application to enter into a contractual relationship with or otherwise receive funding from the State Board of Education, including without limitation contracts for investment advisors, consultants, or investment managers for the Permanent School Fund and applicants for charters to operate open-enrollment charter schools.

c) ***"Campaign contribution"***

This term means a contribution to a candidate or political committee that is offered or given with the intent that it be used in connection with a campaign for elective office or on a measure. Whether a contribution is made before, during, or after an election does not affect its status as a campaign contribution.

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d) ***"Benefit"***

This term means anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare the beneficiary has a direct and substantial interest.

e) ***"Candidate for or a member of the State Board of Education"***

This term includes a person related within the first degree of affinity or consanguinity, as determined under Chapter 573, Government Code, to a candidate for or a member of the State Board of Education.

f) ***"Political advertising"***

This term means a communication supporting or opposing a candidate for nomination or election to a public office or office of a political party, a political party, a public officer, or a measure that:

1. In return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television; or
2. Appears (i) in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication, or (ii) on an Internet website.

State Board of Education Operating Rule § 4.3.

Sec. 3. REQUIRED DISCLOSURES

a) ***Disclosing Campaign Contributions***

Any person, corporation, or other legal entity associated with Midland Academy Charter which proposes to enter into a contract with or applies for a grant, contract, or charter which may be granted by the State Board of Education shall disclose whether, at any time in the preceding four years, the person, corporation, or other legal entity has made a campaign contribution to a candidate for or member of the State Board of Education. This disclosure shall be made in writing to the Commissioner of Education at least 14 days prior to consideration by the applicable board or committee of a contract, grant, or charter.

b) ***Disclosing Gifts***

A person, corporation, or other legal entity associated with Midland Academy Charter which proposes to enter into a contract with or applies for a grant, contract, or charter which may be granted by the State Board of Education shall disclose in the same manner any benefit conferred on a candidate for or member of the State Board of Education during the preceding four years. A benefit need not be disclosed if the aggregate value of benefits conferred on a candidate for or a

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member of the State Board of Education during the preceding four years does not exceed $250, or a different limit set by Texas Government Code § 572.023(b)(7). This requirement applies whether or not the person, corporation, or other legal entity is required to report the expenditure to the Texas Ethics Commission.

For purposes of this section, a benefit is not conferred if the candidate for or a member of the State Board of Education has paid for the member's own participation, as well as any participation by other persons for the direct benefit of any business in which the member has a substantial interest as defined under Texas Government Code § 572.005 (1) - (7).

c) ***Continued Duty of Reporting***

A person, corporation, or other legal entity has a continuing duty to report contributions or expenditures made through the term of a contract, grant, or charter and shall, within 21 calendar days, notify the Commissioner of Education and Midland Academy Charter board chair upon making a contribution or expenditure covered by this policy.

State Board of Education Operating Rule § 4.3.

Sec. 4. PROHIBITION OF POLITICAL ADVERTISING

Midland Academy Charter prohibits the expenditure by the charter holder, charter school, or its management company (if any) for any political advertising as defined above, and as interpreted by the advisory opinions of the Texas Ethics Commission. *19 TAC § 100.1049(c)*.

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