



TEXAS HOUSE of REPRESENTATIVES

COMMITTEE ON PUBLIC EDUCATION

October 1, 2025

The Honorable Ken Paxton
Attorney General of Texas
Attention: Opinion Committee
P.O. Box 12548
Austin, Texas 78711-2548
Email: opinion.committee@oag.texas.gov

Re: Request for Attorney General Opinion—Whether a School District Trustee Must Resign Upon Announcing Candidacy for Justice of the Peace; Related Compatibility Issues

Dear General Paxton:

Pursuant to Texas Government Code § 402.042, the House Committee on Public Education requests your opinion on the following legal questions affecting the public interest and relevant to the duties of local officials within our Committee’s jurisdiction.

Background (abbreviated). A trustee of an Independent School District intends to announce and file for Justice of the Peace. The trustee’s current term ends in November of 2028. Because justices of the peace may serve as truancy courts under Family Code Chapter 65, questions have arisen whether the trustee must resign upon announcement and whether the two offices are compatible if the trustee is elected.

Questions Presented.

1. Resign-to-Run. Does Article XVI, § 65 of the Texas Constitution—the “automatic resignation” or “resign-to-run” provision—apply to a school district trustee who announces candidacy for justice of the peace, such that the trustee automatically resigns upon announcement or becoming a candidate when more than one year and 30 days remain in the trustee’s term?
2. Other sources of automatic resignation. If § 65 does not apply, does any other constitutional, statutory, or common-law doctrine (including the Texas Code of Judicial Conduct, Article XVI, § 40, or common-law incompatibility) require a school trustee to resign upon announcing or becoming a candidate for justice of the peace?
3. Compatibility if elected. If the trustee is elected JP, may the individual hold both offices simultaneously, in light of the truancy-court function of justice courts and the common-law doctrine of incompatibility?

Brad Buckley, Chair • Diego M. Bernal, Vice-Chair

*Alma A. Allen • Trent Ashby • John Bryant • Charles Cunningham • Harold V. Dutton, Jr., James B. Frank
Gina Hinojosa • Todd Hunter • Helen Kerwin • Jeff Leach • Terri Leo Wilson • Alan Schoolcraft • James Talarico*



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We appreciate the Committee's questions being docketed and would welcome expedited consideration in light of approaching candidate-filing timelines.

Respectfully,

A handwritten signature in black ink that reads "Brad Buckley". The signature is fluid and cursive, with the first name "Brad" and last name "Buckley" clearly distinguishable.

Dr. Brad Buckley
Chair, House Committee on Public Education
Texas Legislature

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