Q. What is prohibited?

A. Texas Government Code section 2271.002 prohibits a governmental entity, including a school district, from entering into a contract for goods or services with a company unless the contract contains a written verification from the company that it does not boycott Israel and will not boycott Israel during the term of the contract.

Q. What is a company?

A. Company means a for-profit organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations that exists to make a profit. The term does not include a sole proprietorship. Tex. Gov’t Code §§ 808.001, 2271.001(2).

Q. Does this apply to all contracts?

A. No, the requirements apply only to a contract that (1) is between a district and a company with 10 or more full-time employees, and (2) has a value of $100,000 or more that is to be paid wholly or partly from public funds of the district.

Q. What is a written verification? Must it be notarized?

A. When a Texas statute or rule requires a verification, an unsworn declaration may be used to comply with the requirement. An unsworn declaration need not be notarized, but it must be in writing and signed by the person making the declaration as true under penalty of perjury. Tex. Civ. Prac. & Rem. Code § 132.001.

Q. Must the verification be a separate addendum or may it be a provision in the contract?

A. School district contracts for goods and services should always be reviewed by the school district’s attorney before execution. The school district’s attorney will determine how best to comply with the requirement under particular circumstances. That said, unless the entire
contract is signed under penalty of perjury, as required by an unsworn declaration, a
provision within a contract may not satisfy the requirement that the contract contain a
written verification.

**Q. What does Boycott Israel mean?**

**A. Boycott Israel** means refusing to deal with, terminating business activities with, or
otherwise taking any action that is intended to penalize, inflict economic harm on, or limit
commercial relations specifically with Israel, or with a person or entity doing business in
Israel or in an Israeli-controlled territory, but does not include an action made for ordinary
business purposes. Tex. Gov’t Code §§ 808.001, 2271.001(1).

**Q. If the district purchases goods or services through a purchasing cooperative, will the
coopera tive require the verification? If so, does this satisfy the law?**

**A.** This will depend on the purchasing cooperative. The law states that a governmental entity
may not enter into a contract with a company for goods or services unless the contract
contains a written verification from the company. After the district selects a vendor from a
cooperative, the law applies to the contract between the district and the vendor. If the
cooperative requires vendors to complete the verification, and the verification then
becomes part of the contract between the district and the vendor, the district complies with
these requirements.