

Chapter 53. Regional Education Service Centers

Subchapter AA. Commissioner's Rules

§53.1001. Board of Directors.

- (a) Term of office.
- (1) A member of a regional education service center (RESC) board of directors shall be elected for a three-year term. The term of office shall begin June 1.
 - (2) If a vacancy occurs due to death or resignation of a member of an RESC board of directors, a 30-day period shall elapse, after notice has been given to the board chair, before the vacancy is filled.
 - (3) At the beginning of the 30-day period, notice of any vacancy shall be given to the president of the board of trustees and the superintendent of each school district in the education service center region and shall be posted in appropriate locations.
 - (4) A vacancy for the unexpired term of a member of an RESC board of directors shall be filled by appointment by the remaining board members.
- (b) Election procedures.
- (1) A member of an RESC board of directors must be a United States citizen, at least 18 years of age, and a resident of that education service center region. He or she may not be engaged professionally in prekindergarten-Grade 12 education or be a member of a board of any educational agency or institution other than the State Board of Education. The eligibility of an RESC board member under this subsection is determined by the requirements specified in this subsection as they existed on the date the RESC board member was elected or appointed to office.
 - (2) A member of an RESC board of directors shall be elected by the boards of trustees of the school districts in that education service center region.
 - (3) Any eligible person wishing to seek election to an RESC board of directors shall file at the headquarters of that RESC in person or by certified mail between February 1 and February 20. No filing fee shall be required. Each RESC board of directors shall adopt policies concerning filing procedures.
 - (4) By February 1, notice of the time and place for filing shall be posted in appropriate locations and submitted to appropriate newspapers in the education service center region for publication and to the superintendent of each school district in the education service center region.
 - (5) A ballot shall be developed and submitted to the board of trustees of each school district in the education service center region by March 1. Placement on the ballot shall be determined by drawing. Each member of the board of trustees of each school district in the education service center region shall have one vote for each vacancy on the RESC board of directors. Completed ballots shall be returned to the chair of the RESC board of directors by April 5. The RESC board of directors shall canvass the ballots at its next regularly scheduled or special meeting, but not later than May 31, and determine the winner by a plurality of the votes cast. In the event of a tie, the names of the candidates who have tied shall be resubmitted to the board of trustees of each school district in the education service center region.
 - (6) The provisions described in subsection (b)(2) and (5) of this section do not apply if all positions in the election are uncontested. In the event of an uncontested election, the RESC board of directors may determine that no election will be held. The RESC board of directors must make this determination prior to March 1. If, due to an uncontested election, the RESC board of directors determines that an election should not be held, the RESC board shall declare the unopposed candidates elected to office. The RESC executive director shall notify the commissioner of education of the results of an election, whether contested or uncontested.

Statutory Authority: The provisions of this §53.1001 issued under Texas Education Code, §8.003.

Source: The provisions of this §53.1001 adopted to be effective September 1, 1998, 23 TexReg 5964; amended to be effective December 26, 1999, 24 TexReg 11324; amended to be effective April 9, 2017, 42 TexReg 1757; amended to be effective July 2, 2019, 44 TexReg 3264.

§53.1002. Charter School Representation on Board of Directors.

- (a) Charter school member. Notwithstanding the provisions of §53.1001 of this title (relating to Board of Directors), where a regional education service center (RESC) has at least one open-enrollment charter school, as defined by §100.1011(3) of this title (relating to Definitions), approved to operate within its boundaries on or after June 1, the commissioner of education shall appoint a representative of the open-enrollment charter schools in the region to serve as a non-voting member of the board of directors of that RESC as provided by this section.
- (b) Term of office.
- (1) A charter school member of an RESC board of directors shall be appointed for a one-year term. The term of office shall begin June 1, and may be extended for up to three years by the commissioner.
 - (2) If a vacancy occurs due to death or resignation of a charter school member of an RESC board of directors, a 30-day period shall elapse, after notice has been given to the board chair, before the vacancy is filled.
 - (3) At the beginning of the 30-day period, notice of any vacancy shall be given to the president of the governing body and the chief executive officer of each open-enrollment charter school in the education service center region and shall be posted in appropriate locations.
 - (4) A vacancy for the unexpired term of a charter school member of an RESC board of directors shall be filled by appointment by the commissioner of education.
- (c) Appointment process.
- (1) A charter school member of an RESC board of directors must be a United States citizen and a resident of the State of Texas, and must be at least 18 years of age. A person may be appointed to serve as a charter school member of more than one RESC board of directors.
 - (2) Any eligible person wishing to seek appointment as a charter school member of an RESC board of directors shall file an application between February 1 and February 20. The application shall be in the form of a letter seeking appointment to a specific RESC board of directors. The letter must:
 - (A) include a description of the applicant's qualifications to serve as a charter member of the RESC board of directors;
 - (B) enclose letters of support signed by representatives from at least one open-enrollment charter school in the education service center region; and
 - (C) supply contact information for the persons signing the letters of support.
 - (3) The application for appointment as a charter school member of an RESC board of directors may be filed by mail if sent by certified United States mail, return receipt requested, or by an overnight courier service. The envelope must be addressed to the Charter School Division, Texas Education Agency, 1701 N. Congress Avenue, Austin, Texas 78701-1494.
 - (4) Not later than May 31, the commissioner of education shall notify the board of directors of each qualifying RESC of the commissioner's appointee to serve as the charter school member of that RESC board of directors effective June 1.
- (d) No applicant appointed. If the commissioner does not select a representative from among the applicants under subsection (c) of this section, or if no applicant applies for such appointment, then there shall be a vacancy which shall be filled by appointment by the commissioner of education.

Statutory Authority: The provisions of this §53.1002 issued under Texas Education Code, §12.104.

Source: The provisions of this §53.1002 adopted to be effective July 8, 2002, 27 TexReg 6025; amended to be effective October 23, 2003, 28 TexReg 9074.

§53.1010. Application of Disclosure of Interested Parties.

- (a) Regional education service centers (RESCs) shall operate in accordance with Texas Government Code, §2252.908, when contracting with a business entity as defined by Texas Government Code, §2252.908, and any appropriate rules.
- (b) RESCs shall operate as exempt from the application of Texas Government Code, §2252.908(d), when contracting with the Texas Education Agency or other governmental entities, including school districts.

Statutory Authority: The provisions of this §53.1010 issued under Texas Education Code, §§8.001-8.011 and Chapter 8, Subchapters B-D, and Texas Government Code, §2252.908.

Source: The provisions of this §53.1010 adopted to be effective January 31, 2019, 44 TexReg 416.

§53.1021. Regional Education Service Center Performance Standards and Indicators.

- (a) In accordance with the Texas Education Code, §8.101, the commissioner of education shall establish performance standards and indicators for regional education service centers to be used in the annual evaluation of each regional education service center and executive director.
- (b) The specific performance standards and indicators by which the commissioner shall evaluate each regional education service center and executive director are described in the Regional Education Service Center Performance Standards and Indicators Manual provided in this subsection.

[Figure: 19 TAC §53.1021\(b\)](#)

- (c) The specific criteria used in the Regional Education Service Center Performance Standards and Indicators Manual are established by the commissioner and communicated to all regional education service centers and executive directors.

Statutory Authority: The provisions of this §53.1021 issued under Texas Education Code, §8.101.

Source: The provisions of this §53.1021 adopted to be effective April 3, 2014, 39 TexReg 2283.