



January 27, 2025

TO: Region 17 Superintendent Addressed

SUBJECT: Election of Members to the Board of Directors, Education Service Center, Places 3 and 6

In accordance with ESC 17 Board Policies, notice is hereby given to the superintendents in the region that the 2025 election for the ESC 17 Board of Directors has been called. Places 3 and 6 are up for re-election this year. Board members are elected for a three-year term.

Accompanying this memo are copies of the following:

- ESC 17 Board Policies BBA(LEGAL) and BBA(LOCAL)
- ESC 17 Board Policies BBB(LEGAL) and BBB(LOCAL)
- 2025 Election Order

The time and place of the election are contained in the election order.

Any questions regarding election procedures may be directed to my office.

Sincerely,

A handwritten signature in black ink, appearing to read "Kyle Wargo", written over a light-colored background.

Kyle Wargo
Executive Director

KW/aw

Enclosures

BOARD MEMBERS
ELIGIBILITY/QUALIFICATIONS

BBA
(LEGAL)

**General
Qualifications**

To hold the office of member of an ESC board of directors, one must:

1. Be a U.S. citizen.
2. Be at least 18 years of age.
3. Be a resident of that ESC region.

To hold the office of board member, one may not:

1. Be engaged professionally in prekindergarten–grade 12 education.
2. Be a member of a board of any educational agency or institution other than the State Board of Education.

The eligibility of a board member is determined by the requirements specified in 19 Administrative Code 53.1001(b)(1) as they existed on the date the board member was elected or appointed to office.

19 TAC 53.1001

**Charter School
Member**

A charter school member of an ESC board of directors must be a U.S. citizen, a resident of the state of Texas, and at least 18 years old. A person may be appointed to serve as a charter school member of more than one ESC board of directors. [See BBB] *19 TAC 53.1002(c)(1)*

Residence Defined

“Residence,” although its meaning may vary according to context, generally requires both physical presence and an intention to remain. *Martinez v. Bynum*, 461 U.S. 321 (1983); see also *Prince v. Inman*, 280 S.W.2d 779 (1955)

Board members shall be elected at large by position.

It is the intent of the Board in adopting this policy to encourage a broad-based representation on the Board from across Region 17 and, at the same time, to discourage the overrepresentation on the Board from a single school district.

In applying this policy, it is the Board's intent that, in any given election, all candidates residing in the same geographical boundaries of the same school district (hereinafter "same geographical boundaries") run for the same position and/or run against an incumbent Board member residing in the same geographical boundaries.

Therefore, the following restrictions apply to the election of Board members:

1. No more than two Board members may serve on the ESC Board who reside in the same geographical boundaries; and
2. In circumstances wherein more candidates in an election file to run for a place than are permitted to serve under the restriction set forth above, the candidates residing in those geographical boundaries shall all be required to run for the same position(s).

The determination of position(s) in which those candidates shall be required to run shall be as follows:

1. If there are two Board members residing in the same geographical boundaries serving on the Board and their positions are not up for election, then any candidate who resides in the same geographical boundaries as those two Board members shall be disqualified to run.
2. If an incumbent Board member whose position is up for election resides in the same geographical boundaries as any candidate who has filed for a position, then any and all candidates residing in those same geographical boundaries as the incumbent Board member shall be required to run for the position that the incumbent Board member occupies. An incumbent Board member may not sign up to run for a different position than the one he or she holds.
3. If multiple candidates from the same geographical boundaries file for a position and no incumbent Board member resides in the same geographical boundaries as those candidates, all the candidates must run for the same position. Such position shall be determined by a drawing at the central office of the ESC.

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4. If there are two incumbent Board members residing in the same geographical boundaries serving on the Board and only one of the incumbents' positions is up for election, then all candidates residing in the same geographical boundaries must run for that same position as the incumbent Board member who resides within their geographical boundaries.
 5. If there are fewer than two Board members residing in the same geographical boundaries serving on the Board, but multiple candidates file to run who reside in the same geographical boundaries as an incumbent Board member, then all the candidates who reside in the same geographical boundaries shall be required to run for the same position(s).
 6. Should an incumbent Board member at any time after being elected to a position move his or her residence into another school district in which two incumbent Board members already reside, that Board member shall be disqualified from serving on the Board as of the last date of his or her then-current term, unless one of the two incumbent Board members who reside in the same geographical boundaries voluntarily resigns his or her position prior to that date.

Membership	<p>An ESC board is composed of seven members elected by the boards of trustees of the school districts in the ESC region. <i>Education Code 8.003(a); 19 TAC 53.1001(b)</i></p> <p>The commissioner shall adopt rules to provide for the local selection, appointment, and continuity of membership of ESC boards of directors. <i>Education Code 8.003(b)</i></p>
Charter School Member	<p>The commissioner shall adopt rules that provide for the representation of open-enrollment charter schools on ESC boards of directors. <i>Education Code 12.104</i></p> <p>Notwithstanding 19 Administrative Code 53.1001, where an ESC region has at least one open-enrollment charter school, as defined by 19 Administrative Code 100.1011(3), approved to operate within its boundaries on or after June 1, the commissioner shall appoint a representative of the open-enrollment charter schools in the region to serve as a non-voting member of the boards of directors of the ESC. <i>19 TAC 53.1002(a)</i></p> <p>Not later than May 31, the commissioner shall notify the board of each qualifying ESC of the commissioner's appointee to serve as the charter school member of that ESC boards of directors effective June 1. <i>19 TAC 53.1002(c)(4)</i></p>
<i>Appointment Process for Charter School Member</i>	<p>Any eligible person wishing to seek appointment as a charter school member of an ESC board 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 ESC board. The letter must:</p> <ol style="list-style-type: none">1. Include a description of the applicant's qualifications to serve as a charter member of the ESC board;2. Enclose letters of support signed by representatives from at least one open-enrollment charter school in the ESC region; and3. Supply contact information for the persons signing the letters of support. <p>The application for appointment as a charter school member of the ESC board 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, TX 78701-1494.</p> <p>If the commissioner does not select a representative from among the applicants, or if no applicant applies for such appointment, then</p>

	there shall be a vacancy, which shall be filled by appointment by the commissioner. <i>19 TAC 53.1002(c), (d); 19 TAC 100.1011(3)</i>
Term	A board member elected by a school district in the ESC shall serve a three-year term, which begins on June 1. <i>19 TAC 53.1001(a)(1)</i>
Elected Board Member from a School District	
Charter School Member	A charter school member of an ESC 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. <i>19 TAC 53.1002(b)</i>
Election Procedures	Election of board members is accomplished as follows.
Notice of Time and Place for Filing	By February 1, notice of the time and place for filing shall be posted in appropriate locations and submitted to appropriate newspapers in the ESC region for publication and to the superintendent of each school district in the ESC region.
Filing Requirements	Any eligible person [see BBA] wishing to seek election to an ESC board must file in accordance with policies adopted by the board.
<i>Place, Time, and Manner of Filing</i>	The eligible person shall file at the headquarters of the ESC region in person or by certified mail between February 1 and February 20. Each boards of directors shall adopt policies concerning filing procedures.
<i>No Filing Fee</i>	No filing fee shall be required.
Ballot Preparation and Distribution	A ballot must be developed and submitted to the board of trustees of each school district in the ESC region by March 1. Placement on the ballot shall be determined by drawing.
Voting	Each member of the board of trustees of each school district in the ESC region shall have one vote for each vacancy on the ESC boards of directors. Completed ballots shall be returned to the Chair of the ESC boards of directors by April 5.
Canvass Returns, Determine Results	The ESC boards 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.
<i>Tie Votes</i>	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 ESC region.
Report Results	The executive director shall notify the commissioner of the results of an election, whether contested or uncontested.

BOARD MEMBERS
ELECTION AND APPOINTMENT

BBB
(LEGAL)

Uncontested Elections	<p>In the event all positions in the election are uncontested, the ESC boards of directors may determine that no election will be held. The board must make this determination prior to March 1. If, due to an uncontested election, the board determines that an election should not be held, the board shall declare the unopposed candidates elected to office.</p> <p><i>19 TAC 53.1001(b)</i></p>
Vacancy	<p>A vacancy on the ESC board shall be filled by appointment by the remaining members of the board for the unexpired term. <i>Education Code 8.003(c); 19 TAC 53.1001(a)(4)</i></p>
30-Day Period and Notice	<p>If a vacancy occurs due to death or resignation of a member of the board, a 30-day period shall elapse after notice has been given to the board chair, before the vacancy is filled.</p> <p>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 ESC region and shall be posted in appropriate locations.</p> <p><i>19 TAC 53.1001(a)</i></p>
Vacancy for Charter School Member	<p>If a vacancy occurs due to death or resignation of a charter school member of the ESC board, a 30-day period shall elapse, after notice has been given to the board chair, before the vacancy is filled.</p> <p>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 ESC region and shall be posted in appropriate locations.</p> <p>A vacancy for the unexpired term of a charter school member of the ESC board shall be filled by appointment by the commissioner.</p> <p><i>19 TAC 53.1002(b)</i></p>
Officer's Statement	<p>All elected and appointed board members, before taking the oath or affirmation of office and entering upon the duties of office, shall sign the required officer's statement. The statement shall be retained with the official records of the office. <i>Tex. Const. Art. XVI, Sec. 1(b), (c)</i></p>
Oath of Office	<p>All elected and appointed board members, before they enter upon the duties of the office, shall take the official oath or affirmation of office. <i>Tex. Const. Art. XVI, Sec. 1(a)</i></p>

Note: For a comprehensive list of individuals who may administer an oath of office, see Gov't Code 602.002.

The oath may be administered and a certificate of the fact given by the individuals listed at Government Code 602.002, including:

1. A judge, retired judge, or clerk of a municipal court.
2. A judge, retired judge, senior judge, clerk, or commissioner of a court of record.
3. A justice of the peace, retired justice of the peace, or clerk of a justice court.
4. A notary public.

Gov't Code 602.002

Holdover Doctrine

All public officers shall continue to perform the duties of their offices until their successors shall be duly qualified, i.e., sworn in. Until the vacancy created by a board member's resignation is filled by a successor, the board member continues to serve and have the duties and powers of office, except that a board member may not vote on the appointment of the board member's successor. [See DBE] *Tex. Const., Art. XVI, Sec. 17; Atty. Gen. Ops. JM-636 (1987), DM-2 (1991), O-6259 (1945)*

Note: For restrictions regarding Political Advertising, see EE.

**Board of Directors
Elections**

Members of the Board are elected on an at-large basis. Members are elected by all member school districts and serve staggered terms. Following the filing deadline [see BBB(LEGAL)], ballots shall be developed and distributed to the boards of trustees of the school districts in the region. Placement on the ballot shall be determined by drawing.

Ballots shall then be developed and distributed to the boards of trustees of the school districts in the region.

The Board shall canvass the ballots, and the candidates receiving the greatest number of votes shall be declared elected.

The term of newly elected Board members shall be in accordance with BBB(LEGAL). Unless administered sooner after the canvass of the ballots, each newly elected Board member shall be administered the oath of office at the first Board meeting occurring after June 1. A Board member shall retain the position until a successor has been duly elected and has been administered the oath of office. [See BBB(LEGAL)]

Vacancy

The resignation of a member of the Board shall be effective when accepted by the Board. The vacancy created shall be filled by appointment for the remainder of the unexpired term. Any person appointed to fill a vacancy must meet the general qualification requirements. [See BBA(LEGAL)]

**ORDER OF ELECTION FOR
REGION 17 (ESC 17) EDUCATION SERVICE CENTER BOARD OF DIRECTORS**

ESC 17 will conduct an election of its Board of Directors for Places 3 and 6. Members of the Board of Directors shall be elected on an at-large basis in accordance with ESC 17 Board policy BBA(LOCAL), for three-year terms.

The Election of the Board of Directors shall be conducted in the following manner:

- By February 1, 2025, notice of time and place for filing shall be posted in appropriate locations and submitted to the Lubbock Avalanche-Journal for publication and to the superintendent of each school district in Region 17.
- Any eligible person wishing to seek election to an ESC Board must file in accordance with policies adopted by the Board and with the rules set forth by the Commissioner of Education.
- The eligible person shall file by submitting an "Application for Place on Ballot" form and a current resume at the headquarters of ESC 17, located at 1111 West Loop 289, Lubbock, Texas, in person or by certified mail between February 1 and February 20, 2025. Filers wanting to file their applications in person are hereby notified that the ESC 17 normal business hours are from 8:00 a.m. to 5:00 p.m. Monday through Thursday and from 8:00 a.m. to 4:00 p.m. on Fridays.
- No filing fee shall be required.
- A ballot must be developed and submitted to the board of trustees of each school district in Region 17 by March 1, 2025. Placement on the ballot shall be determined by drawing.
- Each member of the board of trustees of each school district in Region 17 shall have one vote for each vacancy on the ESC 17 Board of Directors.
- School trustees must be present at the meeting in which ballots are cast.
- Completed ballots are due by April 5, 2025.
- In order for the ballot to be counted, each completed ballot shall be returned to the Chair of the ESC 17 Board of Directors by the due date.
- The ESC 17 Chairman of the Board shall appoint a committee of board members not running for election to count the ballots.
- Ballots shall remain sealed until the committee convenes to count the ballots.
- The ESC 17 Board of Directors shall canvass the ballots at its next regularly scheduled or special meeting, but not later than May 31, 2025, 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 Region 17.

- In the event all places in the election are uncontested, the election will not be held and the unopposed candidates will be elected to office.
- The Executive Director shall notify the Commissioner of the results of an election, whether contested or uncontested.

To hold the office of member of an ESC Board of Directors, one must:

1. Be a U.S. citizen.
2. Be at least 18 years of age.
3. Be a resident of the ESC region.

To hold the office of Board member, one may not:

1. Be engaged professionally in prekindergarten-Grade 12 education.
 - An individual who receives significant compensation for providing professional services directly to public school programs is “professionally engaged in education” regardless of whether that compensation is received as an employee of the program or as an independent contractor.
 - If elected to a position on the ESC 17 Board of Directors, an individual who is professionally engaged in education must cease providing those services prior to being seated on the board and must not become professionally engaged in education for the duration of his or her term.
2. Be a member of a board of any educational agency or institution other than the State Board of Education.

It is ESC 17’s policy, i.e., BBA(LOCAL), to encourage a broad-based representation on the Board from across Region 17 and, at the same time, to discourage the overrepresentation on the Board from a single school district. In applying its policy, it is the ESC 17 Board’s intent that, in any given election, all candidates residing in the same geographical boundaries of the same school district (hereinafter “same geographical boundaries”) run for the same position and/or run against an incumbent Board member residing in the same geographical boundaries.

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3. If multiple candidates from the same geographical boundaries file for a position and no incumbent Board member resides in the same geographical boundaries as those candidates, all the candidates must run for the same position. Such position shall be determined by a drawing at the central office of the ESC.
4. If there are two incumbent Board members residing in the same geographical boundaries serving on the Board and only one of the incumbents' positions is up for election, then all candidates residing in the same geographical boundaries must run for that same position as the incumbent Board member who resides within their geographical boundaries.
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The eligibility of a Board member is determined by the requirements specified in 19 TAC 53.1001(b)(1) as they existed on the date the board member was elected or appointed to office.

"Resident," although its meaning may vary according to context, generally requires both physical presence and an intention to remain. *Martinez v. Bynum*, 461 U.S. 321 (1983); see also *Prince v. Inman*, 280 S.W.2d 779 (1955).

If necessary, the ESC 17 Board shall meet in a properly called meeting to determine eligibility of a candidate/s under Board policy BBA(LOCAL).



David Cobb, Chair



Tom Hesse, Secretary