

BOARD MEMBERS
ELECTION AND APPOINTMENT

BBB
(LOCAL)

COMPOSITION	<p>An ESC Board is composed of seven members, elected by the boards of trustees of the school districts in Region One. <i>Derived from Education Code 8.003(a); 19 TAC 53.1001(b)</i></p> <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>
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 TAC 53.1001, where an ESC region has at least one open-enrollment charter school, as defined by 19 TAC 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 Board 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 Board of Directors effective June 1. <i>19 TAC 53.1002(c)(4)</i></p>
APPOINTMENT PROCESS FOR CHARTER SCHOOL MEMBER	<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, Texas 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 there shall be a vacancy, which shall be filled by appointment by the Commissioner.</p>

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	<i>19 TAC 53.1002(c), (d); 19 TAC 100.1011(3)</i>
TERM	A Board member shall be elected for a three-year term, which begins on June 1. <i>19 TAC 53.1001(a)(1)</i>
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 and in compliance with any rules promulgated by the Commissioner.
PLACE, TIME, AND MANNER OF FILING	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 Board of Directors shall adopt policies concerning filing procedures.
NO FILING FEE	No filing fee shall be required.
BALLOT PREPARATION AND DISTRIBUTION	A ballot containing the names of all qualified candidates listed by place shall be developed by the Executive Director 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 DEADLINE	<p>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 Board of Directors. Completed ballots shall be returned to the Chair of the ESC Board of Directors by April 5. For purposes of this section, a ballot is considered returned when it is placed in the United States mail on or before the return date and actually received by the ESC before the date of the canvass. If April 5 falls on a weekend or holiday, the deadline for receipt shall be the close of business on the next business day following April 5.</p> <p>In each Region One Board election, notwithstanding its number of school board members, the South Texas Independent School District will be allowed seven votes. The Executive Director shall cause seven ballots to be sent to South Texas Independent School District. The board of trustees of the South Texas Independent School District may exercise these votes in any manner it chooses.</p>

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	However, they must be executed and returned within the deadlines set forth in this policy.
CANVASS RETURNS, DETERMINE RESULTS	The ESC 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.
TIE VOTES	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.
UNCONTESTED ELECTION	<p>In the event all positions in the election are uncontested, the ESC Board 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>Derived from 19 TAC 53.1001(b)</i></p>
VACANCY	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>
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>

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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. *Tex. Const., Art. XVI, Sec. 17; Atty. Gen. Ops. JM-636 (1987), DM-2 (1991), O-6259 (1945) [See DBE]*

BOARD OF DIRECTORS ELECTIONS Members of the Board shall serve three-year terms of office. They shall be elected by majority votes cast by individual school board members of each of the school districts in the region. In order to be eligible for office, the Board member must be a resident of a county represented by the place from which he or she files for and is elected to office.

TERMS OF OFFICE Board members shall serve terms of office from one of the places set forth below:

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| PLACE 1 | Hidalgo County Term begins June 1, 1997 and every third year anniversary thereafter. |
| PLACE 2 | Starr, Jim Hogg, and Zapata Counties Term begins June 1, 1999 and every third year anniversary thereafter. |
| PLACE 3 | Webb County Term begins June 1, 1998 and every third year anniversary thereafter. |
| PLACE 4 | Hidalgo County Term begins June 1, 1997 and every third year anniversary thereafter. |
| PLACE 5 | Cameron County Term begins June 1, 1999 and every third year anniversary thereafter. |
| PLACE 6 | Cameron County Term begins June 1, 1998 and every third year anniversary thereafter. |

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PLACE 7 Willacy County Term begins
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year anniversary thereafter.

Members of the Board are elected to represent specific counties within the ESC region. Board members must reside within a county represented.

Following the filing deadline, the Chair of the Board shall conduct a drawing of the names of candidates in order to determine placement on the ballot. Names of candidates shall be placed on the ballot in the order drawn.

Ballots shall then be developed by the Executive Director 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 for each place shall be declared elected.

The term of newly elected Board members shall take effect on June 1 of the year for which they are elected. Each newly elected member shall take an oath of office prior to assuming their responsibilities. A Board member shall retain the position until a successor has been duly elected and has been administered the oath of office. [See BBC(LEGAL)]

DISQUALIFICATION If, during the tenure of a Board member, one or more of the qualifications for membership is no longer met, the Board member shall immediately notify the Chair of the Board. The Chair shall call a special meeting to accept the resignation.

RESIGNATION The resignation of a Board member shall be effective upon acceptance by the Board.

VACANCIES When a Board member dies in office, resigns, abandons residence in the county or counties which he or she was elected to serve, or otherwise becomes disqualified, the Board may appoint an individual to fill the unexpired term of office. The replacement Board member shall be appointed by a majority of the remaining Board members. The appointed member must meet the requirements of an ESC Board member. The appointed member must be a resident of the county represented by the place being filled with the appointment.