

The Texas Education Agency (TEA) proposes an amendment to §53.1001, concerning regional education service centers (RESCs). The proposed amendment would specify that a board of trustees member for an RESC may not be engaged professionally in Kindergarten-Grade 12 education.

BACKGROUND INFORMATION AND JUSTIFICATION: The Texas Education Code (TEC), §8.003, requires the commissioner to adopt rules concerning the selection of members of the boards of trustees for RESCs. To implement the statute, 19 TAC §53.1001 sets out the requirements for members of the board of directors of RESCs, including the term of office, election procedures, and eligibility criteria for members. The proposed amendment would update the eligibility criteria in subsection (b)(1) to specify that a member of an RESC board of directors may not be engaged professionally in Kindergarten-Grade 12 education. This amendment would avoid a conflict of interest while allowing more individuals with experience in education to serve on RESC boards of directors.

FISCAL IMPACT: Megan Aghazadian, deputy commissioner for operations, has determined that for the first five-year period the proposal is in effect there are no additional costs to state or local government required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would increase the number of individuals subject to its applicability. The amendment would allow individuals professionally engaged in higher education to serve as board members for RESCs.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand, limit, or repeal an existing regulation; would not decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Aghazadian has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be allowing more individuals with experience in education to serve as members of RESC boards of directors without creating a conflict of interest. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: The TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins March 22, 2019, and ends April 22, 2019. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on March 22, 2019. A form for submitting public comments is available on the TEA

website at

[https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/). Comments on the proposal may also be submitted to Cristina De La Fuente-Valadez, Rulemaking, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701.

STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code, §8.003, which requires the commissioner to adopt rules concerning the selection of members of the boards of trustees for regional education service centers.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §8.003.

<rule>

§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 Kindergarten-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.