

The Texas Education Agency (TEA) proposes amendments to §53.1002 and §53.1021, concerning regional education service centers (RESCs). The proposed amendments would clarify existing rules, reflect current RESC practices, allow electronic application submissions, and replace the Performance Standards and Indicators Manual with a reference to online metrics.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 53.1002 allows the commissioner of education to appoint a non-voting charter school representative to the board of an RESC if at least one open-enrollment charter school operates in the region and outlines the eligibility, application, and appointment process for that role.

The proposed amendment to §53.1002 would clarify the term limits for charter members serving on RESC boards to ensure consistent understanding and implementation of the rule. Additionally, the amendment would permit applicants to submit their applications electronically to the commissioner, which would reduce the administrative burden and result in time and cost savings for both applicants and RESCs. A cross reference would also be updated to reflect a reorganization of charter school rules in 19 TAC Chapter 100.

Section 53.1021 authorizes the commissioner to establish and communicate performance standards and indicators for evaluating RESCs and their executive directors, as outlined in the manual adopted as Figure: 19 TAC §53.1021(b).

The proposed amendment would remove the current figure containing the outdated Performance Standards and Indicators Manual. This manual would be replaced by a new version, which would reflect more relevant and accurate metrics. The new manual would be published on the TEA website rather than included as a figure in the rule, allowing for easier updates and improved accessibility. Section 53.1021(c), which references the outdated manual, would also be removed.

FISCAL IMPACT: Alejandro Delgado, 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, including school districts and open-enrollment charter schools, required to comply with the proposal. RESCs may have a decrease in postage costs if they choose to submit applications electronically.

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 limit an existing regulation by removing a manual from the current rule.

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 or repeal an existing regulation; would not increase or 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: Mr. Delgado 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 a reduction of administrative burden and costs for RESCs by introducing the electronic application process. In addition, replacing obsolete standards with current, relevant metrics published online would enhance transparency and ensure evaluations reflect present-day practices. 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: 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 July 11, 2025, and ends August 11, 2025. 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 July 11, 2025. 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/).

STATUTORY AUTHORITY. The amendments are proposed under Texas Education Code (TEC), §8.001, which provides the commissioner of education with authority to decide any matter concerning the operation or administration of regional education service centers (RESCs); TEC, §8.003, which provides the commissioner of education with rulemaking authority regarding the local selection, appointment, and continuity of membership of RESC boards of directors; TEC, §8.101, which provides that the commissioner of education shall establish performance standards and indicators for evaluating RESCs; and TEC, §12.104, which provides that the commissioner of education with rulemaking authority to provide for the representation of open-enrollment charter schools in RESCs.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code, §§8.001, 8.003, 8.101, and 12.104.

<rule>

§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 §100.1001(6) [~~§100.1011(3)~~] of this title (relating to Definitions), approved to operate within its boundaries on or after June 1, and to which the RESC provides services, 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 [2] and may be extended for an additional [~~up to~~] three years, for a total of four 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 electronically by sending the application materials to the commissioner or by mail to the Commissioner of Education [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] .

§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 (RESCs) to be used in the annual evaluation of each RESC [regional education service center] and executive director.
- (b) The [specific] performance standards and indicators for evaluating [by which the commissioner shall evaluate] each RESC [regional education service center] and executive director will be published on the Texas Education Agency's website annually prior to the evaluation cycle [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.]~~