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**Membership**

An ESC board is composed of seven members elected by the boards of trustees of the school districts in the ESC region. *Education Code 8.003(a); 19 TAC 53.1001(b)*

The commissioner shall adopt rules to provide for the local selection, appointment, and continuity of membership of ESC boards of directors. *Education Code 8.003(b)*

Charter School  
Member

The commissioner shall adopt rules that provide for the representation of open-enrollment charter schools on ESC boards of directors. *Education Code 12.104*

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. *19 TAC 53.1002(a)*

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. *19 TAC 53.1002(c)(4)*

*Appointment  
Process for  
Charter School  
Member*

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:

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; and
3. Supply contact information for the persons signing the letters of support.

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.

If the commissioner does not select a representative from among the applicants, or if no applicant applies for such appointment, then

BOARD MEMBERS  
ELECTION AND APPOINTMENT

BBB  
(LEGAL)

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	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>
<b>Term</b>	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>
<b>Election Procedures</b>	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.

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**Uncontested  
Elections**

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.

*19 TAC 53.1001(b)*

**Vacancy**

A vacancy on the ESC board shall be filled by appointment by the remaining members of the board for the unexpired term. *Education Code 8.003(c); 19 TAC 53.1001(a)(4)*

30-Day Period and  
Notice

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.

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.

*19 TAC 53.1001(a)*

Vacancy for Charter  
School Member

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.

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.

A vacancy for the unexpired term of a charter school member of the ESC board shall be filled by appointment by the commissioner.

*19 TAC 53.1002(b)*

**Officer's Statement**

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. *Tex. Const. Art. XVI, Sec. 1(b), (c)*

**Oath of Office**

All elected and appointed board members, before they enter upon the duties of the office, shall take the official oath or affirmation of office. *Tex. Const. Art. XVI, Sec. 1(a)*

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 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)*

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**Note:** For restrictions regarding Political Advertising, see EE.

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