

 REGION 10
EDUCATION SERVICE CENTER

DATE: January 21, 2011
TO: Region 10 Superintendents
FROM: Buddy Echols *WE*
Executive Director
SUBJECT: 2011 Board Election

The process for election of Board Members to serve Regional Education Service Centers provides for a cooperative arrangement between local districts and the Education Service Center. It is, therefore, necessary for Region 10 Education Service Center to again request your able assistance in expediting the election process in the most effective manner possible.

Enclosed please find a notice calling for the 2011 election of Region 10 Board Members and a copy of applicable Region 10 policies. Region 10 policies included are: (1) Board Members: Eligibility/Qualifications (BBA), and (2) Board Members: Elections (BBB). In the event that all positions in the election are uncontested, the RESC Board of Directors has determined that no election will be held. Please assist in this election process by posting the notice and sharing related information with interested persons in your district.

Your attention is respectfully directed to several key points concerning the 2011 election:

1. The filing period is from 8:00 a.m. February 1, 2011 until 5:00 p.m. February 20, 2011.
2. The persons seeking election must reside in the county or counties to be represented.
3. Filing forms may be requested from Region 10 headquarters by written or telephone request
4. Persons filing will be notified of the date and time of drawing for ballot position. The drawing will take place at the Region 10 headquarters between the dates of February 20 and March 1, 2011.

Thank you for your assistance in the successful completion of this endeavor. If there are any questions relative to this election process, feel free to call my office, (972-348-1000), or Kathleen Boswell, (972-348-1002).

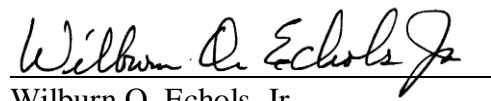
BE:kb
Enclosures

NOTICE OF BOARD OF DIRECTORS ELECTION
REGION 10 EDUCATION SERVICE CENTER

Notice is hereby given that a **Board of Directors Election** will be held between the dates of February 1 and April 5, 2011, in the independent school districts in the following counties; Collin, Dallas, Ellis, Fannin, Grayson, Hunt, Kaufman, Rockwall, and portions of Van Zandt for the purpose of electing one director for Place 4 representing Dallas County and one director for Place 5 representing Collin and Rockwall Counties.

Said election shall be held in school districts in each of the counties noted. The electorate shall be members of the Board of Trustees of public school districts in the counties noted. Any person meeting eligibility requirements for the Board of Directors of a regional education service center may file for the election at the Region 10 Education Service Center, 400 East Spring Valley Road, Richardson, Texas, or by certified mail. Filing forms may be obtained from Region 10. The time period for filing shall commence February 1 and end 5:00 p.m., February 20, 2011.

Dated this the 12th of January, 2011.



Wilburn O. Echols, Jr.
Executive Director
Region 10 Education Service Center

BOARD MEMBERS
ELIGIBILITY/QUALIFICATIONS

BBA
(LOCAL)

REPRESENTATION BY
GEOGRAPHICAL
AREAS

Board members shall be elected by place to represent the following county or counties:

PLACES 1, 2, AND 4: One Board member from each place to represent Dallas County.

PLACE 3: One Board member to represent Fannin County and Hunt County.

PLACE 5: One Board member to represent Collin County and Rockwall County.

PLACE 6: One Board member to represent Grayson County.

PLACE 7: One Board member to represent Ellis County, Kaufman County, and Van Zandt County.

BOARD MEMBERS
ELECTION AND APPOINTMENT

BBB
(LEGAL)

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 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"><li data-bbox="560 1270 1442 1344">1. Include a description of the applicant's qualifications to serve as a charter member of the ESC Board;<li data-bbox="560 1365 1442 1459">2. Enclose letters of support signed by representatives from at least one open enrollment charter school in the ESC region; and<li data-bbox="560 1480 1442 1554">3. 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</p>

BOARD MEMBERS
ELECTION AND APPOINTMENT

BBB
(LEGAL)

	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 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.
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 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 Board of Directors. Completed ballots shall be returned to the Chair of the ESC Board of Directors by April 5.
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.

BOARD MEMBERS
ELECTION AND APPOINTMENT

BBB
(LEGAL)

UNCONTESTED
ELECTIONS

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.

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)

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]

Note: For restrictions regarding POLITICAL ADVERTISING, see EE.

BOARD MEMBERS
ELECTION AND APPOINTMENT

BBB
(LOCAL)

BOARD OF
DIRECTORS
ELECTIONS

Members of the Board are elected on an at-large basis to represent specific counties or school districts within the ESC region; however, members shall be elected by votes from each school Board member of each school district and shall serve staggered terms. Following the filing deadline [see BBB(LEGAL)] the Chair of the Board or designee 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 and distributed to the boards of trustees of the school districts in the region.

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

The Board Chair shall name a designee to serve as elections administrator to open, tabulate, and prepare a written report for the Board's use in canvassing the election returns. The elections administrator shall prepare and post at the ESC a summary of the votes cast for each candidate within two hours following the Board's certification of the election. The elections administrator shall notify all candidates of the election results within twenty-four hours of the Board's certification of the election.

The term of newly elected Board members shall take effect following the administration of the oath of office. 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)]