REGULATION OF THE
EXECUTIVE DIRECTOR OF
REGION 11 EDUCATION SERVICE CENTER
DESIGNATING TEXAS PUBLIC INFORMATION ACT
"NONBUSINESS DAYS" FOR 2026-2027

In my capacity as Executive Director of the Region 11 Education Service Center ("Region 11 ESC"), I hereby publish the following Regulation regarding Region 11 ESC's designation of its ten (10) "nonbusiness days" for the 2026-2027 calendar year in accordance with the Chapter 552 of the Texas Government Code, the Texas Public Information Act (the "TPIA" or the "Act").

WHEREAS, the TPIA refers to the term "business days" throughout the Act; and

WHEREAS, prior to the 88th Legislative Session, the TPIA did not define the ten "business days"; and

WHEREAS, historically, the Office of the Texas Attorney General has consistently provided guidance based on its interpretation of the ten "business days," instructing governmental entities to "not count Saturdays, Sundays, and *any other day a governmental body is closed* or operating with a skeleton crew;"[1] and

WHEREAS, on or about November 22, 2022, the Third District Texas Court of Appeals in Austin issued opinion, *TCEQ v. Sierra Club,* 2022 WL 17096693 (Tex. App.-Austin, 2022) and concluded that the term "business day" excludes Saturdays, Sundays, and legal holidays, but *does include* days that a governmental entity decides to "close" its office(s) in extended observance of a national holiday; and

WHEREAS, in efforts to provide clarity regarding the ten "business days" in the TPIA, the 88th Legislature passed, and Governor Abbott signed into law, House Bill 3033, effective September 1, 2023; and

WHEREAS, House Bill 3033 added Section 552.0031 to TPIA, defining "business day" to mean "a day other than: (1) a Saturday or Sunday; (2) a national holiday under Section 662.003(a) [of the Texas Government Code]; or (3) a state holiday under Section 662.003(b) [of the Texas Government Code]"; and

WHEREAS, under Section 552.003 l(b) of the Act, the fact that an employee works from an alternative work site does not affect whether a day is considered a business day; and

WHEREAS, under Section 552.003 l(c) of the Act, an optional holiday under Section 662.003(c) of the Texas Government Code is not a Region 11 ESC business day if the officer for public information of Region 11 ESC observes the optional holiday; and

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[1] *See* Texas Attorney General Website, available on August 24, 2023, at https://www.texasattorneygeneral.gov/sites/default/files/files/divisions/open-government/conference/12-3 Practical!TipsTo-DoList.pdf, *and* the Public Information Act Handbook 2022, pg. 42, at https://www.texasattorneygeneral.gov/sites/default/files/files/divisions/open-government/publicinfo_hb.pdf.

WHEREAS, under Section 552.0031(e) of the Act, the Friday before or Monday after a national holiday under Section 662.003(a), or a state holiday under Section 662.003(b), is not a business day if the holiday occurs on a Saturday or Sunday and Region 11 ESC observes the holiday on that Friday or Monday; and

WHEREAS, under Section 552.003l(f) of the Act:

1. Region 11 ESC may designate not more than 10 additional days each calendar year on which the ESC's administrative offices are closed or operating with minimum staffing as Region 11 ESC nonbusiness days for purposes of the TPIA; and
2. The designation of those nonbusiness days must be made by the Region 11 ESC Executive Director; and

WHEREAS, the Executive Director has determined that all 10 nonbusiness days shall be designated this calendar year.

NOW THEREFORE BE IT INSTITUTED AS A REGULATION OF THE REGION 11 EDUCATION SERVICE CENTER, that the recitals contained in this Regulation are true and correct; and

BE IT FURTHER INSTITUTED, that the Executive Director determines that the following days be designated as additional nonbusiness days for purposes of Section 552.0031 of the Act for the 2026-2027 calendar year:

1. November 23, 2026
2. November 24, 2026
3. November 25, 2026
4. December 21, 2026
5. December 22, 2026
6. December 23, 2026
7. December 28, 2026
8. December 29, 2026
9. December 30, 2026
10. December 31, 2026;

INSTITUTED AS A REGULATION OF THE REGION 11 EDUCATION SERVICE CENTER on July 21, 2026.

Dr. Brad Schnautz
Executive Director