

**SUBJECT:** Expanding the number of open-enrollment charter schools

**COMMITTEE:** Public Education — committee substitute recommended

**VOTE:** 7 ayes — Sadler, Dutton, Culberson, Price, Rhodes, Uher, Williamson  
2 nays — Hernandez, Hochberg  
0 absent

**SENATE VOTE:** On final passage, April 18 — 29-2 (Barrientos, Truan)

**WITNESSES:** None

**BACKGROUND :** As part of SB 1, the 1995 rewrite of the Education Code, the Legislature authorized the State Board of Education to approve up to 20 open-enrollment charter schools in Texas. Charter schools are independent public schools formed by individuals or organizations that operate according to a charter, or contract, with a public agency, such as a local school board. They operate free of most state regulations and may consist of completely new schools or existing campuses that have converted to charter school status.

As part of the application process, charter schools must outline structure and goals of the program, the facilities to be used, and the geographic area to be served. Renewal or continuation of a charter is contingent on students in the program performing at acceptable levels on state-mandated assessment tests.

**DIGEST:** CSSB 519 would allow the State Board of Education (SBOE) to grant up to 70 charters with no restrictions on the prospective student population, beginning in the 1997-98 school year, and up to 120 charters in 1998-99.

CSSB 519 would also allow the SBOE to grant additional charters to applicants that could prove that 75 percent of the prospective student population would be students who:

- have dropped out of public school;
- have been referred to an alternative education program;
- have been convicted of criminal offenses and received deferred adjudication or are on probation;
- have failed to perform satisfactorily on any portion of state assessment tests;
- have not advanced from one grade level to the next for two or more school years;
- have mathematic or reading skills that are two or more years below grade level;
- are pregnant or are parents;
- are students of limited English proficiency; or
- are sexually, physically, or psychologically abused.

The schools that qualify for these charters would have to continue to meet the 75 percent standard in order to keep their charter status.

In granting a charter, the SBOE would have to consider whether the applicant had demonstrated an ability to compile baseline performance data for students and had established performance standards that meet or exceed state standards. The applicant would have to propose an innovative educational program that includes sufficient high-quality features, including a qualified staff, appropriate facilities, student attendance requirements, and an instructional program designed to address the state's required public school curriculum.

The board would also have to ensure, to the extent possible, that charter schools represent urban, suburban and rural communities, various instructional settings, various eligible entities, multiple innovative programs, diverse student populations and programs, and diverse geographic regions of the state.

CSSB 519 would take immediate effect if finally approved by a two-thirds record vote of the membership in each house.

SUPPORTERS  
SAY:

CSSB 519 would expand on the state's initial success with charter schools, and allow more children to benefit from the unique educational opportunities charter schools offer. The Texas Education Agency has received more than 300 applications for charter schools, and more are expected. These represent a wealth of new ideas and approaches to education that could invigorate the public school system by offering models for alternative approaches to education.

Unlike some other school choice programs, charter schools keep public funds in public schools. No public money would be diverted to private schools.

The experience with charter schools thus far suggests that charter schools benefit those most in need of alternatives to the current public school system. While minority students make up 53 percent of the general public school population, they make up 80 percent of the population in charter schools. At-risk students comprise 39 percent of the regular school population, but 72 percent of the charter school population.

CSSB 519 allow the SBOE to grant additional charters for schools that would serve students who have already dropped out of school or are in serious danger of doing so. Most of these students have already abandoned public schools or have had serious problems in school. For them, charter schools may represent the only alternative to dropping out of school altogether.

The current law contains sufficient provisions for oversight of charter schools. The education commissioner has made it clear that TEA would be able to adequately oversee the number of charter schools allowed by CSSB 519. TEA would have to review the performance of each charter school, and students would have to perform well on required state-administered assessment tests.

The bill would also add guidelines to make it clear to applicants and to the SBOE what the Legislature is seeking in the makeup and goals of charter schools.

OPPONENTS  
SAY:

CSSB 519 would divert more public funds to schools that do not have to comply with most state regulations and are held to few of the same standards as regular public schools. The bill would prematurely expand the charter school concept before there has been time to measure the experience of the original 20 charter schools.

Dramatically expanding the number of charter schools would make it more difficult for TEA to oversee charter schools and hold them accountable for student performance. Without careful oversight and control, the charter school concept could be taken advantage of by people more interested in making money than in providing an education, or by private schools using the charter school program to attract public money.

Rather than expanding the number of charter schools, the state should focus on continuing to give public schools the flexibility they need to try new educational ideas. This would encourage innovation while at the same time insuring that schools meet important state standards to protect students, teachers, and staff.

OTHER  
OPPONENTS  
SAY:

Charter schools are public schools that use public money, and they should not be exempt from such regulations as the state's minimum employment standards for teacher contracts and certification. Charter schools should also have to adhere to proven educational reforms, such as the 22:1 student teacher ratio for kindergarten through fourth grade.

NOTES:

The Senate-passed version of SB 519 provided for 50 new charter schools in 1997 and 80 in 1998 and did not allow an unlimited number of charters for schools serving at-risk students.

Three other House bills relating to charter schools were filed this session. HB 1095 by Howard and HB 304 by Krusee would have eliminated the cap on the number of charter schools. HB 1111 by Grusendorf would have raised the cap to 200 charter schools. All three bills were left pending in the House Public Education Committee.