



ATPE Opposition to HB 2890

Weakening voter input regarding open-enrollment charter school applications

March 28, 2023

The **Association of Texas Professional Educators (ATPE)** offers the following information in opposition to **HB 2890** by Rep. Cunningham.

Under current law, the commissioner of education has full authority over the application process for operators wishing to establish new open-enrollment charter schools in Texas. These are schools that are operated by private organizations and funded by Texas taxpayers. Charter schools are not governed by elected school boards, are not required to seek taxpayer approval through tax elections, and are not required to hold open public meetings.

Charter applications were originally managed entirely by the State Board of Education (SBOE), which is comprised of 15 members directly elected by Texas voters. Voters were largely cut out of the picture when the charter application process was consolidated under the unelected commissioner's office in 2013 and the SBOE's authority was reduced to a veto under Section 12.101(b-0) of the Texas Education Code.

The SBOE veto provides the sole remaining opportunity for Texas taxpayers to exercise input over the use of their tax dollars with regard to charter schools. The SBOE has exercised this veto judiciously, rejecting only a handful of applications in the last decade. Most of these were due to severe shortcomings or ethical violations by applicants that agency bureaucrats inexplicably approved anyway. Were it not for the SBOE veto, these applicants would have been awarded Texas taxpayers' money. Many vetoed applicants made critical corrections based on the board's recommendations and were ultimately approved.

Taxpayers, not bureaucrats, must ultimately decide how tax dollars are awarded. By arbitrarily raising the veto threshold, HB 2890 would weaken this important circuit breaker. HB 2890 would reduce the importance of each elected member of the SBOE. In doing so, it would diminish the input of voters and further the transfer of power from Texas taxpayers to unelected agency bureaucrats.

The SBOE veto ensures transparency, accountability, and democratic involvement in decisions granting private organizations the right to collect public money from Texas taxpayers. **This critical accountability backstop must be maintained in order to protect the vital interests of Texas voters and taxpayers.**

For these reasons, we urge you to **OPPOSE HB 2890**. For additional information, contact ATPE Governmental Relations at (800) 777-2873 or government@atpe.org.

The Association of Texas Professional Educators (ATPE) has been a strong voice for Texas educators since 1980. It is the leading educators' association in Texas with 90,000 members statewide. With its strong collaborative philosophy, ATPE speaks for classroom teachers, administrators, future, retired and para-educators and works to create better opportunities for 5 million public schoolchildren. ATPE is the ally and the voice of Texas public school educators.