

March 16, 2021

Members of the Committee
Land and Resource Management Committee
Texas House of Representatives
PO Box 2910
Austin, Texas 78768-2910

Dear Members:

The representatives of sixteen education organizations have signed this letter to respectfully ask members of the House Land and Resource Management Committee to vote against HB 1348.

This bill is one of several bills filed in the 87th legislative session that restrict or eliminate the participation of elected officials in the approval of new charter campuses. As such, it also would deny the public a critical opportunity to provide input into the location of a charter facility proposed in their neighborhood.

Most new charter campuses are approved by the state through the charter amendment process without the involvement of any elected official. The limited role a city government currently plays when it reviews the actual site of the proposed charter campus and applies zoning regulations may be the first time the general public learns about a proposed charter facility. Limiting the involvement of a city also limits public participation and results in less accountability to taxpayers.

This bill is truly a test of whether a charter school will be able to build a new school facility in a neighborhood without the approval of any elected body that is accountable to the public and without a general public notice or an opportunity to provide input into the process.

Most importantly, HB 1348 would allow charters to open in any location or within any city zoning district regardless of city ordinance, regulation, policy, etc., even in an industrially zoned area or in a residential neighborhood. It could also potentially harm a school district's existing exemption from the Municipal Drainage Utility Systems Act which could result in additional costs to taxpayers.

By way of background, charter schools are required to provide only a very general geographic area where a new charter campus will be located in their request to the Texas Education Agency (TEA) for a new charter campus. Actual charter requests have included vague locations such as the "Houston area", "South Dallas", or "Cameron County or Hidalgo County." Consequently, the state may not know the specific street address, zip code, school district, or even the city where a charter plans to locate when it approves the request. The role of city government in the approval of a specific site once it is selected by the charter is critical because it may be the only opportunity for the general public to know if a charter plans to locate on their street or in their neighborhood before the charter starts construction, depending on local city requirements.

Importantly, while the elected State Board of Education has authority to veto a new charter application, most additional charter campuses are approved through a charter expansion amendment submitted to TEA and approved at the sole discretion of the appointed Commissioner. Once a charter school is originally awarded and certain requirements are met, the charter school may submit a request to TEA to open an unlimited number of new campuses anywhere in the state through an expansion amendment. There is no general public notice posted about these amendments and no opportunity for public input. Most communities are unaware that a charter amendment has been filed that would impact their neighborhood schools. Since 2010, over 700 new charter campuses have been approved solely by the Commissioner through expansion amendments, a total of 68 percent of all the expansion amendments submitted for new campuses.

In contrast, when a school district proposes to build a new school facility, it initiates an extensive process to gain approval from the community. This process includes conducting a district-wide bond election that requires a majority vote from the public for approval. The district also holds multiple public meetings to receive input on the district's plans and to address concerns and questions. In addition, school board members who approve new district facilities are elected by the voters in their community and must reside in the district they represent. In comparison, charter school board members who approve applying for a new charter campus are self-selected and may not live in the community where a charter school is proposed or may even live out-of-state.

Given these considerations, we ask the committee members to vote against HB 1348. Please do not hesitate to contact any of the organizations listed below if you have additional questions.

Association of Texas Professional Educators (ATPE)
Coalition for Education Funding (CEF)
Intercultural Development Research Association (IDRA)
Pastors for Texas Children
Texas American Federation of Teachers (Texas AFT)
Texas Association of Community Schools (TACS)
Texas Association of Latino Administrators and Superintendents (TALAS)
Texas Association of Midsize Schools (TAMS)
Texas Association of Rural Schools (TARS)
Texas Association of School Administrators (TASA)
Texas Association of School Boards (TASB)
Texas Classroom Teachers Association (TCTA)
Texas Elementary Principals and Supervisors Association (TEPSA)
Texas School Alliance (TSA)
Texas State Teachers Association (TSTA)
Texas Urban Council (TUC)

