



ATPE Opposition to SB 28

Removing voter input regarding open-enrollment charter school applications

April 28, 2021

The **Association of Texas Professional Educators (ATPE)** offers the following information in opposition to the House committee substitute for **Senate Bill (SB) 28** by Sen. Bettencourt.

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, which are privately operated yet funded by Texas taxpayers. Charter schools are not governed by elected school boards and are not required to seek taxpayer approval through tax elections or to hold open public meetings. **SB 28 weakens the oversight of taxpayers in charter approval and expansion and provides charters with special privileges without corresponding public accountability.**

Charter applications were originally managed by the State Board of Education (SBOE), which comprises 15 elected members. 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 regarding charter schools. The SBOE has exercised this veto judiciously, overriding only a handful of applications in the last seven years—most of which were ultimately approved once the applicants reapplied after making board-recommended changes.

ATPE appreciates that the House committee substitute for SB 28 maintains the SBOE's current ability to veto charters, but we stress the importance of their discretion in making such determinations. Additionally, the majority of growth in new charter school campuses is through charter expansion amendments, which are currently subject to an automatic approval process under the Commissioner of Education without oversight from voters and taxpayers. To ensure accountability, ATPE recommends maintaining the board's current discretion regarding vetoing new charters and extending their authority to also cover expansion agreements.

SB 28 also exempts charters from local land use and development ordinances that serve critical functions, including protecting neighborhood integrity and critical infrastructure. This creates a special class of business able to operate with complete disregard of community standards and beyond the reach of the taxpaying public. Furthermore, the bill designates charters as local governmental entities despite their lack of an elected governing body. ATPE recommends removing these provisions.

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 expanded to protect the vital interests of Texas voters and taxpayers.** For these reasons, we urge you to **OPPOSE SB 28**. 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 100,000 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.