



Testimony

Testimony to the Senate Education Committee on Senate Bill 4

by **Jamie Story**
Education Policy Analyst

Thank you, Chair Shapiro and Members of the Committee.

I am Jamie Story, an education policy analyst at the Texas Public Policy Foundation. As you know, we are a non-profit research organization guided by the principles of limited government, free markets, private property rights, individual liberty, and personal responsibility.

As I understand it, the intent of Senate Bill 4 is to strengthen the entire charter movement, in part by shutting down under-performing charters. Certainly, there have been some terrible charter schools over the years, and these schools have not helped student learning any more than they've helped out the public perception of charters.

However, when assessing Senate Bill 4, we must keep in mind two things. On the whole, parents know better than the government what is best for their children, and parents are choosing to enroll their children in charter schools—"under-performing" or not. We must also consider whether lack of progress among some charter schools is a call for increased regulation, or if it is, as I believe, caused by having too many regulations.

Senate Bill 4 includes many excellent provisions that the Texas Public Policy Foundation supports. The bill would grant perpetual charters, which would make it easier for charter operators to secure financing and construct long-term plans. The bill would also allow single-sex charters. Single-sex schools and classrooms have been shown to

improve academic outcomes, as well as close the gender gap in fields such as science and technology. In addition, the bill provides for a Blue Ribbon charter program, which would facilitate the replication of successful charter schools.

However, we also believe that there is room for improvement in the current bill. Charter schools are over-regulated already and face many regulations that traditional public schools do not face. For example, charter schools face strict regulations on who may serve as their board members. Charter schools are required to notify parents about the qualifications of all professional staff, not just their child's classroom teacher. And the Commissioner of Education must approve the curricula of charter schools.

Traditional public schools face none of these regulations. In fact, charter schools are actually more regulated than traditional public schools, with their only major flexibility being the hiring and compensation of teachers. These regulations hinder charter schools' ability to succeed.

Charter school success is also hindered by the cap of 215 charters—a number which the state has closely approached in the last several years.

Together, both over-regulation and the cap have removed any semblance of a competitive market, thus limiting the potential of charter schools—and still, they're showing at least moderate success. A report by the Texas Education Agency found that while on

900 Congress Avenue
Suite 400
Austin, TX 78701
(512) 472-2700 Phone
(512) 472-2728 Fax
www.TexasPolicy.com

RECOMMENDATIONS

Remove the cap on charters. If bill succeeds in closing down bad charters, there is no reason to have a cap.

Give consideration for upward trends in achievement before shutting down a charter for low performance.

Senate Bill 4 should not automatically shut down charter schools after two years of unacceptable ratings.

Free charter schools to innovate and compete by removing burdensome regulations.

Remove the measure prohibiting first-year charters from enrolling more than 500 students, or at least allow for a waiver process.

Continue allowing statewide charter districts. Although there has never been a statewide application, it could potentially make sense in the future for one of the high-performing charter systems to bypass the bureaucratic application process when expanding.

average, charter school students score lower on the TAKS test than their public school counterparts, charter students actually exhibit greater increases in achievement than do traditional public school students. And after three consecutive years in a charter school, students tend to outscore their traditional public school counterparts.

A 2005 report by the Texas Public Policy Foundation found similar results, and also found that public schools facing charter school competition outperform public schools that do not.

When it comes to charters—as in almost any arena—we need to move in the direction of less regulation, not more.

Given these findings, the Texas Public Policy Foundations would like to make the following recommendations with regard to charter school reform and Senate Bill 4:

- Remove the cap on charters. If this bill succeeds in closing down bad charters, there is no reason to have a cap.
- Give consideration for upward trends in achievement before shutting down a charter for low performance. Most of the schools that would be shut down under Senate Bill 4 serve highly at-risk students, many of whom are homeless, single parents, or prior prison inmates. Rather than holding all charters to the same arbitrary standard, Senate Bill 4 should adopt a value-added method that recognizes increased achievement at the student level.
- Senate Bill 4 should not automatically shut down charter schools after two

years of unacceptable ratings. Not only are public schools not held to this standard, but research by the Texas Education Agency shows that it takes three years for charter students to outperform traditional public school students.

- Free charter schools to innovate and compete by removing burdensome regulations.
- Remove the measure prohibiting first-year charters from enrolling more than 500 students, or at least allow for a waiver process. If 700 parents want to sign their children up for a charter school, and the school is willing to take them, they should be able to do it—especially in the case of charter models that have proven successful elsewhere.
- Continue allowing statewide charter districts. Although there has never been a statewide application, it could potentially make sense in the future for one of the high-performing charter systems to bypass the bureaucratic application process when expanding. Unfortunately, this bill would preclude that from happening. On the other hand, if the provision for statewide charters remains, the State Board of Education can always turn down the application at its discretion. It's better to have that flexibility.

Thank you for allowing me to testify. I'm happy to answer any questions you may have, or to provide you with any further research.

Jamie Story is an Education Policy Analyst at the Texas Public Policy Foundation. She may be contacted at: jstory@texaspolicy.com.