

## Senate Bill 127: Expanding the Existing Charter School Cap

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### Overview

Senate Bill 127, along with its companion, House Bill 936, is one of several bills put forward this session to expand the existing charter school cap in Texas. Though the tenants of SB 127 are simple, this is important legislation for Texas. Charter schools began as an experiment in this state, and have seen participation balloon in the years since inception in 1995. Currently, the state allows a maximum of 215 charter schools to operate. The goal of this bill, and others like it, appears to be to meet the demands of students and parents who want increased access to charter schools. Currently, there are an estimated 56,000 students on waiting lists for charter schools in Texas.

### Analysis

Though the core of SB 127 is to raise the cap on charter schools, it has a number of peripheral tenants as well.

#### CHARTER CAP

SB 127 raises the current cap of 215 per year, allowing the TEA to grant up to 10 new charters per year. It also allows for the creation of granting of two additional charters per year for schools that primarily serve students with disabilities. It also provides that enrollment of a disabled student in any charter school does not count against any maximum enrollment figure that charter might have set for itself.

#### CHARTER APPROVAL PROCESS

The bill adds contingencies to the charter approval process. It requires that those filing for a new charter pay an administrative fee to the office of the commissioner to cover the TEA's administrative costs in granting a new charter. It also requires that the office of the commissioner give advance notice to a school district's board of trustees when a charter is about to be granted in a given area, as well as the legislative representatives of that region.

### ACCOUNTABILITY MEASURES

There are substantial accountability measures for charter schools in SB 127. Course and curriculum descriptions for new charters would become mandatory with passage of the bill. There is also language that would allow the TEA commissioner to develop alternative procedures for closing charter schools that do not perform at acceptable financial levels or demonstrate a well-documented history of financial solvency.

Under SB 127, once a new charter is granted, it is to be granted for 10 years. Therefore, the new application process for a potential charter holder will thoroughly vet the applicant and their school plan. Additionally, measures are created as alternatives to completely revoking a charter and displacing a number of students in the event of failure to meet the standards. Charters may now have their governing bodies reconstituted, or the operations of their charter schools assigned to other charter holders. This gives the commissioner more means by which to respond in a manner that is in the best interest of the school's students.

### Conclusion

Allowing 15 new charter schools per year would allow the state to more easily meet its growing demand for available charters. In 2009, there were at least 42,000 students on wait lists, and as previously stated, that number grew to 56,000 in 2010. Raising the cap more substantially, or removing it all together, would be more effective still in giving Texas parents the improved access to charter schools they want for their children. ★