

# Keeping Texas Competitive

## A Legislator's Guide to the Issues 2013-2014



### Home-rule School Districts ★ Keeping Texas Competitive Priority

#### The Issue

Home-rule school districts, or home-rule charters, were authorized in Texas in 1995 as a part of the state's first initiative to allow charter schools. They were envisioned as a way to empower parents, citizens, and local administrators to govern schools in a manner that best suits the needs of students in their district. This governance path would be voted into place by the local electorate, and would in theory be exempt from many fiscal, academic, and governance regulations that pertain to traditional ISDs. However, none have been created since they were authorized in 1995 due to the following two factors:

1. There are too many roadblocks in the existing law. School boards, rather than parents, control the charter process; voter turnout and petition requirements are too high.
2. The law imposes many of the same mandates on home-ruled school districts that traditionally-run school districts face. Texas could make a number of changes to the home-rule code to make the home-rule school district a much more inviting alternative to traditional ISD.

While not a "fix-all" for the number of problems in Texas public education (not the least of which is the state's school finance system, which could be on the eve of drastic change as five finance lawsuits work their way through the Texas courts), more districts choosing this path would lead to a drastic expansion of local, district level control in education, rather than keeping all our schools under the top-heavy, state-driven bureaucracy they operate under now.

Encouraging independent school districts to move toward a more flexible, locally responsible, fiscally manageable system of governance will in turn increase general efficiency in the state's education system. Competition would become more prevalent, and so potentially could innovation. Home-rule school districts, with fewer restrictive state mandates, could use their budgets to explore learning technologies and structure learning environments in their schools to fit the specific needs of their local student population.

However, to make this possible we must change the existing home-rule school district laws so that it is not only more possible to enact a home-rule school district, but also so that there is enough differentiation between traditional ISDs and home-rule school districts to encourage participation in the program.

#### The Facts

- The current process for creating a home-rule charter requires that voters work through their local school board, rather than allowing them to petition to get a home-rule charter placed directly onto the election ballot.
- To pass a home-rule charter, 25% of the district's electorate must participate in the election. This is an extremely high turnout for any type of local election.
- Home-rule school districts have the same rules regarding the hiring and termination of instructors that traditional ISDs operate under.
- Home-rule school districts are subject to the state's 22:1 K-4 class size.

- Home-rule school districts have identical attendance and seat-time requirements to traditional ISDs.
- Home-rule school districts must offer bilingual education to English language learners, rather than being able to offer alternatives such as sheltered English immersion. This rule is also identical to that which governs traditional ISDs.

### Recommendations

- Remove the 25% voter turnout requirement in local elections.
- Empower parents to drive the charter process by enabling them to create and have their charter petition placed directly on a local election ballot without working through their local school board.
- Remove seat-time requirements to encourage online and blended learning models in home-rule school districts.
- Remove the 22:1 class-size cap for home-rule school districts.
- Do not require home-rule school districts to use bilingual education as their default provision for English language learners. Rather, allow them to choose a program that best suits the needs of their student body, such as sheltered English immersion.

### Resource

*Improving Efficiency And Local Control in Texas Education: Home-Rule Districts and Campus Charters* by James Golsan, Texas Public Policy Foundation (July 2012).

