

**SUBJECT:** Granting charters to junior colleges for open-enrollment charter schools

**COMMITTEE:** Public Education — favorable, without amendment

**VOTE:** 9 ayes — Eissler, Hochberg, Allen, Aycock, Farias, Olivo, Patrick, Shelton, Weber

0 nays

2 absent — Dutton, Jackson

**WITNESSES:** For — Brooke Terry, Texas Public Policy Foundation; (*Registered, but did not testify:* Amy Beneski, Texas Association of School Administrators; Dominic Giarratani, Texas Association of School Boards; Nick Gonzalez, South Texas College; Don Hudson, Texas Association of Community Colleges; Amanda Thomas, Texas Charter School Association)

Against — None

**BACKGROUND:** In 1995, the 74th Legislature authorized the creation of three types of charter schools: home-rule district charters; campus charters; and open-enrollment charters. Open-enrollment charters are considered independent school districts, whose service areas may cross one or several existing district attendance boundaries.

Charter schools provide education through a “charter,” which is a type of contract granted by the State Board of Education (SBOE) or the school board of an independent school district. The SBOE may grant an open-enrollment charter to an institution of higher education, a governmental entity, or a non-profit corporation. Most of the open-enrollment charters that have been granted are held by non-profit corporations, but several have been awarded to universities and governmental entities. Because open-enrollment charter schools are part of the public school system, they receive state funding through the Foundation School Program.

Current law prohibits SBOE from granting more than 215 charters for open-enrollment charter schools. Charters granted to universities or public senior colleges are excluded from the cap.

**DIGEST:** HB 1423 would authorize the SBOE to grant a charter for an open-enrollment charter school to operate at a public junior. To receive a charter, the junior college would have to implement the charter school's educational program under the direct supervision of a faculty member with substantial experience in teacher education, classroom instruction, or educational administration. The program would be designed to meet specific, measurable goals, such as dropout recovery. The financial operation would be supervised by the junior college's business office.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.

**SUPPORTERS SAY:** HB 1423 would address an oversight in current law by allowing junior colleges to apply for and operate open-enrollment charter schools, just like senior colleges and universities. Most junior colleges are active in offering courses that are suited to certain non-traditional students. The bill would help junior colleges and technical colleges by increasing access to the pool of students who need this type of educational setting. The state should encourage charter school growth by lowering barriers to their expansion, and HB 1423 would address one such barrier.

Public community colleges are appropriate places to establish open-enrollment charter schools because they are established educational institutions with the necessary financial background and expertise. They are able to offer the necessary coursework and the flexibility to address important issues, such as dropout recovery. They are in a good position to offer an educational setting that addresses the needs of certain students and have demonstrated innovation in the delivery of education to students of all backgrounds. Community colleges also have the facilities and infrastructure already in place. Finding appropriate space to hold classes often is problematic for non-profit charter schools, but this would not be an issue for a community college-based charter school.

Charter schools offer an alternative to public schools and increase options for parents and students, but the current demand for charter schools is greater than the supply. Concerns about possible reduced funding for school districts are overblown because community colleges already are educating many of the students that the bill would target. Some are taking dual-credit courses and already are in the college-bound pipeline. The

higher education goals for Texas include getting more students into college, and HB 1423 would provide a good pathway.

OPPONENTS  
SAY:

To the extent new grants were issued for open-enrollment charter schools as a result of HB 1423, school districts could lose a significant number of students due to enrollment at the new schools. This would result in reduced funding for school districts. Community college-based charter schools, like those granted to senior colleges, would not have a cap on the number of grants for which they could apply. To avoid a negative cost impact on school districts, the bill should limit the community colleges to offering dropout recovery programs because those students are not in the public school system anyway.

NOTES:

The author intends to offer a floor amendment that would stipulate that the junior college charter school's educational program would have to be designed to meet the dropout prevention and recovery needs of students at risk of dropping out of school and any additional goals described in the charter.