

SUBJECT: Mandatory public hearing and commissioner approval to close a school

COMMITTEE: Public Education — favorable, without amendment

VOTE: 6 ayes — Eissler, Hochberg, Allen, Aycock, Patrick, Shelton
1 nay — Weber
4 absent — Dutton, Farias, Jackson, Olivo

WITNESSES: For — Julia Hatcher; (*Registered, but did not testify:* Portia Bosse, Texas State Teachers Association; Monty Exter, Association of Texas Professional Educators; Lindsay Gustafson, Texas Classroom Teachers Association; Ted Melina Raab, Texas AFT)

Against — Julie Shields, Texas Association of School Boards; (*Registered, but did not testify:* David Thompson, Texas Association of School Administrators, Houston Independent School District)

DIGEST: HB 999 would require that before ordering the closing of a school, the board of trustees of a school district hold a public hearing at which residents of the district could comment on the proposed closure. After the hearing, the board would be required to vote on the proposed closure. If the board voted to close a school, the board would have to send the results of the vote to the commissioner of education, whose approval would be necessary to close the school.

At least seven days before the hearing, the school board would be required to:

- provide written notice of the hearing to each student's parent or person standing in parental relationship affected by the closure; and
- publish notice of the hearing in a newspaper of general circulation in the district.

The notice of the public hearing would have to include:

- the subject matter of the hearing, including the reason for the proposed closure; and
- the location, date, and time of the hearing.

The bill would take effect September 1, 2009.

**SUPPORTERS
SAY:**

The notification requirements in HB 999 would ensure that residents of a community are given the chance to express their views concerning school board plans and decisions to close a school. There were 147 school closures in calendar year 2008. At present, school boards do not inform adequately, if at all, residents and parents of impending school closures, so residents and parents are not given opportunity to provide input.

It is imperative that checks and balances surround the process by which a school is closed. The requirement that the school board receive approval from the commissioner to close a school would provide the necessary check. In one example, a school board made the decision to close a school due to low enrollment. It was found that three-fourths of the students zoned to attend that school were being bused by the district to another school because those students wanted to participate in a program that was not offered at the school at which the students were zoned to attend. In this instance, the board — by choosing not to include that program at the school — created its own low enrollment problem. A school board should not be the entity to close a school because of a problem it created. A neutral entity should review the process and circumstances to ensure that the board is acting in a proper manner.

**OPPONENTS
SAY:**

HB 999 would add an additional hurdle to the efficiency of local school boards and would impede local control. A school board chooses to close a school because the school is not solvent or has demonstrated chronic low enrollment. It is the school board's duty to monitor and control the schools within its district and act in the best interest of the students, and this bill would undermine the school board's authority.