



ATPE Opposition to SB 28

Removing voter input regarding open-enrollment charter school applications

March 25, 2019

The Association of Texas Professional Educators (ATPE) offers the following information in opposition to **Senate Bill (SB) 28** by Sen. Bettencourt.

Under current law, the commissioner of education has full authority over the application process for operators wishing to establish new open-enrollment charter schools in Texas. These are schools that are operated by private organizations and funded by Texas taxpayers. Charter schools are not governed by elected school boards, are not required to seek taxpayer approval through tax elections, and are not required to hold open public meetings.

Charter applications were originally managed entirely by the State Board of Education (SBOE), which is comprised of 15 members elected by Texas voters. Voters were largely cut out of the picture when the charter application process was consolidated under the unelected commissioner's office in 2013 and the SBOE's authority was reduced to a veto under Section 12.101(b-0) of the Texas Education Code.

The SBOE veto provides the sole remaining opportunity for Texas taxpayers to exercise input over the use of their tax dollars with regard to charter schools. The SBOE has exercised this veto judiciously, overriding only a handful of applications in the last seven years – most of which were ultimately approved after the applicants made changes to their applications at the board's recommendation and reapplied in the following cycle.

SB 28 would eliminate this veto authority as well as limit the ability of local communities to control the location and manner in which charter schools operate. Local land use and development ordinances serve critical functions, including protecting neighborhood integrity and critical infrastructure. To exempt charters from these ordinances would create a special class of business able to operate with complete disregard of community standards and beyond the reach of the taxpaying public.

The SBOE veto ensures transparency, accountability, and democratic involvement in decisions granting private organizations the right to collect public money from Texas taxpayers. **This critical accountability backstop must be maintained – if not expanded – in order to protect the vital interests of Texas voters and taxpayers.** Furthermore, SB 28 would severely curtail the foundational principle of local control by voting Texas taxpayers.

For these reasons, we urge you to **OPPOSE SB 28**. For additional information, contact ATPE Governmental Relations at (800) 777-2873 or government@atpe.org.