

# Summary of Comments on Commissioner's Proposed Rules on Charter Schools

April 15, 2024

Education groups raised numerous concerns about accountability, transparency, and ethics of open-enrollment charter schools under the Commissioner's proposed revisions to [19 Texas Administrative Code Chapter 100, Subchapter AA](#), which is a 109-page rewrite of TEA's charter rules.

The proposed rules weaken accountability and transparency of charter schools from inception to expansion, omit existing ethics rules and circumvent good-government statutes, and allows charter schools to divert even more public funds away from student instruction.

## Less Accountability

- Academic accountability is watered down for "high quality" charter schools, for discretionary expansion amendments with failing schools, and for the Charter School Performance Manual ratings which no longer would be required to include a focus on campus performance.
- Financial accountability is weakened with applications no longer requiring an applicant to show it would be "fiscally viable from its inception" or requiring the applicant to submit a growth plan or list of risk factors. For expedited amendments, the proposed rule would not require a "satisfactory" Charter FIRST rating and it omits submission of a business plan and a good-government affidavit regarding board member conflicts.
- Additionally, the proposed rule creates a new class of unaccountable charter schools that only serve early elementary grades, with no apparent plan for how the Legislature would hold those schools accountable for use of taxpayer dollars.

## Less Transparency

- Applicants for charter schools and existing charters seeking expansion would no longer be required to send notices to all affected stakeholders, including legislators, SBOE members, and public school districts in the entire geographic area where charters would draw students. Instead, the proposed rule defines the geographic area as only containing the zip code where the charter school or new campus might locate. This omits notice to numerous affected parties. Also, TEA would send out the notice, instead of the actual charter requestor, which could delay notice to the affected parties.
- Expansions of geographic boundaries no longer would necessitate an expansion amendment, which means affected parties no longer would have notice.
- The proposed rule omits written notice to parents when a charter school suspends its operations, and it is unclear if suspension is a material violation of the charter.

## Less TEKS and Curricular Alignment

- Out-of-state charter applicants appear to be required to use their out-of-state curricula and materials.
- Applicants for a charter school no longer would be required to describe how they would implement the enrichment curriculum.

### **Less Quality of Charter Applicants and Charter Schools**

- Despite a clear statute that requires a 10-year sit-out period before a former charter holder may apply for a charter, the proposed rule attempts to carve out special exceptions.
- The proposed rule eliminates from the application: evidence of parental and community support or opposition to a proposed charter school and background of proposed leaders.
- The proposed rule omits and waters down ethics laws designed to prevent undue influence of out-of-state charter applicants over Texas officials and review panels involved in reviewing and approving charter applications.
- The proposed rule repeals the law that limits charter schools to 27 percent administrative costs.
- The proposed rule omits that getting in trouble with a state agency in Texas or another state could be a material violation of the charter.
- The proposed rule appears to attempt to create new exemptions from good-government statutes on “related parties” and on the “no personal financial benefits” charter real estate certification required during the municipal zoning process.