



OPPOSE SB 1365

Public schools should be governed by boards elected by the local community, not a bureaucrat in Austin.

Commissioner of Education Mike Morath has often emphasized to the Legislature that “we need to love on those who love on our children.” And no truer words have been spoken. In the case of Houston Independent School District (HISD), however, there is no love for educators or for children. The love has all been spent on the bureaucrats, the politicians and the investors.

Because of the underperformance of one high school in a B-rated school district, the Texas Education Agency wants to replace the democratically elected school board with an appointed board of managers. This special interest group will likely move quickly to convert the school — and other district campuses that serve predominantly Black and Brown low-income students — to charter schools. And these charter schools will kick out the harder-to-educate students. Where is the love in this?

Background: In 2019, the Commissioner of Education appointed a board of managers to replace HISD’s elected board of trustees, appointed a conservator, suspended the district’s superintendent search, initiated a Special Accreditation Investigation against the district, and threatened to lower its accreditation status. Houston ISD challenged TEA in court and this bill is the result of the Texas Education Agency losing that court battle all the way to the Texas Supreme Court.

SB 1365:

- Is an attempt to **circumvent the courts**
 - ◊ The district court, the Third District Court of Appeals, and the Texas Supreme Court ruled that the Commissioner of Education did not follow laws and procedures. **SB 1365 would give him the authority to move forward anyway.**
- Would **eliminate school districts’ right of recourse**
 - ◊ The bill explicitly states that the commissioner’s decision is “final and unappealable.” This means that **school districts would have no recourse to challenge the legality of the decision made by an unelected official.**
- Would **eliminate the need for both reason and defense** for the state to investigate a school district
 - ◊ The bill entitles the Commissioner of Education to investigative authority on par with law enforcement. SB 1365 would allow the commissioner alone to determine whether a district has made a “material misrepresentation.”
 - ◊ Would **eliminate witness transparency** in the Agency’s investigation into school districts. SB 1365 would allow TEA to classify a witness that purportedly triggers an investigation as “confidential” meaning there would be no way of knowing whether or not the witness existed.

SB 1365 would give an extraordinary amount of new authority to the unelected Commissioner of Education to override the will of the people regarding matters of public schools.