

HB 2102 AND SB 1099

With a three-year window to open a new charter campus, low-performing charter schools could be allowed to expand.

April 16, 2023

HB 2102 AND SB 1099 provide new privileges for charter schools with an automatic 3-year window to open a new charter campus – and no oversight during that period.

DOUBLE THE TIME TO OPEN: These bills will double the time existing charter schools have to open a new charter campus from 18 months to 36 months through the amendment process.

WHY WAIT THREE YEARS: If there is a need for a new charter campus, why wait three years to open it?

LOW-PERFORMING CHARTER SCHOOLS COULD BE ELIGIBLE: State rules set performance and financial standards for a charter to be eligible for expansion, but a charter could be approved initially but be low-performing and ineligible once it opens a new campus at the end of the three-year period – allowing a low-performing charter to expand.

NO ADDRESS IS REQUIRED TO REQUEST A NEW CAMPUS: Charter schools are not required to provide an address or even a zip code when they file an amendment to open a new campus – so school districts often have no idea where the proposed new campus will locate and can't develop responsible enrollment projections. For example, charter schools can simply indicate the new campus will be "in San Antonio."

NO NOTICE TO SCHOOL DISTRICTS AFTER THE AMENDMENT IS FILED: These bills do not require charter schools to notify a school district over the entire 3-year time period once they have selected a site for the new campus. School districts only receive a notice when the amendment is initially filed.

WHY NOTICE MATTERS: Without notice of the address where a charter intends to locate, parents and taxpayers are left in the dark, and school districts can't plan ahead for the financial impact of enrollment loss. Charters could even locate a new campus nearby a new district campus that recently opened after receiving voter approval in a bond election. The level of student need and student demographics can change drastically over a three-year period.

CHARTER SCHOOLS CAN ALREADY DELAY OPENING DATES: Charter schools can already delay opening a campus beyond 18 months by filing a simple amendment with TEA. Charter schools also have the privilege of opening a new campus just 2 – 4 months after the campus is approved by the Commissioner.

HOW EXPANSION AMENDMENTS WORK: Once a charter is approved and meets certain TEA requirements, it can apply for an unlimited number of new campuses at the sole discretion of the Commissioner, with no public meeting, no general public notice, no notice to legislators in most cases, and no vote by any elected official.

Unlike public school districts that must receive voter approval to build a new facility, charter expansions are approved by self-selected board members, who often don't even live in the community where the charter will locate. Since 2010, the Commissioner has approved 937 new charter campuses – 67 in 2022 alone.