

## **COMMENTS FROM 21 EDUCATION ORGANIZATIONS ON THE STATE BOARD OF EDUCATION NO-CONTACT RULES**

August 25, 2023

**TO:** Texas Education Agency (TEA)

**FROM:** 21 Texas Education Organizations

**RE:** Comments regarding the State Board of Education amendment to 19 TAC Sec. 100.1(d) concerning the no-contact period for open-enrollment charter applicants or any entity acting on their behalf during the charter application process

The 21 organizations signed-on to this letter oppose, but also offer alternative suggestions, to the proposed changes to the State Board of Education (SBOE) rules included in 19 TAC Sec. 100.1(d) related to the no-contact period for charter applicants or their representatives during the charter application process.

The current no-contact rule serves a critical role in reinforcing the integrity of the charter application process by ensuring there is no undue influence on SBOE members or TEA from charter applicants or their representatives that could raise ethics concerns.

We are concerned that the proposed changes to the no-contact rule will diminish the transparency of the existing charter application process. The current rule ensures that discussions with charter applicants are on the record in public settings that are accessible to the public so that everyone receives the same information. This transparency is essential because the stakes are high. Charter applicants are private organizations seeking state contracts worth hundreds of millions of dollars in state revenue over time, so every effort should be made to maintain the existing transparency provided by the no-contact rule.

In addition, we believe that the current charter application process already allows charter applicants ample opportunity for contact with SBOE members and TEA. Charter applicants can contact SBOE members at any time before the application is submitted to present their charter application and explain their proposal, and applicants often take advantage of this opportunity by visiting SBOE members in person.

Applicants also have extensive time to request assistance from TEA staff for several months prior to the application deadline. In addition, qualifying applicants present their application in full to SBOE members and TEA staff at the lengthy TEA capacity interviews and during their presentation in advance of the SBOE's final vote.

Importantly, SBOE members are allowed to initiate contact with any charter applicant at any time during the no-contact period should they have additional questions or wish to

communicate with the applicant.

At a minimum, we ask that the SBOE maintain the no-contact rule until the date that the Commissioner announces his recommendations to the SBOE for final approval (about 3-4 weeks before the SBOE final vote).

Allowing contact only after the Commissioner has made his recommendations to the SBOE ensures that only the highest quality charter schools that have been fully vetted by TEA and the external review team can initiate contact with SBOE members. This date would allow sufficient time for these charter applicants to answer or clarify questions that have been raised during the TEA capacity interviews.

In addition, we ask that TEA restore the Commissioner, the Commissioner designee, and the external review team to the no-contact rule in order to ensure greater transparency and fairness in the application process. We ask why these entities have been omitted from the proposed rule?

Finally, we ask TEA to clarify how the proposed change to the no-contact rule is consistent with the Commissioner's rule [(19 TAC Sec. 100.1002(k)] regarding the Commissioner and the Commissioner's designee that are allowed to initiate contact with charter applicants, but may allow charter applicants to contact the Commissioner or the Commissioner's designee at any time.

We also ask whether the proposed change in the rules that allows charter applicants to contact the external review team is in conflict with the Commissioner's rules cited above which specifically prohibit a charter applicant or their representative from having any contact with the external review team.

Thank you for your consideration.

**These comments are supported by the following 21 organizations:**

Association of Texas Professional Educators (ATPE)  
Coalition for Education Funding  
Every Texan  
Fast Growth School Coalition (FGSC)  
Go Public  
IDRA (Intercultural Development Research Association)  
Pastors for Texas Children  
Raise Your Hand Texas  
Texas American Federation of Teachers (Texas AFT)  
Texas Association of Community Schools (TACS)  
Texas Association of Latino Administrators and Superintendents (TALAS)  
Texas Association of Midsize Schools (TAMS)

Texas Association of Rural Schools (TARS)  
 Texas Association of School Administrators (TASA)  
 Texas Association of School Boards (TASB)  
 Texas Classroom Teachers Association (TCTA)  
 Texas Council of Administrators of Special Education (TCASE)  
 Texas Elementary Principals and Supervisors Association (TEPSA)  
 Texas Rural Education Association (TREA)  
 Texas School Alliance (TSA)  
 Texas State Teachers Association (TSTA)

