

SUBJECT: Notifying school districts of planned charter schools, repealing mandates

COMMITTEE: Public Education — favorable, without amendment

VOTE: 13 ayes — Huberty, Bernal, Allen, Allison, Ashby, K. Bell, Dutton, M. González, K. King, Meyer, Sanford, Talarico, VanDeaver

SENATE VOTE: On final passage, April 25 — 30-0

WITNESSES: *On House companion bill, HB 3521:*

For — Christine Nishimura, Texas Charter Schools Association;  
(*Registered, but did not testify*: David Anderson, Raise Your Hand Texas;  
Andrea Chevalier, Association of Texas Professional Educators; Lisa  
Dawn-Fisher, Texas State Teachers Association; Casey McCreary, Texas  
Association of School Administrators; Seth Rau, San Antonio ISD; Emily  
Sass, Texas Public Policy Foundation; Paige Williams, Texas Classroom  
Teachers Association)

Against — Grover Campbell, Texas Association of School Boards

On — Priscilla Aquino Garza, Educate Texas; (*Registered, but did not  
testify*: Kelly Kravitz, Eric Marin, Monica Martinez, Heather Mauze, and  
Mark Olofson, Texas Education Agency)

DIGEST: SB 668 would add certain notification provisions relating to charter school establishments and expansions. The bill would adopt a standard definition of homeless children and students. It would repeal or revise certain Education Code requirements.

**Charter schools.** The bill would require the commissioner of education by rule to allow a charter holder to provide written notice to the commissioner of the establishment of a new open-enrollment charter school up to 18 months before the campus was anticipated to open. Such notice would not obligate the charter holder to open a new campus.

The bill would add certain school district superintendents to persons who

must be notified on receipt by the education commissioner of an application for a charter for an open-enrollment charter school or the establishment by a charter holder of a new campus. Notification would be made to the superintendent of each school district from which a proposed charter school or campus would be likely to draw students, as determined by the education commissioner.

A charter holder could submit a request for approval for an expansion amendment up to 18 months before the date on which the expansion would be effective. Such a request would not obligate the charter holder to complete the proposed expansion.

**Educator preparation.** The bill would change a requirement for the Board for Educator Certification to provide information on the perseverance of beginning teachers as part of consumer information about each educator preparation program. Instead of determining perseverance on the basis of the number of beginning teachers who maintain status as active contributing members in the Teacher Retirement System, the determination would be based on information reported through the Public Education Information Management System on the number of beginning teachers employed as classroom teachers for at least three years after certification in comparison to similar programs.

**Instructional materials.** The bill would remove an annual June 1 deadline by which a school district or charter school is required to make a requisition for instructional material using the online requisition program maintained by the commissioner of education.

**Homeless children.** The bill would adopt a federal law definition of "homeless children and youths" and make conforming changes to Education Code references to a child, person, or student who was homeless.

**Epinephrine auto-injectors.** SB 668 would remove the commissioner of education as a recipient of a required report by a school where a personnel member or school volunteer administered an epinephrine auto-injector in

accordance with a district, charter school, or private school policy.

**Energy efficiency.** The bill would repeal a requirement that school districts purchase energy-efficient light bulbs for use in instructional facilities.

**Other provisions.** SB 688 would repeal a requirement that the Texas Education Agency (TEA) take certain actions regarding recognition of high school completion and success and college readiness programs as additional rewards under the public school accountability system.

The bill would repeal a requirement that TEA, in coordination with the Legislative Budget Board, establish an online clearinghouse of information relating to best practices of campuses, school districts, and charter schools.

School districts would be removed from a requirement in Government Code sec. 2265.001 for governmental entities to record in an electronic repository and report on a public website the entity's electricity, water, and natural gas consumption.

The bill would apply beginning with the 2019-2020 school year.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

**SUPPORTERS  
SAY:**

SB 668 would implement recommendations from a group of education stakeholders that worked during the interim to develop policy recommendations to end unfunded mandates and encourage local education innovation.

The bill would expand notification to school districts about planned charter schools in their area by including superintendents among those receiving notice from the commissioner of education. It would maintain flexibility for charter schools by establishing a process for them to provide

written notice to the commissioner up to 18 months before establishing a new school. Both districts and charter schools need time to plan for new schools, and the bill would permit, rather than require, notification under a flexible timeline. Concerns expressed by some about the notification process being permissive and the timeline for notification being too open-ended could be addressed by a floor amendment.

The bill would authorize more efficient collection and reporting of data related to the persistence rate of beginning teachers by collecting the data through district reporting about classroom teachers to the Texas Education Agency rather than through information provided by the Teacher Retirement System.

SB 668 would give school districts and charter schools more flexibility to make requisitions for instructional materials by eliminating the June 1 deadline.

The bill would establish a uniform definition of "homeless children and youth." It would repeal certain Education Code requirements identified by the workgroup as being unnecessary or of limited use.

**OPPONENTS  
SAY:**

SB 668 would not provide school districts with sufficient notice of new charter schools that could impact the district's enrollment, teaching staff, and budget. The bill should require, rather than permit, charter schools to notify districts at least 18 months ahead of a planned new school opening. This would allow districts to prepare for the loss of students and make decisions related to staffing and budgeting.

**NOTES:**

The bill sponsor plans to offer a floor amendment that would require, rather than allow, a charter holder to provide written notice to the education commissioner of the establishment of a new charter school not later than 18 months before the date on which the campus was anticipated to open.

The amendment also would permit a charter holder to submit a request for approval by the education commissioner for an expansion amendment up

to 18 months before the date on which the expansion would be effective. A charter holder would have to submit a request for an expansion amendment establishing a new campus not later than 16 months before the date on which the campus was anticipated to open. A request for an expansion amendment would not obligate the charter holder to complete the proposed expansion.

The floor amendment would require the education commissioner, on receipt of a request for approval of an expansion amendment to a charter, to notify the superintendent of each school district from which the charter school was likely to draw students.