

- SUBJECT:** Charter schools' admissions preference for children of city employees
- COMMITTEE:** Public Education — favorable, without amendment
- VOTE:** 11 ayes — Eissler, Hochberg, Allen, Aycock, Dutton, Guillen, Huberty, Shelton, T. Smith, Strama, Weber
- 0 nays
- WITNESSES:** For — (*Registered, but did not testify:* Amanda Thomas, Texas Charter Schools Association)
- Against — None
- On — David Anderson, Texas Education Agency
- BACKGROUND:** Under federal law, an open-enrollment charter school is considered oversubscribed if it receives more applications for admission than can be accommodated and must admit students using a lottery system.
- The Texas Education Code, subch. D authorizes the State Board of Education to grant a charter to an eligible entity applying to operate an open-enrollment charter school and qualifying under the requirements listed. Public or private institutions of higher education, non-profit organizations, or governmental units generally qualify as eligible entities.
- DIGEST:** HB 2366 would establish that a charter school operated by a municipality was considered a work-site open-enrollment charter school for purposes of federal regulations on admissions standards for open-enrollment charter schools that receive federal funds.
- Charter schools fitting these characteristics could grant admission to the children of municipal employees before opening a lottery to fill remaining slots at the school. The number of children admitted outside of the lottery system would be limited to a small percentage of total enrollment, as could be specified by federal regulation.

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, 2011.

**SUPPORTERS
SAY:**

HB 2366 would help cities attract quality employees by granting automatic admission to their children to charter schools operated by the municipality. The availability of excellent schools often dictates the employment decisions of working parents. The bill would allow school admission to be included in incentives offered to candidates without the city's incurring additional costs.

Currently, the bill would affect only one charter school in Texas, in the town of Westlake in Tarrant and Denton counties. The requirement that the children of municipal employees automatically admitted make up only a "small percentage" would allow the town to offer incentives to its employees without fear of discriminating against other students applying for admission. Current municipal employees also could enroll their children in these schools.

Because the bill would affect only one school, the opportunity for oversight and study of the system could result in information that could be applied to these schools in the future. Although the bill would govern any future open-enrollment charter schools operated by municipalities, any opportunities for abuse of the admissions preference system would be minimal.

HB 2366 would use language identical to that in federal law for the "small percentage" threshold for admissions preferences. As a result, it would not create conflict between Texas and federal law governing admissions requirements for these types of charter schools.

**OPPONENTS
SAY:**

HB 2366 should be more specific concerning the limits on children who could be admitted on a preferential basis to charter schools operated by municipalities without going through the lottery system. Because there are no statutory guidelines to calculate what constitutes a "small percentage" of a school's enrollment, this vague standard could be abused by town employees. In addition, without specific language in federal law on what constituted a "small percentage," these charter schools would be vulnerable to added scrutiny for possible violations.