



BACKGROUND ON TEXAS CHARTER SCHOOLS

Texas passed its initial charter school legislation in 1995 and the state's first charter schools opened in the fall of 1996. The legislature initially provided for three types of charter schools: home-rule charter school districts, campus and campus program charter schools, and open-enrollment charter schools. In 2001, the legislature amended the Texas Education Code (TEC) to allow for a fourth class—university charter schools. Texas caps the number of open-enrollment charter schools at 215 schools, but places no caps on the number of university¹ and campus/campus program charter schools that may operate in the state.

Classes of Texas Charter Schools

Home rule school district charter. Texas' charter school law includes provisions that permit an entire school district to convert to charter school status and create a home-rule school district charter. Home-rule proposals may be adopted if approved by a majority vote in an election in which at least 25 percent of a school district's registered voters participate (TEC §§12.021-12.022). The voter participation requirement of the home-rule district charter is a substantial hurdle, and, as of January 2010, no Texas district has sought home-rule conversion.

Campus and campus program charter schools. In addition to enabling an entire traditional school district to convert to charter status, Texas permits traditional districts to operate individual charter schools through a process of conversion, or by creating entirely new schools. In order for a traditional district school to convert to *campus charter school* status, a majority of the school's teachers and the parents of a majority of students attending the school must sign a petition requesting conversion. Notably, the petition does not require the principal's signature, nor does conversion require the principal's approval. The petition is presented to the district's governing board, which may not arbitrarily deny the request. Conversion campus charter schools remain the legal responsibility of the district school board and receive state and local funding (TEC §§ 12.051-12.065).

Districts may also open entirely new campus charter schools within district boundaries. Such schools may be operated by district staff or under contract with external entities that provide educational services. This type of campus charter—sometimes referred to as “external” campus charters—may be housed in district facilities or at another facility located within the district, and teachers and students must expressly agree to assignments at the school (TEC § 12.0521). Like conversion charters, external campus charters receive state and local funding and remain the responsibility of the local school board.

¹Although university charter schools are characterized as open-enrollment charters, they are “not considered for purposes of the limit on the number of open-enrollment charter schools” (TEC § 12.156[b]).

Traditional districts may also operate campus program charters. Such charters are configured as independent educational programs that operate within a larger district school (i.e., a school within a school). The state does not play a role in the authorization of campus or campus program charter schools—local school districts create their own application requirements and oversee authorization processes. However, campus and campus program charters are required to meet state and federal statutory requirements, and such schools may be closed if students perform unsatisfactorily on state tests and other academic indicators (TEC §12.054). In 2008-09, 71 campus charter schools operated in Texas, and while 14 districts operated such schools, more than half (58 percent) were located in the Houston Independent School District.

Open-enrollment charter schools. Texas open-enrollment charters are entirely new public schools created by “eligible entities,” such as nonprofit organizations, universities or local government groups (TEC § 12.101). Open-enrollment charters are sponsored by the State Board of Education (SBOE) and are authorized for a period of 5 years. Charter schools receive state funding and are eligible for federal categorical programs, such as special education and Title 1 funding for disadvantaged students. Because open-enrollment charters have no taxable property, they do not receive local property tax revenues and are more reliant on state funding sources than traditional district schools. The charter school’s governing board retains legal responsibility for the management, operation and accountability of the school (TEC § 12.121) and is permitted to contract school management and instructional services from for-profit educational vendors (TEC § 12.125). Entities that receive authorization to operate open-enrollment charter schools may operate multiple charter campuses. Some Texas charter schools operate multiple campuses in a particular city or region of the state, while others operate statewide networks of charter campuses. In 2008-09, 206 open-enrollment charter schools operated 422 open-enrollment charter campuses in the state.

College or university charter schools. In 2001, the legislature amended Texas’ charter school law to allow for an “open-enrollment charter school to operate on the campus of a public senior college or university or in the same county in which the campus of the public senior college or university is located” (TEC § 12.152), and in 2009, the legislature added provisions enabling community colleges to operate charter schools. College or university charters are largely subject to the same regulatory provisions as open-enrollment charters, but must be supervised by a faculty member with expertise in educational matters. The school’s financial operations must be overseen by the college or university business office (TEC § 12.154). Similar to open-enrollment charters, college and university charter schools are able to operate multiple campuses. During the 2008-09 school year, three universities operated 19 charter school campuses.