


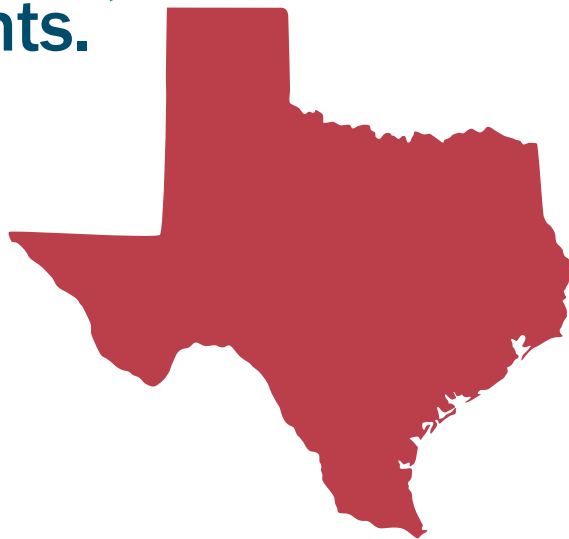


**The  
Truth  
About  
Texas  
Charter  
Schools**

TEXAS  
CHARTER  
SCHOOLS  
ASSOCIATION



There are **700**  
more than **700**  
public charter  
school campuses in  
Texas, serving nearly  
**300,000**  
students.



## INTRODUCTION

First authorized in 1995, Texas public charter schools have given hundreds of thousands of students an opportunity to find the public school that is right for them. Every year, more and more families in Texas are choosing a public charter school for their child's public education. Over the past ten years, the number of students in public charter schools has grown by over 200,000. There are now nearly 300,000 students attending public charter schools. There are also currently 141,000 student names on waiting lists because there are not enough spots for all the students that want to attend a public charter school.

Public charter schools enjoy strong bipartisan support from lawmakers and the public. Despite this, there are still myths and questions that persist: "Are they public?" "Do they get more money?" "Do students do better academically?" This paper takes on 25 of the most frequently-repeated myths in Texas and sets the record straight with facts, data, and independent research.

# table of contents



## GENERAL

6

*MYTH: Charter schools are not public schools.*

**FACT: Charter schools are public schools.**

*MYTH: Some public charter schools are religious schools.*

**FACT: Public charter schools are not allowed to be religious.**

*MYTH: Public charter schools are for-profit.*

**FACT: For-profit organizations are not allowed to run public charter schools.**

## FINANCIAL RESOURCES

7

*MYTH: Public charter schools receive more funding than traditional Independent School Districts (ISDs).*

**FACT: Public charter schools receive only 85% of total per-pupil funding that traditional ISDs receive.**

*MYTH: Public charter schools cost taxpayers more money.*

**FACT: Public charter schools cost taxpayers less money than traditional ISDs.**

*MYTH: Public charter schools are not transparent regarding their spending and finances.*

**FACT: Texas public charter schools are subject to strict financial standards and must be financially transparent.**

*MYTH: Public charter schools are forcing traditional ISDs into recapture.*

**FACT: Only 6% of public school students attend public charter schools, which is not a significant enough number to affect many recapture districts.**

## TEACHERS

10

*MYTH: Public charter school teachers are less qualified than other public school teachers.*

**FACT: Like traditional ISD leaders, public charter school leaders hire talented and passionate teachers who drive student achievements and create positive school culture.**

## ENROLLMENT

11

*MYTH: Public charter schools “cherry pick” students.*

**FACT: Public charter schools must take all students and are legally prohibited from selecting students based on academic ability or other preferences.**

*MYTH: Public charter schools don’t enroll students from historically underserved families.*

**FACT: Public charter schools enroll a higher percentage of students from historically underserved families.**

*MYTH: Public charter schools do not enroll students with disabilities and do not offer services for these students.*

**FACT: Public charter schools offer services for students with special needs. Eight percent of students in public charter schools are students with special needs.**

## DISCIPLINE

13

*MYTH: Public charter schools can exclude students with a discipline history.*

**FACT:** In limited circumstances – and to protect student safety – public charter schools may be allowed to deny admission to students if they have a violent past.

*MYTH: Public charter schools expel students they do not want and have higher suspension and expulsion rates.*

**FACT:** Texas public charter schools do not expel more students than their traditional ISD peers and they assign fewer out-of-school suspensions.

## PERFORMANCE

15

*MYTH: Public charter school students are not college ready.*

**FACT:** Public charter schools send more students to college and more public charter school students complete advanced courses while in high school.

*MYTH: Public charter school students do no better than traditional ISD students.*

**FACT:** Minority and historically underserved student populations at public charter schools outperform their traditional ISD peers in every single subject.

*MYTH: Public charter schools' strong academic results are attributable to pushing out underperforming students.*

**FACT:** Public charter schools are prohibited by law from pushing out underperforming students.



## ACCOUNTABILITY

19

*MYTH: Public charter schools are not held as accountable as traditional ISDs.*

**FACT:** Texas public charter schools are subject to the strictest accountability laws in the country.

*MYTH: Public charter schools aren't accountable to the public because they don't have locally elected boards.*

**FACT:** Public charter schools are held accountable to the public in numerous ways.

*MYTH: Underperforming public charter schools are allowed to remain open.*

**FACT:** Public charter schools can and sometimes do have their charters revoked for underperformance.

*MYTH: Public charter schools don't have to follow conflict of interest laws and are allowed to hire based on nepotism.*

**FACT:** Public charter schools must follow the same conflict of interest and nepotism laws as all public schools in Texas.

## IMPACT ON PUBLIC EDUCATION

21

*MYTH: Public charter schools are "oversaturated."*

**FACT:** There are not enough public charter schools to meet parent demand.

*MYTH: Public charter schools are harming traditional ISD schools.*

**FACT:** Public charter schools do not have any overall negative impact on the enrollment, budgets, or academics of traditional ISDs.

*MYTH: Public charter schools cause traditional ISDs to close.*

**FACT:** There is no evidence that public charter schools are causing traditional ISDs to close.

*MYTH: Public charter schools can open new schools without public notice.*

**FACT:** Public charter schools must give 6-18 months public notice before a new school or campus can open.

*MYTH: Public charter schools have unlimited growth.*

**FACT:** Public charter schools are limited in their growth.

## GENERAL CHARTER SCHOOL INFORMATION

---

**MYTH:** “Charter schools are not public schools.”

**FACT:** Charter schools are public schools.<sup>1</sup>

Every Texas charter school is required by law to be public,<sup>2</sup> a fact which the Texas Supreme Court affirmed as recently as 2018, stating, “open-enrollment charter schools are public schools.”<sup>3</sup> Authorized by Texas in 1995, charter schools provide tuition-free public school options to students and families. They are often called “open-enrollment” charter schools because they are open to all students. Public charter schools are authorized by the Texas Education Agency<sup>4</sup> and are funded through the state’s Foundation School Program—just like traditional public schools.<sup>5</sup> Additionally, public charter schools are held to the same academic and financial standards as traditional public school districts.<sup>6</sup>



**MYTH:** “Some public charter schools are religious schools.”

**FACT:** Public charter schools are not allowed to be religious.

Like traditional public schools,<sup>7</sup> public charter schools must keep religion separate from public education.<sup>8</sup> The Texas Education Agency clearly states on its website for charter applications that “churches and other faith-based organizations are not eligible to apply for a charter.”<sup>9</sup>

**MYTH:** “Public charter schools are for-profit.”

**FACT:** For-profit organizations are not allowed to run public charter schools.

For-profit public charter schools are not allowed in Texas. Under Texas law, open-enrollment charters may only be granted to one of four types of entities. Those entities include public institutions of higher education, private or independent institutions of higher education, non-profit organizations, or governmental entities.<sup>10</sup> Currently there are 179 open-enrollment charters: 172 are run by non-profits, six are run by universities, and one is run by a municipality.<sup>11</sup>



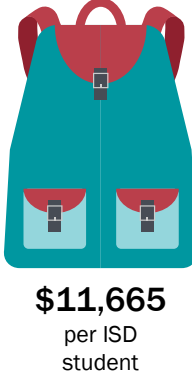
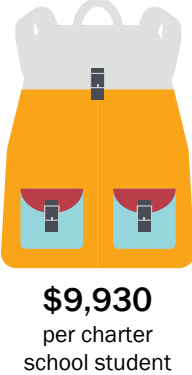
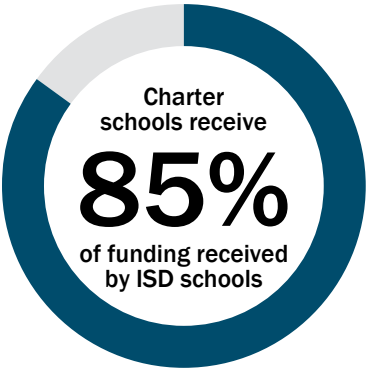
Public charter schools receive NO local tax dollars.

### FINANCIAL RESOURCES

**MYTH:** “Public charter schools receive more funding than traditional Independent School Districts (ISDs).”

**FACT:** Public charter schools receive only 85% of total per-pupil funding that traditional ISDs receive.

Texas school districts receive state and local funding to educate their students. Public charter schools, however, receive NO local tax dollars. Because traditional ISDs receive both local and state funding, there is a funding gap: traditional ISD schools receive \$1,700 per student more than public charter schools.<sup>12</sup> In the 2018-2019 academic year, public charter schools received an average of \$9,930 per student compared to traditional ISDs, which received an average of \$11,665 per student.<sup>13</sup>





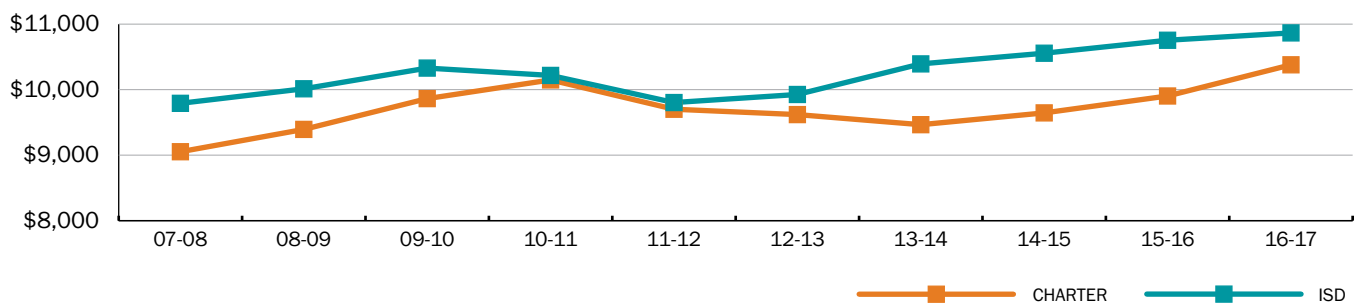
**MYTH:** “Public charter schools cost taxpayers more money.”

**FACT:** Public charter schools cost taxpayers less than traditional ISDs.

Texans fund traditional ISD and public charter schools through state and local taxes. Local taxpayer money accounts for an estimated 49% of local traditional ISD budgets.<sup>14</sup> By contrast, public charter schools receive only state funding and no local funds from property taxes.<sup>15</sup> Given this inequity, public charter schools cost taxpayers less overall than traditional ISDs. The table below shows that for every year since the 2007-2008 school year, public charter schools have spent fewer tax dollars on average per student than traditional ISDs.<sup>16</sup>

PER PUPIL EXPENDITURES

	07-08	08-09	09-10	10-11	11-12	12-13	13-14	14-15	15-16	16-17
ISD	\$9,791	\$10,013	\$10,329	\$10,217	\$9,803	\$9,926	\$10,393	\$10,556	\$10,754	\$10,866
Charter	\$9,052	\$9,393	\$9,863	\$10,148	\$9,701	\$9,619	\$9,465	\$9,645	\$9,903	\$10,379





**MYTH:** “Public charter schools are not transparent regarding their spending and finances.”

**FACT:** Texas public charter schools are subject to strict financial standards and must be financially transparent.

As public schools, Texas charter schools are held financially accountable and must be financially transparent. Public charter schools are:

- Subject to public information requests.
- Required to follow the Texas Open Meetings Act (public charter schools must post notice of each board meeting at least 72 hours in advance, hold each meeting in a place accessible to the public, and take all official action through a vote in public).<sup>17</sup>
- Required to adopt an annual budget and review the school’s annual financial accountability rating at an open meeting, same as traditional ISDs.<sup>18</sup>
- Required to post an annual budget and the school’s annual financial accountability rating online, the same as ISDs.<sup>19</sup>
- Forced to disclose any conflicts of interest between public charter school board members and any business entities the public charter school is conducting business with (the same as traditional ISD board members).<sup>20</sup>
- Held to the same annual financial accountability requirements as traditional public school districts.<sup>21</sup>

In addition, public charter schools are subject to the Charter Financial Integrity Rating System Texas (FIRST). Charter FIRST requires charters to receive an annual independent financial audit, maintain efficient cost ratios, and be financially solvent. Within 60 days of receiving a final Charter FIRST rating, a charter must hold a public meeting and post the results on their website. Unlike traditional public school districts, if a public charter school receives an unacceptable financial rating for three consecutive years, public charter schools are closed without an ability to appeal.<sup>22</sup>

**MYTH:** “Public charter schools are forcing traditional ISDs into recapture.”

**FACT:** Only 6% of public school students attend public charter schools, which is not a significant enough number to affect many recapture districts.

In the most recent school year, 371 traditional ISDs were required to make recapture payments for wealth equalization under chapter 41 of the education code.<sup>23</sup> Of those 371, less than 1/5 have public charter schools in their attendance zone. If all the students in public charter schools returned to the traditional ISD where the public charter school is located, then only ten ISDs—less than 3% of the ISDs currently in recapture—would *potentially* exit recapture.



## TEACHERS

---

**MYTH:** *“Public charter school teachers are less qualified than other public school teachers.”*

**FACT:** Like traditional ISD leaders, public charter school leaders hire talented and passionate teachers who drive student achievement and create positive school culture.<sup>24</sup>

Public charter schools in Texas have the flexibility to decide whom to hire, which classes to place them in to best meet student needs, and how to hold teachers accountable for student results. This flexibility allows public charter schools to draw from a wide candidate pool, including content area experts who may not have a traditional teacher certification. With that flexibility and wider candidate pool, Texas charter schools hire excellent teachers that produce excellent academic results. This is the same flexibility that the Texas legislature has granted to Districts of Innovation.<sup>25</sup>

## ENROLLMENT

---

**MYTH:** “Public charter schools ‘cherry pick’ students.”

**FACT:** Public charter schools must take all students and are legally prohibited from selecting students based on academic ability or other preferences.

Public charter schools must allow any school-aged child to enroll in their schools if they live within the geographic boundary approved in its state authorized charter. Under the Texas Education Code, open-enrollment charter schools cannot discriminate in their admission policies based on “sex, national origin, ethnicity, religion, disability, academic, artistic, or athletic ability, or the district the child would otherwise attend.”<sup>26</sup> If the number of applications exceeds available seats at a public charter school, they must hold a random lottery to fill seats. Therefore, charters by law may not choose high performing students to fill their classrooms.

The only exceptions to the open-enrollment lottery are for students who are children of the founding board members, children of teachers and staff, or a sibling of a student already admitted to the charter school.<sup>27</sup> These students are exempt from the lottery process. Additionally, public charter schools that specialize in the performing arts may require an audition for admission.<sup>28</sup> However, these exceptions are hardly unique. Public charter schools and traditional ISDs have for several years operated a total of 261 magnet schools, 98 T-Stem academies, 171 early college schools and 605 campuses that offer trade certifications.<sup>29</sup> These schools are competitive, meaning that some students do not get placed at them.

**MYTH:** “Public charter schools don’t enroll students from historically underserved families.”

**Fact:** Public charter schools enroll a higher percentage of students from historically underserved families.

Public charter schools in Texas enroll higher percentages of underserved students across all demographics:<sup>30</sup>

### ENROLLMENT DEMOGRAPHICS

	Economically Disadvantaged	Limited English Proficiency	Black	Hispanic
ISD	59%	9%	7%	40%
Charter	65%	20%	21%	52%

**MYTH:** “Public charter schools do not enroll students with disabilities and do not offer services for these students.”

**FACT:** Public charter schools offer services for students with special needs. Eight percent of students in public charter schools are students with special needs.

Public charter schools are prohibited from excluding students on the basis of disability,<sup>31</sup> and all state and federal laws regarding special education programs apply to open-enrollment charter schools, just as they do at traditional ISDs.<sup>32</sup> Public charter schools enroll a similar number of students receiving Special Education services as the state average (8% vs 10%),<sup>33</sup> and that percentage has been steadily increasing.

When looking at specific subgroups of students with disabilities, the table below shows that public charter school and traditional ISD enrollment of each group of students with disabilities is comparable. Furthermore, any slight differences in percent of enrollment by disability are accounted for mostly by district size. Most public charter districts happen to be smaller than traditional ISDs. Just like small traditional ISDs, public charter districts tend to have lower percentages of students in certain disability categories.

Disability	Average Charter % of Enrollment	Average ISD % of Enrollment
Orthopedic Impairment	0.01%	0.06%
Other Health Impairment	0.89%	1.34%
Auditory Impairment	0.02%	0.12%
Visual Impairment	0.01%	0.06%
Deaf-Blind	0.00%	0.00%
Intellectual Disability	0.42%	1.02%
Emotional Disturbance	0.49%	0.53%
Learning Disability	2.63%	2.98%
Speech Impairment	1.39%	1.91%
Autism	0.67%	1.23%
Developmental Delay	0.00%	0.00%
Traumatic Brain Injury	0.00%	0.01%
Non-categorical EC	0.01%	0.12%

## DISCIPLINE

---

**MYTH:** *“Public charter schools can exclude students with a discipline history.”*

**FACT:** In limited circumstances—and to protect student safety—public charter schools may be allowed to deny admission to students if they have a violent past.

With approval from the Texas Education Agency and to ensure student safety, public charter schools may be able to deny admission to students if they have a violent past.

In the 2017-2018 school year, 76,000 students in traditional ISDs were removed from their classrooms for violent, very serious, or criminal behavior, including assault with a deadly weapon on other students and teachers, sexual assault against other students and teachers, buying or selling drugs, arson, attempted murder, and aggravated robbery.

All students—whether or not they have a discipline history—deserve to be educated in an environment that meets their needs and keeps them safe. However, many public charter schools do not have the resources to create the appropriate environment necessary for students with serious discipline histories.

Normally, students with serious discipline offenses need to be removed from the classroom and placed in a separate setting away from other children.

Texas traditional school districts have Disciplinary Alternative Education Programs (DAEP) for students who commit serious disciplinary offenses. Traditional ISD schools have the ability to place transfer students with serious offenses into DAEP. For instance, a traditional ISD school can place transfer students that are registered sex offenders in DAEP for an extended period of time.<sup>34</sup> Alternatively, traditional ISD schools can refuse to enroll transfer students from other districts if they have not completed an alternative placement requirement assigned in their previous school.<sup>35</sup>

By contrast, public charter schools in Texas do not receive the same resources as traditional ISDs and not all have the ability to build specialized disciplinary placement programs and facilities like traditional ISDs. As a result of this difference, the Texas State legislature gave public charter schools the authority to determine whether or not they can accept and accommodate students with discipline histories.

**MYTH:** *“Public charter schools expel students they do not want and have higher suspension and expulsion rates.”*

**FACT:** Texas public charter schools do not expel more students than their traditional ISD peers and they assign fewer out-of-school suspensions.

Texas public charter schools have demonstrated a commitment to keeping their students in school. For instance, Texas public charter schools assign out-of-school suspensions (OSS) 35% less than traditional ISDs. Moreover, public charter schools assign part-day OSS at half the rate of traditional ISDs and in-school suspensions at a rate that is 40% higher than traditional ISDs.<sup>36</sup> This data suggests that public charter schools work hard to use in-school disciplinary responses in a way that keeps students in school and learning, not sent home.

Like traditional district schools, public charter schools have the ability to expel students for serious disciplinary offenses. However, in 2017-2018 there was no statistically significant difference between the averages of students Texas public charters expelled versus traditional ISDs.<sup>37</sup> However, in that same year there was a marked difference in the number of charter districts versus traditional ISDs that expelled students. Only 24% of charter districts expelled students, compared to 35% of traditional ISDs.

Nevertheless, the miniscule percentage of students facing these expulsions had the right to a fair hearing. In fact, charters are required to provide due process for expulsions under TEC 12.131. Additionally, federal law entitles due process before a suspension or expulsion under the Constitution. The requirement that a student is entitled to due process comes from a Supreme Court Case, *Goss v. Lopez*, 419 U.S. 565 (1975).

## PERFORMANCE

**MYTH:** “Public charter school students are not college ready.”

**FACT:** Public charter schools send more students to college and more public charter school students complete advanced courses while in high school.<sup>38</sup>

A higher percentage of students at public charter schools enroll in higher education than those who attend traditional ISD schools.<sup>39</sup>

### STUDENT ENROLLMENT IN HIGHER EDUCATION

	All	Black	Hispanic	White	Limited English Proficiency	Economically Disadvantaged
ISD	55%	54%	52%	58%	33%	47%
Charter	61%	68%	62%	56%	45%	65%

In addition, a higher percentage of students at public charter schools complete their post-secondary education than those who attend traditional ISD schools, as data on the 2008-2009 statewide 9<sup>th</sup> grade cohort demonstrates in the table below.<sup>40</sup>

### POST-SECONDARY EDUCATION COMPLETION RATES

	Low-Income 9th Grade Cohort	% Low-Income Graduated High School	% Low-Income Higher Education Enrollment	% Low-Income Higher Education Completion
ISD	166,297	72%	49%	18%
Charter	1,403	79%	60%	21%

Public charter schools also have higher percentages of students completing dual enrollment or advanced courses than traditional ISDs. Taking dual enrollment and advanced courses increases college readiness because it exposes students to college-level work and expectations.



### DUAL ENROLLMENT OR ADVANCE COURSE COMPLETION RATES

	All	Black	Hispanic	White	Limited English Proficiency	Economically Disadvantaged
ISD	33%	27%	30%	37%	18%	28%
Charter	48%	36%	47%	49%	36%	48%

As a result, 35% of the top 50 high schools in the U.S. News and World Report's *Best High Schools in Texas Ranking* were charter campuses.<sup>41</sup> This 35% is remarkable considering that charters account for fewer than 15% of all Texas school districts and 6% of statewide public school enrollment.



# Minority and historically underserved student populations at public charter schools perform better than their traditional ISD peers in every subject.

**MYTH:** “Public charter school students do no better than traditional ISD students.”

**FACT:** Minority and historically underserved student populations at public charter schools outperform their traditional ISD peers in every single subject.

Minority and historically underserved student populations at public charter schools perform better than their traditional ISD peers in every subject (math, science, reading, and writing). The table below displays comparisons of Meets and Masters grade level percentages on STAAR by sub-population between traditional ISD and public charter districts.<sup>42</sup>

Sub-population	Subject	ISD Meets	Charter Meets	ISD Masters	Charter Masters
Black	Math	34%	38%	14%	17%
Black	Science	37%	42%	12%	15%
Black	Reading	32%	42%	12%	19%
Black	Writing	30%	40%	9%	12%
Hispanic	Reading	38%	42%	13%	18%
Hispanic	Writing	33%	39%	9%	12%
Economically Disadvantaged	Reading	36%	38%	12%	16%
Economically Disadvantaged	Writing	29%	35%	7%	9%
At-Risk	Math	26%	31%	8%	12%
At-Risk	Science	28%	32%	6%	9%
At-Risk	Reading	22%	28%	5%	10%
At-Risk	Writing	19%	28%	4%	6%
Limited English Proficiency	Math	32%	35%	12%	15%
Limited English Proficiency	Science	22%	31%	6%	10%
Limited English Proficiency	Reading	20%	27%	7%	11%



**MYTH:** *“Public charter schools’ strong academic results are attributable to pushing out underperforming students.”*

**FACT:** Public charter schools are prohibited by law from pushing out underperforming students.

Public charter schools are open-enrollment and must accept students through a blind lottery or based on a first come, first served process.<sup>43</sup> Texas public charter schools may not push away underperforming students in their admissions processes. The Texas Education Code prohibits charters from discriminating against students on the basis of sex, national origin, ethnicity, religion, disability, academic, artistic, or athletic ability.<sup>44</sup> Additionally, public charter schools can only remove students through expulsion for a behavior specifically identified in the school’s student code of conduct, after providing the federally-required due process.<sup>45</sup>



**Public charter schools in Texas are held to even higher and stricter levels of accountability than traditional ISDs.**

## ACCOUNTABILITY

---

**MYTH:** *“Public charter schools are not held as accountable as traditional ISDs.”*

**FACT:** Texas public charter schools are subject to the strictest accountability laws in the country.

Public charter schools in Texas are held to even higher and stricter levels of accountability than traditional ISDs. Public charter schools are required to be closed after three years of receiving unacceptable ratings. Open-enrollment charter schools are subject to the same A-F academic accountability rating system and the same Financial Integrity Rating System Texas (FIRST) as traditional ISDs in Texas.<sup>46</sup> If a public charter school receives an “F” on the academic accountability performance rating, an unacceptable rating on the financial accountability rating system, or any combination of the two for three consecutive years, the public charter school is automatically closed without an option to appeal.<sup>47</sup> There is no state in the country with higher standards for public charter schools. In addition to the accountability tied to closure, public charter schools cannot expand unless they are rated as “academically acceptable” for their academic rating and “satisfactory” for their financial rating.

**MYTH:** *“Public charter schools aren’t accountable to the public because they don’t have locally elected boards.”*

**FACT:** Public charter schools are held accountable to the public in numerous ways.

Local elections are only one factor among many to ensure local accountability. Public charter schools are required to follow many of the same laws as traditional school districts to aid in public accountability, such as open meetings laws,<sup>48</sup> purchasing laws,<sup>49</sup> conflict of interest laws,<sup>50</sup> and nepotism laws.<sup>51</sup>



**MYTH:** *“Public charter schools don’t have to follow conflict of interest laws and are allowed to hire based on nepotism.”*

**FACT:** Public charter schools must follow the same conflict of interest and nepotism laws as traditional ISDs in Texas.

Public charter schools must follow the Texas Education Agency’s enforced guidelines on paying market value for rent;<sup>52</sup> making their lease available publicly;<sup>53</sup> and following all state conflict of interest disclosure<sup>54</sup> and anti-nepotism laws.<sup>55</sup> If a public charter school violates any of these laws or regulations, they can be sanctioned and have their charter revoked.<sup>56</sup>

**MYTH:** *“Underperforming public charter schools are allowed to remain open.”*

**FACT:** Public charter districts can and sometimes do have their charters revoked for underperformance.

Though it doesn’t happen very often, there are times when a public charter school needs to be closed. According to the Texas Education Code, public charter districts can have their charters revoked or not renewed for not meeting state requirements for three years. Charters can be revoked for the following reasons: unsatisfactory academic performance, unsatisfactory financial accountability, or failure to provide for student health and welfare.<sup>57</sup> Since 1996, 54 Texas charter districts have closed their doors; 36 of these had their public charters revoked and 18 were not renewed.<sup>58</sup> Texas not only has legal mechanisms to deal with underperforming public charter schools, but it has also used those tools to close public charters to ensure that children receive a quality education.

## IMPACT ON PUBLIC EDUCATION

---

**MYTH:** “Public charter schools are ‘oversaturated.’”

**FACT:** There are not enough public charter schools to meet parent demand.

With more than 141,000 student names on Texas public charter school waiting lists, the problem is actually that there aren’t enough public charter school seats to meet demand.

The Texas legislature has decided that they want parents to have multiple options when it comes to public education and public charter schools are one of those options.

Opponents like to simply count the number of public charter schools in an area and claim the region is “oversaturated,” but this does not take into account the types of programs offered at those schools that families may want such as STEM, Montessori, or special education. It also fails to consider whether there are options for families at all grade levels. There could be several public charter high schools but no elementary schools, leaving families with younger students without any choice within the public education system.



**MYTH:** “Public charter schools are harming traditional ISD schools.”

**FACT:** Public charter schools do not have any overall negative impact on the enrollment, budgets, or academics of traditional ISDs.

Opponents claim public charter schools are harming traditional ISDs either financially or by bringing down their academics. Both are untrue.

**Funding:** A ten-year analysis of the 41 counties with public charter schools revealed that traditional ISD operating budgets in those counties either increased or stayed the same 80% of the time. The remaining 20% of traditional ISD budgets decreased by less than 1%. During this ten-year time period, funding per student at traditional ISDs grew at an annual average rate of 2.6%.<sup>59</sup>

**Academics:** Student transfers to public charter schools do not negatively impact traditional ISD performance. Looking at the 41 counties with public charter schools during the 2017-18 academic school year revealed that the percentages of students approaching, meeting, and mastering grade level did not tend to decrease as charter enrollment increased. In social studies, traditional ISD achievement actually *increased* as charter enrollment rose. And though the Austin traditional ISD lost a great number of students in transfers in 2017-2018, their Approaches, Meets, and Masters percentages in all subject areas increased.<sup>60</sup>

**MYTH:** “Public charter schools cause traditional ISDs to close.”

**FACT:** There is no evidence that public charter schools are causing traditional ISDs to close.

Though some traditional ISD schools are losing students, these losses are not widespread enough to cause a traditional ISD school to close.

Even as some Texas families choose public charter schools, only 16 of the 41 Texas counties with charter districts saw some loss in student enrollment. Of those 16 counties, 13 only lost 1% or less of their students to public charter schools. The remaining three of those 16 counties lost 1.3%, 1.3% and 11% respectively. The other 25 districts either had no change or had an increase in student enrollment.<sup>61</sup>

Furthermore, whenever a population grows, 90% of the increases in student enrollment go to traditional ISD schools.<sup>62</sup>

Lastly, there is no proof of traditional ISD campuses closing due only to increases in charter enrollment. From 2014 to 2019 as the number of public charter campuses increased (in the 41 Texas counties with charters), the number of traditional ISD schools also increased.

**There are currently 177 active charter holders and in the past six years, an average of four new charters have been approved each year.**

**MYTH:** *“Public charter schools can open new schools without public notice.”*

**FACT:** Public charter schools must give 6-18 months advanced notice before a new school or campus can open.

New public charter schools must give notice 1.5 years before they can open their doors. Between required notifications, meetings, and public announcements, traditional ISD schools have at least six notices of a new public charter school opening. The following groups are notified during the application process for a new public charter school:

- Texas Education Agency;<sup>63</sup>
- The public via a community meeting and notification in the newspaper;<sup>64</sup>
- Local board of trustees and superintendents within the proposed geographic boundary of the proposed school;<sup>65</sup>
- Every member of the State Legislature that represents the proposed geographic area; and<sup>66</sup>
- State Board of Education members that represent the proposed geographic area.<sup>67</sup>

Expanding public charter schools must give notice 6-18 months before a new campus can open. The following groups are notified during the application process for a public charter school expansion (new campus):

- Texas Education Agency;<sup>68</sup>
- Every public school that would be affected by the expansion;<sup>69</sup>
- All school board trustees affected by the expansion; and<sup>70</sup>
- All state lawmakers representing the geographic boundary of the charter.<sup>71</sup>

**MYTH:** *“Public charter schools have unlimited growth.”*

**FACT:** Public charter schools are limited in their growth.

There is a state wide cap of 305 on open-enrollment charter holders.<sup>72</sup> Therefore, public charter schools are limited in their growth. There are currently 177 active charter holders and in the past six years, an average of four new charters have been approved each year.<sup>73</sup> To open new charters or even expand campuses, charter holders must apply and meet standards set by the Texas Education Agency (TEA),<sup>74</sup> and may be denied by the State Board of Education for any reason, even after the TEA commissioner provides approval.<sup>75</sup>



## Endnotes

1. TEX. EDUC. CODE §12.105. “An open-enrollment charter school is part of the public school system of this state.” See also 12.001(a)(2) explaining one of the purposes of charters in Texas is to “increase the choice of learning opportunities within the public school system.”
2. *Ibid.*
3. *Neighborhood Centers Inc. v. Walker*, 544 S.W.3d 744, 751 (Tex. 2018). See also *Ohnesorge v. Winfree Acad. Charter Sch.*, 328 S.W.3d 654, 656 (Tex. App. 2010) (stating that “open-enrollment charter schools are ‘public schools’”) and *LTTS Charter Sch., Inc. v. C2 Constr., Inc.*, 342 S.W.3d 73, 74 (Tex. 2011) (opening the opinion with the line, “Since 1995, open-enrollment charter schools have been a part of the Texas public-school system.”).
4. TEX. EDUC. CODE §12.101(a).
5. TEX. EDUC. CODE §12.106.
6. TEX. EDUC. CODE §12.104(b)(2)(L).
7. TEX. EDUC. CODE §12.105. (“An open-enrollment charter school is part of the public school system of this state.”)
8. U.S. CONST. amend. 1 (“Congress shall make no law respecting an establishment of religion”)
9. Texas Education Agency. Charter Schools - Subchapter D Charters. Retrieved from <https://tea.texas.gov/charterapp.aspx>.
10. TEX. EDUC. CODE §12.101(a).
11. Texas Education Agency. 2018 Comprehensive Biennial Report on Texas Public Schools. Retrieved from [https://tea.texas.gov/acctres/comp\\_annual\\_index.html](https://tea.texas.gov/acctres/comp_annual_index.html).
12. Texas Education Agency. 2018 Near Final Summary of Finance, Texas Education Agency. Retrieved from [https://tea.texas.gov/Finance\\_and\\_Grants/State\\_Funding/Foundation\\_School\\_Program/Summary\\_of\\_Finances/](https://tea.texas.gov/Finance_and_Grants/State_Funding/Foundation_School_Program/Summary_of_Finances/).
13. *Ibid.*
14. Texas Education Agency. Texas Public School Finance Overview. Retrieved from [https://tea.texas.gov/Finance\\_and\\_Grants/State\\_Funding/Additional\\_Finance\\_Resources/Texas\\_Commission\\_on\\_Public\\_School\\_Finance/](https://tea.texas.gov/Finance_and_Grants/State_Funding/Additional_Finance_Resources/Texas_Commission_on_Public_School_Finance/).



15. TEXAS EDUC. CODE § 45.002.
16. Texas Education Agency. PEIMS Financial Data Downloads. Retrieved from [https://tea.texas.gov/Finance\\_and\\_Grants/State\\_Funding/State\\_Funding\\_Reports\\_and\\_Data/PEIMS\\_\\_Financial\\_Data\\_Downloads/](https://tea.texas.gov/Finance_and_Grants/State_Funding/State_Funding_Reports_and_Data/PEIMS__Financial_Data_Downloads/).
17. TEX. GOV. CODE Chapter 551. Tex. Edu. Code §12. 1051.
18. TEX. LOCAL GOV. CODE §140.006(c); 19 Tex. Admin. Code §109.1001(q)(2).
19. TEX. GOV. CODE §551.056.
20. TEX. EDU. CODE §12.1054 ; Tex. Loc. Gov. Code §171.
21. TEX. EDU. CODE §12.014(b)(L).
22. Texas Education Agency. School FIRST Rating for Open-Enrollment Charter Schools and Charter Schools Operated by a Public Institution of Higher Education (IHE). Retrieved from [https://tea.texas.gov/Finance\\_and\\_Grants/Financial\\_Accountability/Financial\\_Integrity\\_Rating\\_System\\_of\\_Texas\\_\(FIRST\)/School\\_FIRST\\_Rating\\_for\\_Open-Enrollment\\_Charter\\_Schools\\_and\\_Charter\\_Schools\\_Operated\\_by\\_a\\_Public\\_Institution\\_of\\_Higher\\_Education\\_\(IHE\)/](https://tea.texas.gov/Finance_and_Grants/Financial_Accountability/Financial_Integrity_Rating_System_of_Texas_(FIRST)/School_FIRST_Rating_for_Open-Enrollment_Charter_Schools_and_Charter_Schools_Operated_by_a_Public_Institution_of_Higher_Education_(IHE)/).
23. Texas Education Agency. 2018-2019 Final Chapter 41 Districts. Retrieved from [https://tea.texas.gov/Finance\\_and\\_Grants/State\\_Funding/Chapter\\_41\\_Wealth\\_Equalization/Chapter\\_41\\_Wealth\\_Equalization/](https://tea.texas.gov/Finance_and_Grants/State_Funding/Chapter_41_Wealth_Equalization/Chapter_41_Wealth_Equalization/).
24. Gross, Betheny, and DeArmond, Michael. Center on Reinventing Public Education. How Do Charter Schools Get the Teachers They Want? Retrieved from <https://www.publiccharters.org/publications/charter-schools-teachers-want>.
25. TEX. EDU. CODE §12A.004 (1).
26. TEX. EDU. CODE §12.111(a)(5).
27. Title V, Part B: Nonregulatory Guidance Charter Schools Program.
28. TEX. EDU. CODE §12.111(a)(5)(B).
29. Texas Education Agency.
30. Texas Education Agency. 2018-2019 Student Program and Special Populations Totals. Retrieved from <https://rptsvr1.tea.texas.gov/adhocrpt/adspr.html>.
31. TEXAS EDUC. CODE § 12.111 (a)(5).
32. TEXAS EDUC. CODE § 12.104 (b)(2)(F).
33. Texas Education Agency. 2018-2019 Student Program and Special Populations Totals. Retrieved from <https://rptsvr1.tea.texas.gov/adhocrpt/adspr.html>.
34. TEXAS EDUC. CODE § 37.304 (b) (1).
35. TEXAS EDUC. CODE § 37.0081(a-1)(2)(d) and (f).
36. Texas Education Agency. 2017-2018 Discipline Reports. Retrieved from [https://tea.texas.gov/Reports\\_and\\_Data/Student\\_Data/Discipline\\_Data\\_Products/Discipline\\_Reports/](https://tea.texas.gov/Reports_and_Data/Student_Data/Discipline_Data_Products/Discipline_Reports/). These rates have statistically significant differences and come from dividing the total enrollment of each campus by their total number of suspensions.
37. Texas Education Agency. 2017-2018 Discipline Reports. Retrieved from [https://tea.texas.gov/Reports\\_and\\_Data/Student\\_Data/Discipline\\_Data\\_Products/Discipline\\_Reports/](https://tea.texas.gov/Reports_and_Data/Student_Data/Discipline_Data_Products/Discipline_Reports/). This conclusion is based on an Analysis of Variance (ANOVA) comparing the expulsion rates (by district) of 1012 traditional public school districts and 139 charters in Texas (data for the remaining districts were not included, because TEA masks it due to small numbers and student privacy concerns).
38. Texas Education Agency. Texas Academic Performance Reports. Retrieved from <https://rptsvr1.tea.texas.gov/perfreport/tapr/2018/xplore/DownloadSelData.html>.
39. Ibid.
40. University of Houston Education Research Center, 2019.
41. U.S. News and World Report. *Best High Schools in Texas Ranking*. Retrieved from <https://www.usnews.com/education/best-high-schools/texas/rankings>.
42. Texas Education Agency. Texas Academic Performance Reports. Retrieved from <https://rptsvr1.tea.texas.gov/perfreport/tapr/2018/xplore/DownloadSelData.html>.
43. TEXAS EDUC. CODE § 12.117 (a) (2).
44. TEXAS EDUC. CODE § 12.111 (a)(5).

45. Texas Education Agency. Letter to an Administrator. Retrieved from [https://tea.texas.gov/About\\_TEA/News\\_and\\_Multimedia/Correspondence/TAA\\_Letters/Charter\\_Admission,\\_Enrollment,\\_and\\_Withdrawal/](https://tea.texas.gov/About_TEA/News_and_Multimedia/Correspondence/TAA_Letters/Charter_Admission,_Enrollment,_and_Withdrawal/).
46. TEX. EDUC. CODE §12.104(b)(2)(L).
47. TEX. EDUC. CODE §12.115 (c).
48. TEX. EDUC. CODE §12.1051.
49. TEX. EDUC. CODE §12.1053.
50. TEX. EDUC. CODE §12.1054.
51. TEX. EDUC. CODE §12.1055.
52. TEX. EDUC. CODE §12.
53. TEX. ADMIN. CODE §100.1022.
54. TEX. EDUC. CODE §12.1051.
55. TEX. EDUC. CODE § 12.1054.
56. TEX. EDUC. CODE § 12.1055.
57. TEX. EDUC. CODE § 12.115.
58. Texas Education Agency. Summary of Charter Awards and Closures. Retrieved from [https://tea.texas.gov/Texas\\_Schools/Charter\\_Schools/Charter\\_Schools\\_-\\_Reports/](https://tea.texas.gov/Texas_Schools/Charter_Schools/Charter_Schools_-_Reports/).
59. Texas Education Agency. Total Operating expenditures 2006-2017 report. Retrieved from [https://tea.texas.gov/Finance\\_and\\_Grants/State\\_Funding/State\\_Funding\\_Reports\\_and\\_Data/State\\_\\_Funding\\_Reports\\_and\\_Data/](https://tea.texas.gov/Finance_and_Grants/State_Funding/State_Funding_Reports_and_Data/State__Funding_Reports_and_Data/) These are basic descriptive statistics from a 10 year analysis of growth from year to year of ISD operating budgets, enrollment and per student funding. These statistics also show that budget and per student funding increased at the same schools saw modest decreases in enrollment, due in part to charter growth.
60. Texas Education Agency. Texas Academic Performance Reports. Retrieved from <https://rptsvr1.tea.texas.gov/perfreport/tapr/2018/xplore/DownloadSelData.html> and 2017-2018 PEIMS Standard Retrieved from [https://tea.texas.gov/Reports\\_and\\_Data/School\\_Performance/Accountability\\_Research/Enrollment\\_Trends/?LangType=1033](https://tea.texas.gov/Reports_and_Data/School_Performance/Accountability_Research/Enrollment_Trends/?LangType=1033).
61. Texas Education Agency. Enrollment reports. Retrieved from <https://rptsvr1.tea.texas.gov/adhocrpt/adste.html>.
62. Ibid.
63. 19 TEX. ADMIN. CODE §100.1002.
64. See “Required Attachments” Document linked on <https://tea.texas.gov/interiorpage.aspx?id=3474> (page 6 discussing the public meetings notice).
65. 19 TEX. ADMIN. CODE §100.1005.
66. Ibid.
67. Ibid.
68. 19 TEX. ADMIN. CODE §100.1002.
69. 19 TEX. ADMIN. CODE §100.1033(b)(10)(D)(3), 19 TEX. ADMIN. CODE §100.1033(b)(10)(C).
70. 19 TEX. ADMIN. CODE §100.1033(b)(11)(A)(2)(III).
71. 19 TEX. ADMIN. CODE §100.1033(b)(11)(A)(2)(III).
72. TEXAS EDUC. CODE § 12.101 (b-2).
73. Texas Education Agency. Summary of Charter Awards and Closures. Retrieved from [https://tea.texas.gov/Texas\\_Schools/Charter\\_Schools/Charter\\_Schools\\_-\\_Reports/](https://tea.texas.gov/Texas_Schools/Charter_Schools/Charter_Schools_-_Reports/).
74. TEXAS EDUC. CODE § 12.101 (b).
75. TEXAS EDUC. CODE § 12.101 (b-0).



3801 S. Capital of TX Hwy • Suite 330 • Austin, Texas 78704  
admin@txcharterschools.org • ph. 512-584-8272

[TXCHARTERSCHOOLS.ORG](http://TXCHARTERSCHOOLS.ORG)