

## Invited Testimony before the Texas Senate Education Committee *Regarding Charter Schools*

by Brooke Dollens Terry  
Senior Education  
Policy Analyst

Good morning. I am Brooke Terry, a senior education policy analyst, with the Texas Public Policy Foundation.

For the past two years, we have surveyed open-enrollment charter schools all over Texas to gauge the amount of unmet demand for open-enrollment charter schools. In the 2007-08 school year, we identified 16,810 students on a waiting list to attend a charter school. For the last school year (2008-09) the waiting list number more than doubled. We identified 40,813 students on a waiting list to attend a charter school in Texas. Clearly, demand to attend a charter school is exceeding supply.

To give lawmakers a sense of the demand in areas around the state, we have broken out the waiting list numbers by region. In the Foundation publication, *Charter Schools in Texas: The Waiting Lists Grow Longer*, the regional waiting list numbers are on page 3, Table 2.

The largest regional waiting list was in the Houston/Galveston area with 17,685 students. The Dallas/Fort Worth area had the second largest regional waiting list with 10,184 students. The Rio Grande Valley had the third largest regional waiting list with 6,696 students on a waiting list. The Austin area had 3,085 students on a waiting list and San Antonio had 1,086 students on a waiting list.

It is interesting to look at the data from two years ago and see that the waiting list numbers almost doubled in all of these regions. The waiting lists are also concentrated in Texas' large urban areas. While we have surveyed charter schools the last two years to determine demand, the state of Texas could track state

and regional waiting list numbers by charter campus or by charter district.

Nationwide, there are an estimated 365,000 students on a waiting list, according to the National Alliance for Public Charter Schools.

Texas has a statewide cap limiting the number of open-enrollment charter operators to 215. Texas' State Board of Education hit the cap in November of 2008. This number was put in place in 2001. Since November of 2008, several charters have been returned to the state. Currently, two charters have been returned to the State Board of Education and have not been granted yet by the State Board of Education. It is likely several more will be returned or revoked in the next couple of months allowing a few additional charters to be granted. Texas exempts open-enrollment charter schools started by two-year and four-year public universities from the statewide cap.

With more than 40,000 students on a waiting list, we see a need for Texas lawmakers to raise or eliminate the cap. We expect the demand for charter schools in Texas to continue to increase. The current cap does not meet current demand and does not allow successful charter school operators in other states to move to Texas and open schools.

There are a couple of different ways the Texas Legislature can address the cap. Lawmakers can eliminate it entirely, raise it, exempt certain schools or areas from the cap, or have a moving cap.

In the Foundation publication, *Charter School Caps*, there is information about the vari-

ous states with caps on charter schools. On the back of the publication is a chart showing the different state caps and any special conditions. Every state is very different. For example, California has a moving cap that increases by 100 a year. This gave some Texas lawmakers the idea last session of a moving cap that increases by a certain amount each year. Louisiana allows charter schools started by the Statewide Recovery District (the school district started after Hurricane Katrina hit New Orleans) to not count against the cap. Illinois and New York both carved out a specific number of charters within the overall state cap for Chicago and New York City. And some states have exemptions for special types of charters such as charter schools focusing on special needs students or dropouts.

With “Race to the Top,” many states have changed their charter laws to raise or eliminate the cap so this publication may not include the latest data for those states. I know Mississippi allowed their charter law to expire since this publication was printed so the overall number of states with charter laws is now 39 states (not 40 states).

Thank you for the opportunity to testify. I am happy to answer any questions. ★

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