Testimony of Dr. Ann Smisko  
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Before the House Committee on Public Education  
The Honorable Dan Huberty, Chair  

March 28, 2017  

Key Points  

HB 1023 (Simmons)  
Position: Oppose  

- HB 1023 undermines effective charter accountability established under SB 2 (2013) and is not needed to allow additional charter school models that are adequately addressed in the current accountability system.  
- HB 1023 would allow the creation of additional full-time virtual (online) charters despite their exceedingly poor record of performance in Texas and nationally despite existing policy established by the legislature in HB 1926 (King/2013) prohibiting additional full-time virtual schools.  

Mr. Chairman and members of the committee, my name is Ann Smisko, and I serve as Deputy Director of Policy and Programs at Raise Your Hand Texas. I appear before you today on behalf of Raise Your Hand to register our concerns regarding HB 1023 and respectfully testify in OPPOSITION to the bill.  

Grant of additional charter to a charter holder contravenes intent of SB 2 and undermines effective oversight and accountability  

Overall, our concern with HB 1023 is that it runs directly contrary to policies established by the legislature in SB 2 (2013) to ensure effective oversight of charter quality. The results of SB 2 to date are promising and are improving the overall quality of the Texas charter portfolio to the benefit of both the charter school sector and Texas students and families. HB 1023 would undermine the progress that has been made under SB 2 in several important respects.  

SB 2 directed consolidation of multiple charters held by a single charter holder to free up charters available to be awarded to other high-quality charter operators. HB 1023 directly contravenes this policy by authorizing a single operator to hold multiple charters.
More importantly, allowing a charter holder to hold multiple charters creates the potential for a charter holder to undermine effective accountability by moving poor-performing campuses under a one charter to insulate the remaining charter from sanctions under the accountability system.

While the stated rationale for this change is to allow charter operators to create schools that serve a distinct purpose or student population, there is nothing in current law to prevent a charter holder from creating these additional types of charter campuses to serve students under their existing charter.

Of the types of charter campuses identified in the bill, all with the exception of additional full-time virtual charters discussed more fully below can be accomplished with a single charter. Campuses that “serve a general student population through a distinctly different educational model” should nonetheless be required to pass muster under standard accountability while campuses serving at-risk students are already eligible to be evaluated under the alternative accountability system that has far lower standards. Charters for students with disabilities can similarly be accommodated under the existing accountability system.

Expansion of full-time virtual charter schools unwarranted by dismal record in Texas and nationally

In 2015, the Center for Research on Education Outcomes (CREDO) released a study on the impact of full-time virtual education in the United States.\(^1\) The Walton Family Foundation, a major funder of the research, reported that the results of the study were “sobering” and provided “stark evidence that most online charters have a negative effect on students’ academic achievement.”\(^2\)

The CREDO report found that students in full-time virtual schools learned the equivalent of 180 days fewer in math and 72 fewer days in reading on average compared to peers in traditional charter schools. Regrettably, the negative impacts on student learning in Texas were even greater as can be seen in the charts from the CREDO report contained in the Appendix to this testimony.

In 2013, the Texas Legislature passed HB 1926 (King), which directed that no further full-time virtual schools be authorized due to concerns regarding persistently low performance of these

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programs in Texas. Regrettably, the poor performance that prompted the prohibition on the creation of additional full-time virtual schools has persisted. In 2015-2016, 8,500 students in Texas—or 89% of the students enrolled in full-time virtual programs under standard accountability—attended programs that failed to meet state accountability standards. If adopted, HB 1023 would allow for creation of additional full-time virtual programs despite continued poor performance and would contravene legislative intent as expressed in HB 1926.

Conclusion
In conclusion, while we appreciate Representative Simmons’ intent to stimulate the creation of additional types of charter campuses, we believe that this can be accomplished under existing law with a single charter. Any benefits to creating an additional charter for these purposes are outweighed by the risk that they pose to effective accountability and oversight.

Thank you for the opportunity to appear before you today.
Appendix

Figure 5: Online Charter Effect Size by State, Reading

The 0.00 line for this graph represents the average TPS VCR, White, non-poverty, non-ELL, non-SPED student.
* Denotes significant at the .05 level. ** Denotes significant at the .01 level.

Figure 6: Online Charter Effect Size by State, Math

The 0.00 line for this graph represents the average TPS VCR, White, non-poverty, non-ELL, non-SPED student.
* Denotes significant at the .05 level. ** Denotes significant at the .01 level.

SOURCE: Online Charter School Study (Center for Research on Education Outcomes (CREDO), Stanford University, 2015).