



Texas House of Representatives
Committee on Public Education

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RQ-0029-GA

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March 12, 2003

The Honorable Greg Abbott
Attorney General, State of Texas
P.O. Box 12548
Austin, Texas 78711-2548

FILE # ML-43032-03
I.D. # 43032

Dear General Abbott:

It has come to my attention that an unintended "wrinkle" in the charter school law may have occurred.

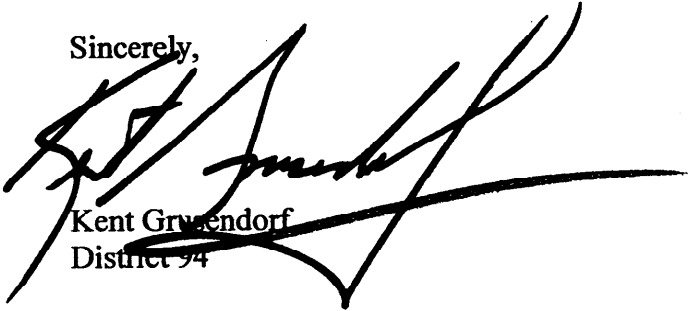
Texas has allowed charter schools to be established for the past few years. In the 77th Legislature, we passed HB 6, which changed state law concerning charter schools, and specifically authorized municipalities to apply to the Texas Education Agency for an open-enrollment charter.

At least one municipality in the State has applied for and received the grant of an open-enrollment charter and is planning to own and operate the school. To our surprise, when the municipality attempted to issue certificates of obligation to finance the construction of facilities to house the open-enrollment charter school, the Public Finance Division of the Attorney General's Office declined to approve the use of funds for that purpose, based upon the law's alleged lack of clarity. It was and is my desire that the intent of the Legislature was to allow municipalities to be authorized to issue debt obligations to obtain revenue to be used to construct facilities for an open-enrollment charter school. Therefore, I submit the following question to your office:

May a municipality that has been granted a charter from the TEA to operate an open-enrollment charter school issue its Certificates of Obligation to construct facilities in which to house the charter school?

Inasmuch as the outcome of this Opinion Request affects the disposition of legislation pending before the 78th Legislature, your prompt response is appreciated. Thank you in advance for your assistance.

Sincerely,



Kent Gruendorf
District 94

cc: Scott Bradley, Mayor, Town of Westlake
Representative Vicki Truitt, District 98
Senator Jane Nelson, District 12
Trent Petty, Manager, Town of Westlake