

HOUSE COMMITTEE ON EDUCATION

February 12, 2003 Hearing Room E
1:30 PM Tapes 24 - 25

MEMBERS PRESENT: **Rep. Vic Backlund, Chair**
 Rep. Elaine Hopson, Vice-Chair
 Rep. Pat Farr, Vice-Chair
 Rep. Brad Avakian
 Rep. Billy Dalto
 Rep. Mary Nolan
 Rep. Wayne Scott

STAFF PRESENT: **Jim Keller, Committee Administrator**
 Jeana Harrington, Committee Assistant

MEASURES HEARD: **HB 2193 – Public Hearing and Work Session**
 HB 2509 – Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

| <u>TAPE/#</u> | <u>Speaker</u> | <u>Comments</u> |
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| <u>TAPE 24, A</u> | | |
| 004 | Chair Backlund | Calls meeting to order at 1:35 PM. Welcomes colleagues and audience. Opens public hearing on HB 2193. |
| <u>HB 2193 PUBLIC HEARING</u> | | |
| 010 | Jim Keller | Committee Administrator. Reads Staff Measure Summary (SMS). |
| 015 | Bret West | Assistant Commissioner, Oregon Department of Community Colleges and Workforce Development (CCWD). Testifies on HB 2193 (EXHIBIT A). Explains the bill. Notes the referral to Ways and Means. States amendments clarify the bill. |
| 039 | Chair Backlund | Closes public hearing and opens work session on HB 2193. |
| <u>HB 2193 WORK SESSION</u> | | |
| 042 | Rep. Farr | MOTION: Moves HB 2193 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means by prior reference. |
| 045 | | VOTE: 6-0-1 EXCUSED: 1 - Scott Hearing no objection, declares the motion CARRIED. |
| 048 | Chair Backlund | Closes work session on HB 2193. Opens public hearing on 2509. |
| <u>HB 2509 PUBLIC HEARING</u> | | |
| 050 | Jim Keller | Reads SMS. |
| | Ellen Wojahn | Submits written testimony on HB 2509 (EXHIBIT B). |
| 060 | William Lay | Chief Executive Officer, Pioneer Youth Corps (PYC). Informs the committee of the program. Explains the reasoning behind becoming a charter school. Testifies in opposition of HB 2509. Informs the committee of potential students prohibited by current |

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| 112 | Catherine Lay | caps on out-of-district. League of Oregon Charter Schools. Testifies in opposition of HB 2509. Explains that it inhibits student access to charter schools. |
| 160 | Allison Walton | Parent. Testifies in opposition of HB 2509. Explains the circumstance her family faces with charter school waiting lists. Relates her experience to that of others. |
| 202 | Rep. Hopson | Clarifies the school Ms. Walton's son is currently attending. |
| 206 | Walton | Explains that her son currently attends middle school at PYC, but will be unable to attend high school there for a period of time. |
| 212 | Rep. Hopson | Questions whether the situation is prevented by the 80/20 rule. |
| 216 | Walton | Responds he is prevented from attending due to the provision. |
| 221 | Rep. Dalto | Asks Mr. Lay to return and testify. |
| 224 | W. Lay | Explains the PYC program further with regard to Ms. Walton's circumstance. |
| 242 | Rep. Dalto | Clarifies the term 'marginalized youth'. |
| 244 | W. Lay | Defines the term as troubled students who have not yet been sent to youth corrections or incarcerated. |
| 265 | Rep. Hopson | Asks if the school is both private and charter. |
| 270 | W. Lay | Affirms and explains PYC is registered as a private, charter, and an alternative program. Adds the programs are separate. |
| 288 | Rep. Hopson | Clarifies further. |
| 293 | W. Lay | Explains with regard to students' districts. Differentiates between the programs with regard to waiting lists and rigor of each program. |
| 327 | Rep. Farr | Poses question regarding number of seats in the school. |
| 330 | W. Lay | Provides number of students in the programs. |
| 333 | Rep. Farr | Asks question concerning student enrollment. |
| 338 | W. Lay | Affirms and explains. |
| 345 | Rep. Farr | Clarifies seats are empty in his school while there is a waiting list for the other programs. |
| 351 | Rep. Avakian | Poses question for C. Lay concerning enrollment. |
| 376 | C. Lay | Responds that she believes so. Offers examples of how the situation will become a problem in the future. |
| TAPE 25, A | | |
| 002 | C. Lay | Explains the future of charter school equalization. |
| 022 | Rep. Avakian | Clarifies whether she is comfortable with certain changes in HB 2509. |
| 025 | C. Lay | Answers regarding the bill. |
| 031 | Rep. Avakian | Inquires as to what she would propose. |
| 033 | C. Lay | Explains her opinion further. |
| 045 | Rep. Avakian | Poses hypothetical question regarding equalization and the ideal charter school model. |
| 052 | C. Lay | Responds concerning public schools in Oregon. Believes that charter schools will never take the place of charter schools. |
| 060 | Rep. Avakian | Comments. |
| 068 | Rep. Dalto | Inquires if charter schools should compete against themselves. |
| 069 | C. Lay | Concurs and states that competition is necessary to improve and achieve excellence. |
| 076 | Rep. Dalto | Clarifies whether certain charter schools will not survive. |
| 080 | C. Lay | Explains her earlier comment was regarding charter schools in other states. Gives examples of charter schools that have ceased to exist in Oregon. Differentiates between the scenarios. |
| 095 | Rep. Dalto | Refers to specific section of HB 2509. Asks her expectation of the caps. |

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| 102 | C. Lay | Responds with an example of a charter school enrollment. Questions why charter districts do not exist if there is a need or them. |
| 119 | Rep. Farr | Informs her of the effects of the bill upon passage and relates those to her district. |
| 127 | C. Lay | Answers with number of students in her district. |
| 128 | Rep. Farr | Continues explanation. |
| 140 | Laurie Wimmer-Whalen | Oregon Education Association (OEA). Testifies in favor of HB 2193 (EXHIBIT C). Asks the committee to consider rescinding the subsequent referral to Ways and Means. |
| 179 | Tricia Smith | Oregon School Employees Association (OSEA). Testifies in support of HB 2193. Provides perspective on charter school sunset law establishment. Believes charter schools are important, but should never become a substitute for general public school education. |
| 240 | Rep. Avakian | Asks what concern they have for decrease in revenues. |
| 245 | Smith | Acknowledges that the funds will stay in the public school system but explains their allocation will be to a separate groups of students. |
| 253 | Rep. Avakian | Questions the concern for this. |
| 254 | Smith | Remarks that consideration to overall effects on the budget is necessary. |
| 260 | Rep. Scott | Requests the effects on general public schools. |
| 264 | Smith | Offers the further deterioration of the public school system with regard to staff and programs. Believes this could be exacerbated. |
| 277 | Whalen | Adds to Ms. Smith's comments explaining the ways that districts are coping with the budget cuts. |
| 295 | Rep. Farr | Asks if the witnesses believe a 'mass exodus' would occur were the cap to be removed. |
| 298 | Whalen | Believes 'mass exodus' is too strong a term. Comments. |
| 307 | Rep. Farr | Questions if the concern is that more charter schools will accumulate. |
| 308 | Whalen | Replies regarding the issue. |
| 310 | Smith | Speaks to this concerning honors programs in general public schools. |
| 328 | Rep. Farr | Refers to Lincoln County and asks about pay increases to employees within the district. |
| 335 | Smith | Responds about the concern for administrative compensation packages in Lincoln County. States she does not represent the school board. Offers she is unsure of how to respond with regard to the bill. |
| 358 | Chair Backlund | Requests she review charter student versus public schools student with regard to funds. |
| 360 | Smith | Explains that essentially the district receives per student funds, and charter schools receive 80 percent of the amount of that allocation when a student attends the school. |
| 378 | Chair Backlund | Clarifies the 80 percent is for grades kindergarten through eighth. |
| 380 | Smith | Concurs and adds that 95 percent of per student funds for grades nine through twelve go to charter schools. |
| 381 | Whalen | Points out the percentage does not account for the loss of all responsibility for the education of the students. |
| 390 | Bob Siewert | ODE. Testifies in favor of HB 2509. Delineates the process of appeals. |

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| 425 | Rep. Hopson | Understands that those who ask for waivers have received them. |
| 428 | Siewert | Affirms. |
| 432 | Rep. Hopson | Clarifies that PYC has not requested a waiver. |
| 435 | Siewert | Affirms. |
| 437 | Rep. Hopson | Asks what oversight is given in helping charter schools to realize when they are unsuccessful. |
| 439 | Siewert | Defers to Ms. Gilles. |
| TAPE 24, B | | |
| 003 | Rep. Avakian | Clarifies which part of the bill the waiver can be applied to. |
| 006 | Joanie Gilles | ODE. Explains that the waiver can apply to all parts of the bill with the exception of those listed. |
| 013 | Rep. Hopson | Restates interest in the oversight and accountability of charter schools. |
| 018 | Gilles | Answers and explains how ODE is involved in the process. |
| 034 | Rob Kramer | Executive Director, Oregon Charter Schools Association. Testifies in opposition of HB 2509. Recalls the problems faced by the legislature when the charter school policy first evolved. Informs the committee that charter schools have been waiting for the provision to sunset. Believes the issue is central to the charter school laws. |
| 093 | Rep. Avakian | Asks if both the public schools and the charter schools have economic interests. |
| 095 | Kramer | Responds that he does not believe so. |
| 097 | Rep. Avakian | Clarifies the perceived economic interest of public employees and those employed by charter schools. |
| 099 | Kramer | Restates earlier comments. |
| 102 | Rep. Avakian | Questions his opinion on unions. |
| 103 | Kramer | Replies the issue does not concern that. Explains it is specifically intended for the narrow economic interest of a group. Believes it is bad public policy. Believes the provision would significantly change charter school law in Oregon. |
| 116 | Chair Backlund | Announces that adults also have the best interest of the students in mind. |
| 120 | Kramer | Believes that may the case. |
| 124 | Chair Backlund | Voices concern that he disagree with this perception. |
| 130 | Kramer | Replies that was not his suggestion. Reiterates that the provision is specifically intended to limit children in charter schools for narrow economic interests. |
| 139 | Rep. Avakian | Requests Mr. Kramer's notion of charter schools. |
| 144 | Kramer | Answers that charter schools are a choice. |
| 154 | Rep. Avakian | Asks what the purpose of the provision was. |
| 156 | Kramer | Believes it allows for a smooth transition of a statewide charter model. |
| 163 | Rep. Avakian | Asks what the transition is supposed to accommodate. |
| 165 | Kramer | Answers that question should be posed to those that requested it. |
| 166 | Rep. Avakian | Asks if he was one of those people. |
| 167 | Kramer | Negates. |
| 172 | Farr | Comments on this. Poses question regarding the breakdown of funds with regard to charter schools. States he is a proponent of charter schools because they provide specific services for students. Points out the potential loss of students altogether if the programs become unavailable. |
| 219 | Rep. Hopson | States she does not subscribe to the present hypothesis. Points out the fiscal climate to counter. |

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| 223 | Kramer | Challenges the assumption that charter schools affect districts. |
| 235 | Rep. Hopson | Counters opinion. |
| 239 | Jim Green | Oregon School Boards Association. States OSBA membership is split on HB 2509. Explains the reasoning behind the creation of the cap. Discusses costs concerning charter schools. Lists concerns of districts regarding charter schools. |
| 310 | Rep. Hopson | Poses question regarding oversight of failing charter schools. |
| 323 | Green | Explains the closure of a school due to lack of students. Estimates the time spent on the closure. Adds it is a rigorous process to create, and to close, a charter school. Lists reasons for specific charter school closures in Oregon. |
| 362 | Rep. Nolan | Invites Ms. Whalen back to testify. Asks her views on the origination of the provision and the interests behind it. |
| 379 | Whalen | Explains that OEA wants HB 2509 to become a law because it is fiscally responsible. Responds to the question of interests. |
| TAPE 25, B | | |
| 002 | Whalen | Continues that it is hard to justify the programs when the funding does not exist. |
| 009 | Chair Backlund | Closes public hearing on HB 2509. Adjourns meeting at 3:02 PM. |

EXHIBIT SUMMARY

A – HB 2193, Bret West, 1 p

B – HB 2509, Ellen Wojahn, 2 p

C – HB 2509, Laurie Wimmer-Whalen, 1 p