

HOUSE COMMITTEE ON EDUCATION

March 22, 1999 Hearing Room E

1:00 PM Tapes 74 - 76

MEMBERS PRESENT: Rep. Ron Sunseri, Chair

Rep. William Morrisette, Vice-Chair

Rep. Chris Beck

Rep. Betsy Close

Rep. Elaine Hopson

Rep. Bob Jenson

Rep. Tim Knopp

Rep. Lynn Lundquist

Rep. Carl Wilson

Rep. Jackie Winters

MEMBER EXCUSED:

STAFF PRESENT: Norm Fox, Administrator

Joan Diaz, Administrative Support

MEASURE/ISSUES HEARD: SB 100A Work Session

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.

TAPE/#	Speaker	Comments
TAPE 74, A		

005	Chair Sunseri	Calls meeting to order at 1:02 p.m. Discusses information distributed on HB 2905. Asks order of agenda. Opens work session on SB 100A.
<u>SB 100A WORK SESSION</u>		
015	Chair Sunseri	Discusses process for reviewing each set of amendments to SB 100A.
046	Rep. Wilson	MOTION: Moves to ADOPT SB 100-A67 amendments dated 3/9/99. (EXHIBIT A)
051	Rep. Beck	Asks if the committee will be reviewing each section of the bill.
060	Chair Sunseri	Explains he would prefer to adopt the ñ67 amendments as a "base" for the bill and to review the other amendments as they relate to the "base."
		VOTE: 10-0 AYE: 10 - Beck, Close, Hopson, Jenson, Knopp, Lundquist, Morrisette, Wilson, Winters, Sunseri
075	Chair Sunseri	The motion CARRIES.
082	Chair Sunseri	Discusses the ñ41 amendments. (EXHIBIT B)
085	Norm Fox	Committee Administrator. Asks which amendments deal with teacher licensure besides the -41 amendments.
095	Chair Sunseri	Explains how the ñ67 amendments deal with teacher licensure.
099	Rep. Beck	Asks for further clarification of the process and specific sections/topics.
110	Cindy Hunt	Legislative Counsel. Directs the committee's attention to page 16, lines 15-20 of the ñ67 amendments. Explains teacher licensure.
129	Rep. Lundquist	Indicates additional language should be included specifying categories of licenses; language is too broad.
137	Hunt	Acknowledges the language would include all licenses issued by the Teacher Standards and Practices Commission (TSPC). Refers to citation in the ñ41 amendments, page 1, line 3.

162	Rep. Morrisette	Recommends including the broadest categories of licenses.
170	Chair Sunseri	Asks which committee members prefer narrower categories.
176	Rep. Beck	Discusses various scenarios of teacher licensures. Asks whether part time teachers would have to be certified. Prefers further feedback from the audience.
209	Chair Sunseri	Asks which two statutes deal with certification.
211	Hunt	Responds with a discussion of types of TSPC licenses which are listed in statute and those not specifically listed in statute.
223	Rep. Lundquist	Indicates that 50% of teacher licenses should not be categorized as professional/technical.
230	Hunt	Clarifies the three statutes do not cover the professional/technical category of teacher licensure.
236	Chair Sunseri	Suggests that the three statutes in the ñ41 amendments could be included in the ñ67 amendments, page 16, line 20.
252	Rep. Hobson	Asks if the three statutes include the "broad array" of licensure.
255	Hunt	Responds they refer to the "basic," "initial", and "continuing" teacher licensure; also include "personnel service" and "administrative" licenses.
262	Rep. Jenson	Asks if it is possible to have one counselor, one administrator and no teachers.
271	Chair Sunseri	Asks would a school of 75 students be able to afford one counselor and one administrator, if they did not also teach.
276	Rep. Jenson	Responds they may teach but may not have necessary teaching skills.
280	Chair Sunseri	Explains the administrator would have to function as a teacher licensed by TSPC.
282	Rep. Hobson	States FTE (full-time equivalent) should be made clear.
295	Rep. Lundquist	Asks if instructors are not paid by the charter school, are they included in the count.
299	Chair Sunseri	Comments they are not required to be certified if they are not paid.

302	Hunt	Explains the -67 amendments indicate a charter school may "employ;" unpaid instructor is not an employee.
306	Rep. Lundquist	Asks if it is possible to have eight unpaid teachers who are not included in the FTE. Asks who determines how the FTE is calculated.
313	Hunt	Responds the bill does not specify how the FTE is calculated.
330	Rep. Lundquist	Asks how does the committee determine that.
336	Fox	Suggests that the percentage of the school day they spending teaching defines the FTE.
340	Chair Sunseri	Explains the same rules that the public schools currently use would apply.
345	Rep. Hobson	Comments that it becomes complicated when a school has a six-period day or an eight-period day.
349	Chair Sunseri	Explains it would determined in the charter; same as other public schools.
352	Rep. Lundquist	Explains he was not familiar with calculation of the FTE; would like it clarified.
362	Rep. Morrisette	Comments he wants to discuss further the teacher licensure categories.
370	Rep. Hobson	Comments that TSPC does not determine FTE allocation in a district; it is determined at the local level.
375	Chair Sunseri	Comments it will be negotiated between the charter school and the school district.
403	Rep. Lundquist	MOTION: Moves to SUSPEND the rules for the purpose of CONSIDERING a conceptual amendment.
TAPE 75, A		
002	Rep. Hobson	Comments she would rather see the additional amendments in writing before considering a vote.
005	Chair Sunseri	Explains changes will be incorporated in a single amendment.
010	Rep. Beck	Asks if the ñ41 amendments are incorporated into the ñ67 amendments, would non-certified teachers be teaching core subjects.

018	Chair Sunseri	Responds that is possible.
019	Rep. Lundquist	Clarifies his position is that one half of the teachers should hold the more narrowly-defined types of licensure.
021	Rep. Winters	Asks that the three statutes cited in the ñ41 amendments cover the higher standard of TSPC certification.
023	Chair Sunseri	Hearing no objection, declares the motion CARRIED.
025	Rep. Lundquist	MOTION: Moves to amend the SB 100-A67 amendments, page 16, line 20, after "commission" insert, "pursuant to ORS 342.135, ORS 342.136 or ORS 342.138."
029	Rep. Morrisette	Asks for clarification of conceptual amendment.
		VOTE: 6-4 AYE: 6 - Close, Knopp, Lundquist, Wilson, Winters, Sunseri NAY: 4 - Beck, Hopson, Jenson, Morrisette
038	Chair Sunseri	The motion CARRIES.
042	Rep. Morrisette	Clarifies his no vote.
050	Chair Sunseri	Asks if he wants to suggest a conceptual amendment or address one already under consideration.
060	Fox	Suggests the ñ48 amendments and the ñ49 amendments address that issue.
073	Hunt	Reads and Asks the ñ48 amendments. (EXHIBIT C)
090	Rep. Morrisette	Asks if it gives TSPC the authority to create a special licensure category.
101	Hunt	Responds it would include all TSPC licenses.
102	Rep. Morrisette	MOTION: Moves to ADOPT SB 100-A48 amendments dated 2/25/99.
105	Rep. Beck	Agrees this is the kind of accountability the public wants; not overly burdensome to obtain licensure.

116	Chair Sunseri	Appreciates comments; others disagree.
125	Rep. Beck	Refers to previous testimony that there is flexibility in obtaining a certified teacher's license.
130	Rep. Hobson	Concurs; comments that the vast majority of testimony shows successful charter schools employ certified teachers.
139	Rep. Wilson	Disagrees; refers to testimony from the offsite hearing in Bend.
144	Rep. Winters	Comments that both sides of the issue were heard equally well.
149	Rep. Beck	Comments that funding could be an issue, if uncertified teachers are paid less.
157	Rep. Lundquist	Comments he will oppose the 48 amendments; seeks "a middle ground" flexibility but also accountability. Asks if bill will be voted out of committee today.
165	Chair Sunseri	Responds probably not.
166	Rep. Lundquist	Comments it would be easier to review the issues in one document.
170	Chair Sunseri	Explains committee is trying to review all amendments section by section. Comments it is not an easy task with 75 amendments. Asks committee to become familiar with each amendment.
195	Rep. Jenson	Supports the 48 amendments because he cannot support the previous conceptual amendment.
205	Rep. Beck	Asks if the committee is trying to tailor a bill that the governor will sign. Asks if issues have been presented to him.
208	Chair Sunseri	Responds there has been some discussion; committee has the responsibility to vote out the best bill possible.
		VOTE: 4-6 AYE: 4 - Beck, Hopson, Jenson, Morrisette NAY: 6 - Close, Knopp, Lundquist, Wilson, Winters, Sunseri
225	Chair Sunseri	The motion FAILS.

238	Fox	Indicates which amendments address the topic of alternative sponsors: ñ46, ñ53, ñ56, ñ57, ñ60 and ñ64 amendments.
248	Chair Sunseri	Asks Legislative Counsel to review sponsorship in the ñ67 amendments, page 2.
250	Hunt	Clarifies lines 17-23; comments the State Board of Education would become a sponsor if an appeal were successful. Comments the broadest list of sponsors is in the original bill; all amendments limit sponsors.
268	Rep. Beck	Asks Legislative Counsel to discuss the specific process of starting a charter school.
272	Hunt	Discusses ñ67 amendments, and how a charter school is formed. Reads <u>SECTION 7.</u>
342	Rep. Jenson	Asks what circuit court would receive an appeal.
345	Hunt	Responds it is Marion County or the circuit court of the county in which the petitioner resides.
355	Rep. Lundquist	Comments that a judicial review clarification needs to be in the bill.
380	Hunt	Responds there is no set procedure in ORS 183.484, if the State Board issues an order, that statute would apply.
395	Rep. Morrisette	Asks why would the case be heard in Marion County.
397	Hunt	Responds that the Attorney General is in Salem; costs less.
390	Chair Sunseri	Declares there are amendments that could change sponsorship.
TAPE 74, B		
002	Rep. Jenson	Suggests that this is one area he is willing to compromise on.
005	Chair Sunseri	Expresses appreciation for his compromise position. Comments committee has previously adopted the ñ67 amendments and will continue to review them further.
015	Fox	Indicates the collective bargaining topic is in the ñ 41, ñ 46, ñ 49, ñ 56, ñ 60, ñ 61, ñ 64 amendments.

021	Hunt	Refers to the ñ67 amendments, page 15, <u>SECTION 17.</u>
054	Rep. Jenson	Asks for clarification of line 6, page 16.
068	Chair Sunseri	Comments this is clarifying a provision for the return of a teacher to a district.
076	Hunt	Continues reviewing subsection (8), page 16.
086	Rep. Lundquist	Asks which bargaining unit applies, if a charter school is sponsored by the Board of Education.
100	Hunt	Responds it would be the bargaining unit for the Board of Education if they chose. Explains the difference between the ñ67 amendments and SB 100A.
105	Rep. Winters	Clarifies that this gives the charter schools more options.
117	Hunt	Discusses bargaining units and the Employment Relations Board.
120	Rep. Hobson	Discusses sponsorship outside of district.
137	Hunt	Responds the ñ67 amendments do not address that.
152	Rep. Hobson	Discusses leave without pay issue.
167	Hunt	Responds the language is in the collective bargaining agreements.
175	Rep. Jenson	Discusses grievance possibility.
178	Hunt	Comments she will research those questions.
180	Rep. Lundquist	Asks what bargaining unit covers charter schools.
182	Hunt	Lists options as indicated in the ñ67 amendments, page 16, <u>SECTION 17.</u>
197	Rep. Beck	Asks about options for teachers and their bargaining units.
205	Rep. Hobson	Refers to collective bargaining law.
215	Rep. Beck	Asks how is it different from current law.

224	Hunt	Responds she will research; discusses fair dismissal act which is not included in SB 100A.
230	Rep. Hobson	Asks if employment is "at will."
236	Hunt	Responds affirmatively, if it is not addressed in their charter. Comments the ñ47 amendments address this issue as a waiver; "the Accountability for Schools for the 21 st Century Law".
260	Chair Sunseri	Explains the committee will return to the collective bargaining topic after Legislative Counsel completes the research. Discusses funding issue.
265	Fox	Refers to ñ69 amendments which contain recommendations from the study group. (EXHIBIT D)
270	Hunt	Explains the funding mechanism in the ñ69 amendments would replace that section on the ñ67 amendments.
295	Rep. Lundquist	Asks if a district loses funding when a charter school student transfers out of the district. Asks if that is the procedure now.
310	Hunt	Explains all possibilities.
322	Rep. Hobson	Asks could there be a charter school in another district sponsored by a local district.
336	Hunt	Clarifies another scenario; when a charter school student attends a charter school out of the district in which he resides.
340	Chair Sunseri	Comments sponsorship by a contiguous district was not considered.
342	Rep. Jenson	Asks for clarification of "money following the student."
350	Hunt	Discusses limitations on student admissions; preference to residents. Explains 80% of students have to be residents of the district (until January 2003).
360	Rep. Jenson	Asks what is the liability of the school district for a student who comes from outside the district; if no liability, why do they receive compensation.
TAPE 75, B		
010	Rep. Lundquist	Asks if that should be further clarified in one of the amendments.

015	Chair Sunseri	Clarifies that the General Purpose Grant is what is being discussed.
019	Rep. Lundquist	Presents scenario when a student is "gone" and the funding is "gone", the local school is not going to reduce costs.
041	Chair Sunseri	Responds it is his understanding that approximately \$1000 stays with the school district; he will get confirmation of that to the committee.
045	Rep. Lundquist	Asks if that is from the State School Fund.
048	Hunt	Responds it is from all sources.
049	Rep. Lundquist	Asks that all of the ADMw amount goes to the new district.
052	Hunt	Responds affirmatively.
058	Rep. Hobson	Asks what the study group discussed, and how the funding affects two school districts.
065	Rep. Knopp	Explains the study group discussed "splitting money" if the State Board of Education were the sponsor; did not discuss district to district movement of a student.
069	Rep. Hobson	Comments that needs to be discussed and clarified.
072	Hunt	Responds subsection (1) is a remnant from last session. Discusses the 69 amendments, SECTION 20 and the state school funding formula. Refers to subsection (6), page 2.
114	Rep. Jenson	Asks what happens to the funding when a student transfers, and the charter is sponsored by the State Board of Education.
122	Rep. Hobson	Discusses subsection (3), page 1 and page 2.
131	Hunt	Discusses administrative costs.
140	Rep. Jenson	Asks is the student's original school getting "zero" funding.
152	Hunt	Responds it is not receiving any State School Fund dollars. Discusses additional school funding in subsections (7) and (8) (a) (b).
170	Rep. Jenson	Asks what is the existing "trail of money" regarding student transfers.

181	Hunt	Discusses 327.006 ORS; states the issue is complex.
208	Rep. Hopson	Discusses her experience on how transfers/funding works.
210	Hunt	Discusses special education funding.
225	Rep. Jenson	Asks if the ñ67 amendments specifies that the district has the entire responsibility for the special education student.
252	Hunt	Responds affirmatively, based on federal law.
275	Rep. Hobson	Discusses the ñ69 amendments, page 3, (8) (a). Asks does the Department of Education (DOE) dispense grants to public charter school, if the DOE is the sponsor.
285	Hunt	Responds affirmatively; the charter school would be applying to its own sponsor.
295	Rep. Beck	Asks if the committee will be adopting the ñ69 amendments.
302	Chair Sunseri	Responds there are several issues to be resolved first.
306	Fox	Comments on the amendments that deal with enrollment cap: ñ51, ñ53, ñ56, ñ57, ñ60, ñ62, ñ64, and ñ70 amendments.
349	Hunt	Discusses the ñ67 amendments, SECTION 4 , pages 3-4.
360	Chair Sunseri	Clarifies why 10% was included in this section.
366	Fox	Notes that the ñ51 amendments reflect the same percentage.
368	Hunt	Comments on the "restriction" to enrollment, page 13, (5).
375	Rep. Hobson	Asks if that number was previously 25 students.
377	Chair Sunseri	Acknowledges that it was.
380	Rep. Jenson	Asks for clarification.
385	Chair Sunseri	Refers to Senator Courtney's previous testimony and the effect on small schools.

388	Fox	Explains basis for deciding on the student enrollment cap.
395	Rep. Jenson	Explains that an enrollment of 15 students would be too small.
TAPE 76, A		
005	Rep. Lundquist	Concurs; discusses an enrollment change to 25 students.
015	Rep. Winters	Asks if there should be a conceptual amendment that committee increase the number to 25.
017	Rep. Lundquist	Responds affirmatively.
020	Chair Sunseri	Suggests leaving the issue up to the charter school applicant.
025	Rep. Lundquist	Responds he prefers the number to be 25.
030	Rep. Beck	Comments he would like more input from the educational community.
045	Rep. Morrisette	Comments he thinks a small number is agreeable, or leave it up to the charter school and the chartering authority.
050	Rep. Hobson	Comments that for 15 students, there would be one certified teacher.
055	Rep. Knopp	Discusses small class sizes.
070	Rep. Morrisette	Explains that a charter school deals with students of different grades and ages.
075	Chair Sunseri	Asks for conceptual change.
080	Rep. Beck	Explains he would like input from teachers.
089	Rep. Hobson	Declares that to be a viable school, you need at least 25 students.
090	Rep. Hobson	MOTION: Moves to amend the SB 100-A67 amendments, page 13, line 5, delete "15", insert "25".
105	Rep. Knopp	Asks if this will impact any other part of the SB 100-A67 amendments.
109	Chair Sunseri	Responds that it will not.

		<p>VOTE: 9-1</p> <p>AYE: 9 - Beck, Hopson, Jenson, Knopp, Lundquist, Morrisette, Wilson, Winters, Sunseri</p> <p>NAY: 1 - Close</p>
115	Chair Sunseri	The motion CARRIES .
120	Rep. Beck	Asks is there any limitation on the number of charter schools to be created in the state.
130	Hunt	Responds that the ñ67 amendments do not indicate any limitation.
136	Chair Sunseri	Comments the committee had discussion on this previously.
145	Rep. Jenson	Clarifies the number of charter schools forming in any one district. Discusses SECTION 14 ; priority admissions. Asks if that section would violate federal law.
152	Chair Sunseri	Declares it was acceptable to a previous expert witness.
159	Hunt	Discusses SECTION 14 (3), page 15.
165	Rep. Jenson	Asks if section is limiting enrollment based on preference to siblings.
178	Rep. Hobson	Remarks while this has been done in the past, no challenges have been made in the courts.
185	Hunt	Comments there is very little in case law on this issue.
199	Chair Sunseri	Closes work session SB 100A.
204	Rep. Beck	Comments that dealing with amendment to amendment is difficult to follow.
210	Chair Sunseri	Responds the committee is discussing changes topic by topic.
215	Rep. Beck	Asks for staff to clarify or summarize each amendment.
225	Fox	Suggests he refer to amendment analysis. Asks would he prefer a hand engrossed copy, as the committee comes to agreement on each amendment.

258	Rep. Beck	Responds he is not sure; would like input from the audience while "walking through the amendments" at the next hearing. Comments he would like a discussion of the ramifications of each amendment that the committee discusses.
265	Rep. Morrisette	Comments there is merit in having others give input.
272	Chair Sunseri	Adjourns at 3:05 p.m.

Submitted By, Reviewed By,

Joan Diaz, Norm Fox,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 100A, proposed -67 amendments, staff, 37 pp

B ñ SB 100A, proposed -41 amendments, staff, 1 p

C ñ SB 100A, proposed -48 amendments, staff, 4 pp

D ñ SB 100A, proposed -69 amendments, staff, 3 pp