

## HOUSE COMMITTEE ON EDUCATION

March 24, 1999 Hearing Room E

1:00 PM Tapes 77 - 78

**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 77, A		

005	Chair Sunseri	Calls meeting to order at 1:05 p.m. Clarifies that the vote on HB 2670 on 3/19/99 was incorrectly declared as adopted; should have been declared as failed. Explains HB 2670 is still in possession of the committee; may be scheduled later.
030	Rep. Morrisette	Comments that the bill is part of a larger issue.
035	Chair Sunseri	Responds it is possible that it may go to another committee. Opens work session on SB 100A.
<b><u>SB 100A WORK SESSION</u></b>		
045	Cindy Hunt	Legislative Counsel. Reports on the questions from the hearing on March 22 regarding collective bargaining units, leaves of absence and grievances.
081	Rep. Hobson	Asks how grievances are filed. Asks if one could be a member of two bargaining units.
086	Hunt	Responds potentially, yes.
090	Rep. Hobson	Shares her experience in her school district.
095	Hunt	Discusses terms; could vary from school district to school district.
114	Rep. Jenson	Explains his interpretation of an employee on a leave of absence.
119	Hunt	Discusses employment status.
128	Rep. Jenson	Responds that the language in the original collective bargaining agreement is the key.
135	Norm Fox	Committee Administrator. Clarifies grievances directed to the school district and grievances directed to the charter school.
140	Hunt	Clarifies when the grievance is filed if it involves a leave of absence.
145	Fox	Asks if a new charter school employee is a separate issue.
150	Hunt	Responds affirmatively.
157	Fox	Clarifies that the grievance would be with the charter school.

160	Hunt	Discusses funding issues as specified in the ñ69 and the ñ67 amendments.
178	Rep. Close	Asks how current state law affects student transfers.
183	Hunt	Explains distribution of funds: 1/2 and 1/2 between districts involved.
189	Rep. Lundquist	Comments there is no perfect conclusion.
195	Chair Sunseri	Discusses options committee could consider.
201	Rep. Lundquist	Presents scenario of a small school district if students transfer to a charter school.
208	Chair Sunseri	Emphasizes that the charter school is teaching the student.
214	Rep. Jenson	Asks if the responsibility for special education students stays with the original school district.
218	Hunt	Responds affirmatively. Explains the funding for special education is treated differently. Refers to the ñ69 amendments; splitting the money between the charter school and original school district and subsequent negotiation. <b>(EXHIBIT A)</b>
225	Chair Sunseri	Asks for definition of "splitting the money."
230	Hunt	Explains the special education students are double counted; first weighting goes to the charter school and remainder is retained in the district.
245	Chair Sunseri	Presents example of a \$4500 ADMw (Average Daily Membership weighted); half goes to the new school district and half remains with the original school district for anticipated, future services.
250	Rep. Jenson	Asks if that is true if the charter school is in the same district.
260	Hunt	Responds that is true for special education students; clarifies 20% is not a factor. Explains the charter school will be getting 100%.
282	Rep. Winters	Asks if the charter school receives 80% of the first \$4500 and the district gets the 20%, as well as the second \$4500.
290	Fox	States that the committee is reviewing the 20% distribution.
298	Hunt	Explains how the distribution is made for all other students; refers to the ñ69

		amendments. Explains that for special education students, the weighting is doubled.
304	Chair Sunseri	Comments the committee must decide on the 20% distribution.
308	Rep. Lundquist	States he prefers the distribution be consistent. Comments that distribution of the 2 <sup>nd</sup> \$4500 should have some flexibility.
319	Hunt	Refers to the ñ67 amendments, page 19, <b>SECTION 21</b> (1).
351	Rep. Jenson	Asks where is the distribution.
365	Fox	Comments there is no provision for 80% to go to a charter school.
385	Hunt	Responds it has to be negotiated.
<b>TAPE 78, A</b>		
004	Rep. Hobson	Asks have the ñ69 amendments been adopted.
008	Chair Sunseri	Responds they have not.
010	Hunt	Explains the ñ69 amendments do not change the special education funding.
020	Fox	Asks if the committee should specify that 80% goes to the charter school for special education students.
022	Hunt	Responds it is specified on page 20, lines 3-5, of the ñ67 amendments.
028	Rep. Hobson	Asks if the funding that is to be sent to the charter school is the first \$4500; see page 20, line 5.
035	Hunt	Responds that is correct, the first \$4500. Explains there is a list of categories which is weighted for special education students.
042	Rep. Hobson	Asks is it not 80% of the first \$4500.
043	Hunt	Responds negatively.
044	Rep. Hobson	Asks if the initial \$4500 goes to charter school and the 2 <sup>nd</sup> \$4500 is negotiable.

047	Hunt	Responds the 2 <sup>nd</sup> \$4500 stays with the school district but is negotiated between the school district and the charter school.
052	Rep. Hobson	Asks how is funding distributed for other students.
058	Rep. Jenson	Comments that the real costs of educating a special education student will be significantly greater than \$4500.
065	Hunt	Comments that is a good point.
076	Chair Sunseri	Comments this is the situation as it exists now.
082	Rep. Wilson	Asks who receives the federal funding for special education students.
086	Hunt	Responds it is the resident school district.
089	Chair Sunseri	Asks committee for decision on percentage distribution.
095	Rep. Lundquist	Explains that funding distribution to the charter schools and the public schools should be consistent.
100	Rep. Winters	Asks if <b>SECTION 21</b> (5) of the ñ67 amendments allows negotiation on the 2 <sup>nd</sup> \$4500.
103	Hunt	Responds the provision allows negotiation on the total.
106	Rep. Winters	Concludes that this section allows flexibility to negotiate.
109	Rep. Jenson	Remarks he would like to review a typical model school as a hypothetical and "run the numbers." Explains there is data by districts; clarify the variables.
126	Hunt	Comments the biggest variable is the school funding budget.
130	Chair Sunseri	Asks if the 20% distribution for the special education students is the only item in question.
135	Rep. Jenson	Responds the ADMw is his concern.
144	Hunt	Responds it averages \$4500; discussed with Legislative Revenue who used the Governor's original budget number.

146	Chair Sunseri	Asks for a motion to treat the special education funding the same as other student funding.
153	Rep. Winters	Comments she does not want to make it harder for the charter schools to accept the special education students.
156	Chair Sunseri	Responds there would be negotiation on the 2 <sup>nd</sup> AMDw.
168	Rep. Hobson	Asks what is the motion.
172	Chair Sunseri	Responds it will be on the 20% of the 1 <sup>st</sup> \$4500.
175	Rep. Close	States there is not consistency if they are getting double.
177	Chair Sunseri	Clarifies the distribution will be the same as other public schools.
185	Rep. Close	States the school district is already covered; why would it need additional funding. Asks why would the charter school give up the 20%.
200	Ozzie Rose	Executive Director, Confederation of Oregon School Administrators. Explains cost will be driven by the Individual Educational Plan (IEP). States the 20% is not relevant; consistency argument makes sense.
265	Chair Sunseri	Explains the motion is to specify that the special education funding is the same as other student funding. Recesses work session for 5 minutes. Reconvenes work session on SB 100A.
267	Hunt	Discusses a separate conceptual amendment to the ñ67 amendments using the percentages in the ñ69 amendments for K ñ 8. Clarifies percentages for special education students.
325	Chair Sunseri	Clarifies that the 20% for grades K- 8 will now be 10%.
346	Rep. Lundquist	Asks if this involves students transferring from another district.
349	Hunt	Responds affirmatively; simpler if student resides in same district.
375	Rose	Clarifies student transfers, whether student is a special education student or not.
378	Hunt	States the changes to the percentages in the ñ69 amendments are as follows: 10% to the originating school district, 80% to the charter school, and 10% to the new district.

385	Chair Sunseri	Asks for a motion to move special education changes into the ñ69 amendments.
389	Rose	Suggests writing a separate section on special education with percentages specified.
395	Rep. Jenson	Asks if the total responsibility for the IEP is still with the district, but the district is keeping 40% initially.
405	Hunt	Responds affirmatively.
<b>TAPE 77, B</b>		
007	Rep. Jenson	Responds it would be easier to see calculations in writing.
010	Rep. Winters	Explains that the conceptual amendment will treat the special education students the same as other students.
015	Rose	Clarifies how the count is calculated: 80% of 1 <sup>st</sup> \$4500 is the same as 40% of \$9000. Explains the 2 <sup>nd</sup> \$4500 which stays with the district. Uses Tillamook as scenario; confusion resulted when discussing compensating the losing district.
057	Rose	Comments some districts will have difficulty, which is as it is now.
125	Rep. Lundquist	<b>MOTION: Moves to ADOPT a conceptual amendment to SB 100A-69 that states the originating school district of special education students will receive funding of 55%, the charter school will receive 40%, and the receiving school district will receive 5%.</b>
130	Chair Sunseri	Calls for discussion.
		<b>VOTE: 10-0</b>  <b>AYE: 10 - Beck, Close, Hopson, Jenson, Knopp, Lundquist, Morrisette, Wilson, Winters, Sunseri</b>
145	Rep. Lundquist	<b>MOTION: Moves to ADOPT a conceptual amendment to SB 100A-69 that states funding for non-special education students will be: 10% to the originating school district, 80% to the charter school and 10% to the receiving school district.</b>
150	Chair Sunseri	Calls for discussion.

		<b>VOTE: 10-0</b>  <b>AYE: 10 - Beck, Close, Hopson, Jenson, Knopp, Lundquist Morrisette, Wilson, Winters, Sunseri</b>
165	Rep. Lundquist	<b>MOTION: Moves to ADOPT the SB 100A-69 as conceptually amended into the SB 100A-67 amendments.</b>
175	Chair Sunseri	Calls for discussion.
		<b>VOTE: 10-0</b>  <b>AYE: 10 - Beck, Close, Hopson, Jenson, Knopp, Lundquist Morrisette, Wilson, Winters, Sunseri</b>
190	Rep. Jenson	Asks how is special education handled if the State Board is the sponsor.
199	Hunt	Declares the originating school district still has the responsibility.
209	Chair Sunseri	Discusses discrimination section on the ñ67 amendments, page 15, lines 2-5.
250	Fox	Comments on other amendments which deal with discrimination.
255	Rep. Beck	<b>MOTION: Moves to ADOPT SB 100A-52 amendments dated 2/25/99 into the SB 100A-67 amendments. (EXHIBIT B)</b>
265	Rep. Knopp	Comments he will be voting no; limits charter school to age and grade level.
278	Rep. Beck	Expresses willingness to revise the ñ52 amendments to delete "age."
288		<b>VOTE: 4-5</b>  <b>AYE: 4 - Beck, Hopson, Jenson, Morrisette</b>  <b>NAY: 5 - Close, Knopp, Wilson, Winters, Sunseri</b>  <b>EXCUSED: 1 - Lundquist</b>
295	Chair Sunseri	<b>The motion FAILS.</b>



310	Chair Sunseri	Discusses the ñ64 amendments. <b>(EXHIBIT C)</b> Clarifies only the section on discrimination will be considered for adoption.
329	Rep. Lundquist	Asks for clarification of the difference between each amendment dealing with discrimination.
354	Chair Sunseri	Explains each section.
359	Rep. Hobson	Asks for clarification between the ñ67 amendments and the ñ64 amendments.
402	Rep. Jenson	Discusses equitable lottery selection provision in the ñ64 amendments.
410	Chair Sunseri	Comments that provision is also in the ñ67 amendments.
<b>TAPE 78, B</b>		
<b>023</b>	<b>Rep. Hobson</b>	<b>MOTION: Moves to ADOPT the SB 100A-64 amendments page 1, lines 11-13, into the ñ67 amendments.</b>
029	Hunt	Discusses consistency in adopting a discrimination amendment.
085	Rep. Hobson	Asks if there is more than one section on discrimination; hiring practices as well as student enrollment.
105	Chair Sunseri	Asks if marital status and ancestry should be included in the ñ67 amendments.
108	Rep. Close	Asks if ethnicity and ancestry are the same as national origin.
115	Chair Sunseri	Responds he is not sure.
125	Hunt	States marital status is included in current statute; on the list of unwaivables.
		<b>VOTE: 4-6</b>  <b>AYE: 4 - Beck, Hopson, Jenson, Morrisette</b>  <b>NAY: 6 - Close, Knopp, Lundquist, Wilson, Winters, Sunseri</b>
<b>158</b>	<b>Chair Sunseri</b>	<b>The motion FAILS.</b>

165	Rep. Lundquist	Asks for clarification.
180	Hunt	Clarifies what is in statute, in the ñ67 amendments and in the ñ64 amendments.
195	Rep. Jenson	Suggests alternative wording in the discrimination section.
201	Hunt	Responds that, legally, it would not make a difference.
210	Rep. Beck	Asks if Joyce Harris of the Northwest Regional Laboratory should review the wording.
215	Chair Sunseri	Responds the committee had testimony on that provision.
219	Chair Sunseri	Discusses transportation in the ñ55 amendments.
225	Jim Green	Legislative Representative, Oregon School Board Administration (OSBA). Testifies the ñ67 as written addresses his concern. Recommends the committee not consider the ñ55 amendments regarding transportation.
243	Chair Sunseri	Discusses "at risk" students in the ñ67 amendments, <b><u>SECTION 23.</u></b>
292	Hunt	Comments on granting loans for "at risk" youths in charter schools.
302	Rep. Jenson	Asks why was this section included.
320	Chair Sunseri	Explains procedure for receiving federal money and the ability to expand charter schools.
333	Fox	Discusses which amendments address "at risk" students.
349	Rep. Beck	Asks if there is a definition of "at risk" students.
355	Hunt	Comments that more funding will be given to public charter schools who serve "at risk" students. Comments there is not a definition for "at risk" youths in statute.
359	Chair Sunseri	Asks if there is a problem with the ñ59 amendments.
362	Rep. Beck	Responds there is not a problem.
366	Rep. Jenson	Comments on schools serving "at risk" students and the flexibility in the bill as

		amended.
370	Chair Sunseri	Closes work session on SB 100A. Adjourns at 3:02 p.m.

Submitted By, Reviewed By,

Joan Diaz, Norm Fox,

Administrative Support Administrator

#### **EXHIBIT SUMMARY**

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

**B ñ SB 100A, proposed ñ52 amendments, staff, 1 p**

**C ñ SB 100A, proposed ñ64 amendments, staff, 26 pp**