

HOUSE COMMITTEE ON EDUCATION

March 29, 1999 Hearing Room E

1:00 PM Tapes 79 - 82

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. Bruce Starr

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 79, A		

005	Chair Sunseri	Calls meeting to order at 1:17 p.m. Announces this hearing is part of the WebAudio. Reminds committee the 3/31/99 meeting will be in Room 50 with the Senate Education Committee. Opens work session on SB 100A.
<u>SB 100A WORK SESSION</u>		
014	Cindy Hunt	Legislative Counsel. Clarifies issue of PERS (Public Employees Retirement System) with regard to charter school employees. Explains the ñ67 amendments were reviewed; not a problem.
017	Chair Sunseri	Discusses charter evaluation outlined in the ñ68 amendments and the ñ75 amendments.
042	Hunt	Reads and clarifies the ñ68 amendments. (EXHIBIT A)
066	Rep. Knopp	MOTION: Moves to ADOPT SB 100-A68 amendments dated 3/12/99.
		VOTE: 9-0 AYE: 9 - Close, Hopson, Jenson, Knopp, Morrisette, Starr, Wilson, Winters, Sunseri EXCUSED: 1 - Beck
078	Chair Sunseri	The motion CARRIES.
080	Hunt	Discusses the -75 amendments (EXHIBIT B)
098	Rep. Winters	MOTION: Moves to ADOPT SB 100-A75 amendments dated 3/22/99.
		VOTE: 9-0 AYE: 9 - Close, Hopson, Jenson, Knopp, Morrisette, Starr, Wilson, Winters, Sunseri EXCUSED: 1 - Beck
114	Chair Sunseri	The motion CARRIES.
117	Chair Sunseri	Asks committee if there are any other amendments to be discussed.

118	Rep. Jenson	Asks for status on the collective bargaining issue.
125	Hunt	Clarifies that new language regarding collective bargaining has not been added to SECTION 17 of the ñ67 amendments.
130	Chair Sunseri	Comments that section will be reviewed again.
136	Hunt	Reviews the ñ67 amendments, section by section.
155	Rep. Beck	Asks if Legislative Counsel could compare each section of the ñ67 amendments to language in the SB 100A.
160	Hunt	Responds she will do so. Continues reviewing the ñ67 amendments.
194	Rep. Jenson	Asks what law would prevail if an existing alternative education school is not converting.
201	Hunt	Discusses the alternative education schools law versus the charter school law, if enacted. Discusses non-profit status.
217	Rep. Jenson	Asks how long is the application process to become a 501(c)(3), non- profit organization.
219	Chair Sunseri	Responds 6-12 months.
225	Rep. Jenson	Asks what happens if the IRS refuses the schoolís application.
228	Chair Sunseri	Responds the IRS will ask applicant to correct any discrepancies. Explains the charter will be revoked if the school does not become a non-profit organization.
236	Hunt	Continues explaining SECTION 3 of the -67 amendments.
253	Rep. Jenson	Asks what happens if a district only has a high school and an elementary school.
255	Hunt	Responds only one school could convert.
274	Rep. Beck	Asks if a private school could ever become a charter school.
278	Hunt	Explains the process.
295	Chair Sunseri	Explains the sponsor would be aware of the law.

305	Rep. Jenson	Discusses another scenario of a small private school becoming a charter school.
321	Hunt	Explains a private school must close down at least 120 days before opening as a charter school; school board would review circumstances.
326	Rep. Jenson	Verifies that conversion of a private school, religious or otherwise, would be possible under the statute.
338	Hunt	Responds affirmatively, under limited circumstances; school must not be affiliated with a religious institution.
349	Rep. Winters	Declares school must be qualified through the sponsor.
362	Rep. Hobson	States that a private school can "indeed" convert.
370	Hunt	Clarifies term "conversion"; private school must close before opening as a charter school.
379	Rep. Hobson	Verifies that all of the personnel involved in the private school can be involved in the charter school.
384	Hunt	Responds affirmatively. Discusses SECTION 4 , in the ñ67 amendments.
TAPE 80, A		
003	Rep. Beck	Verifies there is no limit on the number of charter schools; total number of students cannot exceed 10% unless waived.
008	Hunt	Responds affirmatively; that is the case until January 1, 2003.
012	Rep. Hobson	Asks if there is a conflict with SECTION 3 (5), page 3, line 18.
017	Chair Sunseri	Responds it is not a contradiction; refers to small school districts.
024	Jim Green	Legislative Representative, Oregon School Boards Association (OSBA). Agrees these sections do not conflict.
031	Chair Sunseri	Comments that SB100A did not address small school districts.
034	Hunt	Reviews SECTION 5 , -67 amendments.

037	Rep. Jenson	Asks if a "sunset" provision would be better than an automatic review date.
044	Hunt	Responds the next legislature could review date and change it. Reviews <u>SECTION 6</u> , application process.
067	Norm Fox	Committee Administrator. Indicates subsection (n), page 5 which adds standards for behavior; changed from SB 100A.
077	Rep. Hobson	Asks if SB 100A "achieve racial and ethnic balance" is now eliminated.
082	Hunt	Responds that is eliminated. Refers to the student admission section regarding discrimination.
088	Rep. Beck	Comments those are two different issues.
090	Chair Sunseri	Comments on SB100A <u>SECTION 5</u> (y), "achieve" presented a problem; how to do that.
097	Rep. Jenson	Refers to ñ67 amendments, <u>SECTION 6</u> , (v) line 21, page 5. Asks how would this be accomplished.
105	Hunt	Discusses the agreement between a school district and the charter school.
112	Rep. Jenson	Asks how would charter school teachers be assigned in the district, if some of them are not certified.
119	Hunt	Acknowledges provision does not distinguish between certified and non-certified teachers. Discusses <u>SECTION 7</u> , <u>SECTION 8</u> , and <u>SECTION 9</u> .
153	Rep. Jenson	Suggests changes for clarity; that (a) and (b) be reversed in Section 9.
179	Hunt	Responds that would be a policy choice for the committee.
181	Hunt	Discusses <u>SECTION 10</u> , and <u>SECTION 11</u> .
198	Rep. Jenson	Asks for clarification of line 29; should be stated "State Board of Education."
208	Hunt	Responds that can be changed as a "form and style" change.
219	Rep. Jenson	Asks if subsection (5) is necessary.

225	Hunt	Responds that decision is up to the committee. Discusses subsection (6) regarding assets distribution.
233	Rep. Beck	Asks what is the rationale for that.
240	Chair Sunseri	Clarifies that the State School Board would be a logical body to distribute assets.
245	Rep. Beck	Comments on page 10 line 15 (b) "failure to meet student performance."
260	Hunt	Responds the school could be closed down if it is not meeting student performance as stated in the charter. Explains that subsection (7) differs from the SB100A. Discusses SECTION 12 .
265	Rep. Morrisette	Discusses the 64 amendments that were not adopted; what is the impact.
270	Hunt	Responds that some charters could adopt collective bargaining statutes.
278	Rep. Hobson	Asks if the committee is going to make a change to SECTION 9 .
282	Chair Sunseri	Explains changes can be made as committee reviews each section.
289	Rep. Hobson	MOTION: Moves to amend the SB 100-A67 amendments, page 9, line 5, delete "in the following order".
295	Chair Sunseri	Asks what would be the impact.
301	Hunt	Explains impact.
		<p>VOTE: 9-0</p> <p>AYE: 9 - Beck, Close, Hopson, Jenson, Knopp, Morrisette, Starr, Wilson, Sunseri</p> <p>EXCUSED: 1 - Winters</p>
325	Chair Sunseri	The motion CARRIES.
333	Rep. Morrisette	MOTION: Moves to amend the SB 100-A67 amendments, on page 12, line 23, and on page 14, line 16, insert "ORS 243.650 ñ 243.782"
350	Rep. Knopp	Asks for more information on collective bargaining for a charter school.

360	Hunt	Clarifies what is an appropriate bargaining unit; does not necessarily apply to charter schools.
TAPE 79, B		
010	Green	Responds that if the Public Employees Collective Bargaining Act is not referenced in the bill, it defaults to the federal collective bargaining standards.
039	Hunt	Refers to collective bargaining definition page 16, subsection (8).
043	Chair Sunseri	Refers to line 22, page 16 which references ORS statutes in the motion.
046	Rep. Morrisette	Restates his position on his motion.
057	Hunt	Comments if motion passes, it does not mean the employees will organize into a union.
059	Chair Sunseri	Comments he will be voting "no" on the motion.
060	Rep. Morrisette	Refers to a potential veto by the governor.
		<p>VOTE: 4-6</p> <p>AYE: 4 - Beck, Hopson, Jenson, Morrisette</p> <p>NAY: 6 - Close, Knopp, Starr, Wilson, Winters, Sunseri</p>
069	Chair Sunseri	The motion FAILS.
075	Rep. Morrisette	MOTION: Moves to amend the SB 100-A67 amendments, on page 12, after line 23, insert "ORS 342.173" and on page 16, line 15, delete "Notwithstanding ORS 342.173".
		<p>VOTE: 4-6</p> <p>AYE: 4 - Beck, Hopson, Jenson, Morrisette</p> <p>NAY: 6 - Close, Knopp, Starr, Wilson, Winters, Sunseri</p>
088	Chair Sunseri	The motion FAILS.

099	Rep. Hobson	Discusses page 11, line 2; distribution of assets of a public charter school that has been dissolved.
122	Chair Sunseri	Discusses options for distribution of assets.
125	Rep. Hobson	MOTION: Moves to amend the SB 100-A67 amendments, on page 11, delete lines 23-25. Insert "with public funds shall be given to the sponsor."
130	Rep. Winters	Asks what is the intent of the motion.
135	Rep. Hobson	Explains the current language.
142	Rep. Winters	Comments the current provision offers protection; a third entity to handle disbursements.
		<p>VOTE: 4-6</p> <p>AYE: 4 - Beck, Hopson, Jenson, Morrisette</p> <p>NAY: 6 - Close, Knopp, Starr, Wilson, Winters, Sunseri</p>
160	Chair Sunseri	The motion FAILS.
177	Hunt	Discusses <u>SECTION 13</u> , <u>SECTION 14</u> , and <u>SECTION 15</u> and how they differ from SB 100A.
205	Rep. Beck	Asks for further clarification of <u>SECTION 14</u> which addresses priority admissions.
208	Green	Refers to how alternative schools currently enroll students.
219	Rep. Hobson	Asks for a final copy of the amendments before voting on the bill.
238	Chair Sunseri	Responds the committee needs to move this bill today; reviewing it section by section.
245	Hunt	Continues discussing <u>SECTION 15</u> and <u>SECTION 16</u> .
246	Rep. Beck	Asks what is the rationale for an appeal on January 1, 2003.
250	Green	Comments OSBA recommended this amendment to allow phase in.

272	Rep. Beck	Asks whether that date would allow enough time for evaluation.
282	Green	Responds this was a political compromise.
324	Rep. Starr	Asks why was it changed from SB 100A.
326	Green	Responds Legislative Counsel advised it; beginning of a legislative session was recommended.
345	Rep. Starr	Comments the date in SB 100A seems reasonable.
347	Rep. Beck	Asks if the Chair has strong feelings about this date.
352	Chair Sunseri	Responds he has no problem to changing it to mid-year, 2003.
350	Rep. Beck	Comments on timeliness of reviewing charter schools; recommends 2004.
368	Rep. Winters	Concurs; suggests changing date to 2004.
TAPE 80, B		
007	Rep. Beck	Comments the legislature will be revising this legislation in two years.
010	Hunt	Recommends changing it to 2004.
015	Rep. Winters	MOTION: Moves to amend the SB 100-A67 amendments, page 15, line 14, after "repealed" insert, "January 1, 2004."
		VOTE: 8-2 AYE: 8 - Beck, Hopson, Jenson, Knopp, Starr, Wilson, Winters, Sunseri NAY: 2 - Close, Morrisette
029	Chair Sunseri	The motion CARRIES.
035	Rep. Hobson	Asks if the committee is going to review the ñ70 amendments.
038	Chair Sunseri	Comments Chair asked for review of other amendments previously, but can review this one now if so desired.

042	Rep. Hobson	Responds negatively.
059	Rep. Jenson	Refers to SECTION 17 (8) ; collective bargaining issue. States that an employee cannot be part of a bargaining unit of a sponsor unless the sponsor is the employer.
115	Chair Sunseri	Comments teachers could stay with original bargaining unit of the school district or can create a new bargaining unit with the charter school.
125	Rep. Jenson	Explains that an employee can only bargain with the employer; collective bargaining by definition.
130	Chair Sunseri	Asks for clarification.
135	Rep. Jenson	Explains how working conditions relate to collective bargaining issues.
185	Hunt	Clarifies that an employee enters into an agreement with the entity which has authority over the employee's terms of employment.
195	Rep. Beck	Asks if there is a definitive interpretation.
202	Hunt	Refers to SECTION 17 .
245	Rep. Jenson	Asks if there is confusion between a collective bargaining unit and a union.
255	Hunt	Responds negatively; cites difference.
259	Chair Sunseri	Explains it must be spelled out in the charter who is the employer.
265	Green	Asks if the state board is the sponsor, can the local school district be the employer and negotiate. Clarifies the intent of the amendment.
276	Chair Sunseri	Admits there needs to be clarifying language.
285	Green	Suggests possible language.
310	Rep. Winters	MOTION: Moves to amend the SB 100-A67 amendments, <u>SECTION 17 (2)</u>, line 21, after "school" insert "however if the school district is not the sponsor of the public charter school, the school district shall not be the employer nor the entity that the charter school employees collectively bargain with." On page 15, line 18, insert "or the sponsor" after "school".

402	Chair Sunseri	Comments it is understood Legislative Council will correct language.
		VOTE: 10-0 AYE: 10 - Beck, Close, Hopson, Jenson, Knopp, Morrisette, Starr, Wilson, Winters, Sunseri
410	Chair Sunseri	The motion CARRIES.
TAPE 81, A		
023	Hunt	Discusses <u>SECTION 19</u> through <u>SECTION 28</u> .
065	Rep. Hobson	Asks if the background checks in section 24 are the same as for any other public educational institution.
069	Hunt	Responds that section adds employees of a public charter school.
075	Rep. Hobson	Asks if non-certified instructors in a charter school undergo the same requirements as certified teachers rather than as classified personnel.
078	Hunt	Responds that the state police conduct the record checks on any employee.
083	Green	Clarifies this section treats non-certified teachers as classified personnel; background check would be requested by the Department of Education via the State Police. Explains Teacher Standards and Practices Commission (TSPC) would have already completed the background check on a certified teacher.
116	Rep. Hobson	States her question related to charter schools meeting the same requirements as public schools.
120	Hunt	Reviews <u>SECTION 29</u> through <u>SECTION 39</u> .
147	Rep. Knopp	MOTION: MOVE SB 100A do pass as amended (and conceptually amended).
159	Rep. Morrisette	Explains he cannot vote for the bill as amended; objects to teacher licensure and collective bargaining issue.
172	Rep. Hobson	Concurs; expresses disappointment in not having a final amended bill to review before the final vote. States she believes in charter schools but will vote against this bill.

194	Rep. Beck	Explains he campaigned for charter schools; would have liked to have seen a bi-partisan bill. Expresses appreciation for the Chairis situation; made considerable movement. States biggest concern: school system is in a crisis.
299	Rep. Winters	Comments that change sometimes is painful. Refers to example of Howard Street Charter School, Salem. Comments that charter schools are not a replacement for public schools.
328	Rep. Close	States she is greatly encouraged; new horizon in Oregon education. Expresses belief the committee crafted a bill that was fair and workable.
344	Rep. Jenson	States he will be voting against the bill; refers to his previous written testimony. Comments efforts came a long way but fell short; would like to continue working on the bill. Expresses concern the students of Oregon are going to suffer, if this bill passes.
TAPE 82, A		
002	Rep. Starr	Thanks committee for its hard work. Refers to 1993 session when he helped draft a charter school bill while working for his father. Notes that he will have a voice in completing a process begun in 1993.
021	Rep. Wilson	Discusses teacher certification; charter school movement is parent-driven. Explains he could not ascertain information from witnesses regarding barriers to public school system.
042	Rep. Knopp	Thanks Chair and committee members for a good process and ultimately a good bill. States it was not everything he wanted it to be.
056	Chair Sunseri	Expresses pride in the committee and what it accomplished; more than what was achieved in the Senate. States the committee hearings were open to everybody and anybody, with no limit on testimony.
<p>VOTE: 6-4</p> <p>AYE: 6 - Close, Knopp, Starr, Wilson, Winters, Sunseri</p> <p>NAY: 4 - Beck, Hopson, Jenson, Morrisette</p>		
087	Chair Sunseri	<p>The motion CARRIES.</p> <p>REP. SUNSERI will lead discussion on the floor.</p>
090	Rep. Beck	Serves notice of a possible minority report.

092

Chair Sunseri

Responds that is noted. Closes work session on SB 100A. Adjourns at 3:35 p.m.

Submitted By, Reviewed By,

Joan Diaz, Norm Fox,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 100A, proposed ñ68 amendments, 1 p

B ñ SB 100 A, proposed ñ75 amendments, 1 p