

## SENATE COMMITTEE ON EDUCATION

January 13, 1999 Hearing Room B

1:00 PM Tapes 1 - 3

**MEMBERS PRESENT:** Sen. Tom Hartung, Chair

Sen. Susan Castillo, Vice-Chair

Sen. Peter Courtney

Sen. Verne Duncan

Sen. Gary George

Sen. Avel Gordly

Sen. Marylin Shannon

**MEMBER EXCUSED:**

**STAFF PRESENT:** Jan McComb, Administrator

Karen O'Kelley, Administrative Support

**MEASURE/ISSUES HEARD:** Adoption of Committee Rules

**SB 100 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.

TAPE/#	Speaker	Comments
TAPE 1, A		
020	Chair Hartung	Calls meeting to order at 1:05 p.m.
<u><b>ADOPTION OF COMMITTEE RULES</b></u>		

043	Chair Hartung	<b>MOTION: Moves to ADOPT the proposed Committee Rules dated 01/13/99.</b>
		<b>VOTE: 7-0</b>
	Chair Hartung	<b>Hearing no objection, declares the motion CARRIED.</b>
<b><u>SB 100 PUBLIC HEARING</u></b>		
050	Chair Hartung	Opens public hearing on SB 100. States that a charter school law gives Oregon an opportunity to improve the quality and enhance the environment where a teacher can teach and a child can learn.
055	Stan Bunn	<p>Oregon Department of Education and Superintendent of Public Instruction. Presents testimony on SB 100 (<b>EXHIBIT A</b>). States that there are three priorities that need to be accomplished with charter schools:</p> <ul style="list-style-type: none"> <li>• Assure the legislation passed would enhance the public school system in significant ways.</li> <li>• Assure the charter school process would provide a meaningful and helpful alternative to students, parents, and the public.</li> <li>• Assure that charter schools offer equal access to all students.</li> </ul>
107	Bunn	<p>States concerns of specific provisions that need to be considered in charter school legislation.</p> <p>Discusses the sponsorship and appeal process. Believes that charter school sponsorship should go through the local school district. States that the application process should include a procedure for appeal.</p> <p>States that an employee of a charter school should be able to participate in collective bargaining.</p> <p>Recognizes the value of teacher licensure. States that the ODOE has asked the Teacher Standards and Practices Commission to determine the extent and effectiveness of existing alternative licensing provisions and to develop a recommendation regarding this issue.</p>
		Requests that the academic program be connected to the state content standards and assessed using the statewide assessment system.
		States that charter school bills should have clear fiscal accountability, an auditing process, and need to assure that there is accountability to the district.
		Discusses autonomy and empowerment. Suggests developing charter school legislation to recognize the flexibility that is currently available to Oregon schools through existing statutes.

		States that the bill should include equal access for all students and should not exclude special education students. States that minorities shall have equal access and are in no way excluded.
151	Bunn	States the need to identify what constitutes a school. States that charter schools should be designed to assure a comprehensive instructional program.
154		Suggests an amendment to the bill that would make it clear that it is essential for the curriculum to link to the assessment process.
168	Chair Hartung	Comments that there are not any great differences in what Stan Bunn said and what SB 100 states.
174	Sen. Courtney	Asks if the appeal could be taken up with the Court of Appeals or the Supreme Court.
178	Bunn	Replies they could.
180	Sen. Courtney	Requests information on alternatives.
184	Bunn	Responds that he can put that together.
195	Chair Hartung	States that there are not any charter schools in this state because Oregon does not have a charter school law. Comments that until there is a charter school law, charter schools are not eligible for federal grants. States that this gives Oregon an opportunity to have some amount of competition between the public charter school and the traditional school system.
212	Vice-Chair Castillo	Asks if there is a way to amend the current law to qualify for federal funds for charter schools.
223	Bunn	Responds that when the federal government rejected the grant request last time, they only addressed the question of appeal. States that charter school legislation can give parents an alternative that gives them a great deal more ownership in the public schools than they have today.
238	Sen. Shannon	Asks if he is aware of the Lourdes School district.
241	Bunn	Responds he is.
244	Sen. Shannon	States that there is a lot of talk about successful alternative schools. Gives example of three schools that went to their school board for approval to be alternative schools last year and were rejected. States that schools need alternative places to go for approval.

261	Bunn	Responds that we can deal with this issue in the appeal process successfully.
265	Sen. Gordly	Asks if Bunn sees a need to tighten the language in the equity and equal access piece.
270	Bunn	Responds that there is a need to look at the language and measure it against some tests.
284	Sen. Gordly	Asks for a definition of under-served families.
290	Bunn	Responds that he would work on that definition.
		Introduces Randy Harnisch, ODE. States that the ODE is available for work sessions.
318	Chair Hartung	Requests that they work closely with the Oregon School Boards, the Oregon Education Association, the Confederation of Oregon Administrators, and all of the stakeholders. States it is up to the local school boards to take leadership and work through the ODE.
373	Dr. Yvonne Katz	Superintendent, Beaverton School District. Presents testimony on Beaverton School District's position regarding public charter schools ( <b>EXHIBIT B</b> ).
386	Katz	States that the Beaverton School District supports public charter schools that:
		<ul style="list-style-type: none"> <li>Promote creativity</li> </ul>
		<ul style="list-style-type: none"> <li>Have local control</li> </ul>
		<ul style="list-style-type: none"> <li>Are non-sectarian</li> </ul>
		<ul style="list-style-type: none"> <li>Have the same standards as public schools</li> </ul>
		States that the Beaverton School District supports the development of public charter schools, as outlined in SB 100, with the following recommended changes:
		<ul style="list-style-type: none"> <li>Sponsorship, approval of charter, renewal of charter, and termination of charter shall be determined by local school districts only.</li> </ul>
		<ul style="list-style-type: none"> <li>A school district shall agree to pay 85 percent of the amount of the school district's General Purpose Grant per student, as calculated under Oregon statute to both elementary and secondary level charter schools.</li> </ul>

		<ul style="list-style-type: none"> <li>There shall be no appeal process beyond review of charter applications by a local school board.</li> </ul>
405		States that charter schools encourage positive change in public schools. Comments that while the Beaverton School District can support a charter school, as outlined, they remain concerned about the diversion of resources that should focus on helping all of our students meet our state's rigorous academic standards. States in order to succeed it will take concentrated energy and solid financial investment.
<b>TAPE 2, A</b>		
004	Katz	States that she would like to second everything Bunn previously said.
017	Sen. Shannon	Comments that she wishes all school boards would act like the Salem/Keizer school board and help schools to charter.
032	Katz	Responds that across this nation there probably have been boards that have not acted in the manner and style in which we would all like them to act. States that with a good public charter school bill that situation will not continue to occur.
055	Sen. Shannon	Asks if the Beaverton School District is licensed and working with alternative schools.
	Katz	Responds that the Beaverton School District is working successfully with alternative schools.
059	Sen. Courtney	Asks about the superintendent's remarks that there shall be no appeal process beyond review of charter applicants by a local school board. Asks if this is in conflict with one of the statements made by Superintendent Bunn.
062	Katz	Responds that Bunn said that local control and decisions should be at the local level and not to go to an adjoining school board or to an ESD school board for an appeal.
075	Sen. Courtney	Asks if Katz would approve of an appeal to the State Board of Education.
081	Katz	Responds she would if it were constructed very carefully.
086	Ozzie Rose	Confederation of Oregon's Administrators. Indicates that COSA supports the bill, however, they have the following concerns:
		<ul style="list-style-type: none"> <li>Charter schools should be in the statute.</li> </ul>

		<ul style="list-style-type: none"> <li>• Charters should be issued and sponsored by local school boards only.</li> </ul>
119	Rose	<ul style="list-style-type: none"> <li>• The appeal process should be outlined by the superintendent.</li> </ul>
127	Rose	<ul style="list-style-type: none"> <li>• The assessment issue should be addressed differently.</li> </ul>
		<ul style="list-style-type: none"> <li>• There should be equal access for all students.</li> </ul>
		<ul style="list-style-type: none"> <li>• At least half of the teachers should have a teaching license.</li> </ul>
159	Rose	<ul style="list-style-type: none"> <li>• Collective bargaining charters should be different.</li> </ul>
		Reiterates that COSA believes that a charter school bill needs to be passed.
190	James Sager	President of OEA. Presents testimony on SB 100 <b>(EXHIBIT C)</b> .
		Lists the following set of criteria that the OEA believes SB 100 must meet:
		<ul style="list-style-type: none"> <li>• Ensure that only public charter schools receive public funds.</li> </ul>
		<ul style="list-style-type: none"> <li>• Limit the number of charters allowed in Oregon.</li> </ul>
251	Sager	<ul style="list-style-type: none"> <li>• Limit the sponsors of charter schools to local school boards.</li> </ul>
		<ul style="list-style-type: none"> <li>• Require that all professional personnel be licensed through the Teacher Standards and Practices Commission.</li> </ul>
309	Sager	<ul style="list-style-type: none"> <li>• Have the school district be the employer of personnel at the charter school.</li> </ul>
340	Sen. Shannon	Asks how to address those parents who want relief and do not want to pay education dollars twice.
349	Sager	Responds that it is important to stay focussed on the public system and design programs to try and meet the academic needs of all students.
355	Sen. Shannon	Indicates that no bill being presented even hints at giving money to a religious school.
361	Sager	Agrees with that statement.

363	Sen. Shannon	Comments that she is shocked about the statement that the sponsor should act as employers and have control over charter schools.
380	Sager	Responds we need to have processes in place where sites can look at the type of program that they want to offer to meet the specific needs of students.
<b>TAPE 1, B</b>		
046	Sen. Gordly	Asks what is the evidence for academic attainment not being one of the drivers for the discussion.
064	Sager	Responds that they are trying to identify what the structural issues are.
083	Sen. Gordly	States that she is concerned with the way the academic attainment piece is separated from the other issues. Refers to the statement from OEA and the appropriate safeguards to ensure against racial and ethnic segregation. Asks why that statement does not appear in today's testimony.
108	Sager	Responds that he did not choose to highlight it because he knew that the superintendent would mention it.
118	Sen. Gordly	Suggests that the language shows ups consistently.
122	Chair Hartung	States that he is encouraged by Sager's comments.
150	Craig Smith	President of Oregon School Board Association. Presents testimony on SB 100 <b>(EXHIBIT D)</b> .
		States that the OSBA recognizes charter schools as an opportunity and a powerful tool for school improvement.
214	Smith	Discusses articles published in <u>The Tribune</u> , a Phoenix newspaper, and one from the <u>Oregonian</u> .
275	Smith	Discusses the success of the Howard Street School. States there is a true partnership between the Howard Street School and the local school district.
304	Smith	Discusses the Organizational Model Draft for Salem-Keizer Public Schools.
<b>TAPE 2, B</b>		
005	Sen. Duncan	Asks what state laws got in the way.

008	Smith	States that he does not think there were any.
014	Chair Hartung	Asks if there are any other schools like the Howard School in the Salem-Keizer school district.
016	Smith	Responds there are not.
021	Chair Hartung	Asks if there are any contract schools in Salem-Keizer district.
024	Smith	Responds there are not. States that none of these are discreet categories.
034	Chair Hartung	States that he is surprised that there are not more charter-type schools. Asks for an explanation for the lack of interest in charter schools.
037	Smith	Responds that it takes a lot of work to set-up a charter-like school.
054	Sen. Shannon	States that there have been great charter school successes at the inner city schools in Minnesota as opposed to the few failures in Arizona.
068	Smith	States charter schools should be set-up in conjunction with the local school board.
071	Vice-Chair Castillo	Asks how passing charter school legislation would help schools.
075	Smith	Responds that mainly it would make it easier.
079	Vice-Chair Castillo	Asks if it would give school districts more comfort to experiment and try new things.
083	Smith	Agrees that it would. States that SB 100 is a good bill. Suggests removing ESDs as possible sponsors.
		Outlines other minor changes:
		<ul style="list-style-type: none"> <li>• Lengthen the timelines.</li> </ul>
		<ul style="list-style-type: none"> <li>• Require a 60-day notice to terminate by both sides.</li> </ul>
		<ul style="list-style-type: none"> <li>• The charter school may be the employer and the sponsor may also remain as the employer.</li> </ul>



132	Smith	<ul style="list-style-type: none"> <li>• A minimum percentage of students should be residents of the sponsor's district.</li> </ul>
146		Expresses concern with Section 18 on Special Education. Comments that Section 18 is one that will demand close scrutiny and a good working relationship between the sponsoring district and charter school.
160	Sen. Shannon	Asks if Smith was elected by the people in the district.
165	Smith	Responds he was.
174	Sen. Gordly	Asks if there are currently special education students at Howard School.
177	Smith	Responds there are. Discusses the wide range of services required by the special education students.
200	Bob Shook	Chair of Beaverton School Board. Submits <b>(EXHIBIT E)</b> . States that the board is very interested in establishing charter schools as outlined in SB 100 if the needed tools of accountability can be provided.
237	Shook	Comments on language in SB 100 that would suggest that there would not be as much local control as the board would like to see.
271		States the Board welcomes and encourages the innovations associated with charter schools.
276	Chair Hartung	Makes request of Shook to get colleagues to be more enthusiastic about the local school boards accepting more control.
309	Shook	States that the other districts experiencing the same growth challenges will possibly welcome these kinds of flexible choices.
367	Chair Hartung	States that charter schools are working very well. States that everyone can learn a lot from what has worked for the Howard Street School.
375	Tricia Smith	Government Relations Specialist for OSEA. Submits <b>(EXHIBIT F)</b> .
		States OSEA is a labor organization representing more than 16,000 classified employees working in Oregon's public schools, Education Service Districts, community colleges, and park and recreation districts. Adds that their members are non-certified staff who provide essential educational and operational support services in schools across the state.
		States that the OSEA does not believe that charter school legislation works

		toward the goal of providing all of Oregon's school children access to the highest quality schools. Comments that in the past the OSEA has not been supportive of charter school legislation.
420	Tricia Smith	Discusses specific areas of concern with SB 100: sponsorship (Sections 2, 6, and 8), formation of a public charter school (Section 3), and waivers (Section 11).
<b>TAPE 3, A</b>		
005	Tricia Smith	States two additional areas of concern: employment status and collective bargaining (Section 14) and maximum student population and funding levels (Sections 3, 4, and 17).
035	Sen. Gordly	Invites Tricia Smith to return on Friday at 1:00 p.m. to answer questions.
041	Chair Hartung	Adjourns the meeting at 3:00 p.m.

Submitted By, Reviewed By,

Karen O'Kelley Jan McComb

Administrative Support Administrator

### **EXHIBIT SUMMARY**

**A - SB 100, written testimony, Stan Bunn, 3 pp**

**B - SB 100, written testimony, Yvonne Katz, 2 pp**

**C - SB 100, written testimony, James Sager, 7 pp**

**D - SB 100, written testimony, news articles, and chart, Craig Smith, 8 pp**

**E - SB 100, written testimony, Bob Shook, 1 pp**

**F - SB 100, written testimony, Tricia Smith, 2 pp**