

## SENATE COMMITTEE ON EDUCATION

January 20, 1999 Hearing Room B

1:00 P.M. Tapes 10-12

**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:** 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
<b>TAPE 10, A</b>		
003	Chair Hartung	Opens meeting at 1:03 p.m. and opens public hearing on SB 100.
<b><u>SB 100 PUBLIC HEARING</u></b>		
005	Cindy Hunt	Drafter, Legislative Counsel.

		States that SB 100 has provisions against charter schools discriminating. Adds that there are statutes in the bill that cannot be waived.
045	Sen. Gordly	States that Alex Medler from the U.S. Department of Education has agreed to survey other states about the non-discrimination issue. Comments that this will help to determine the type of policy language that would be needed in charter school legislation.
		Urges the committee to focus on the evidence in order to meet the needs of all students, especially minority students.
104	Sen. Gordly	Asks for assurances that charter schools will do something dramatically different for children of color. States that the committee needs to find out more about the students that have not been adequately served in the past.
140	Sen. Gordly	States that it is necessary to construct the best strategies for delivering a quality education for all students.
170	Chair Hartung	States that the minority student achievement portion should be addressed in the Educational Improvement Act for the 21 <sup>st</sup> Century.
213	Hunt	Comments on Brad Avakian's testimony regarding the unconstitutionality of charter schools. States that charter schools are created publicly through a statute and the examples that Avakian gave apply only to private entities.
265	Sen. Gordly	Discusses concerns from Rep. Pauly Williams regarding charter schools. States that Rep. Pauly Williams believes that instead of helping low income blacks, charter schools have become a way for white children to go to private schools.
304	Vice-Chair Castillo	Comments that Oregon's 21 <sup>st</sup> Century Schools Program and Oregon's Alternative Schools Law provide broad authority to create alternative schools, including public charter schools. States that the committee needs to look at what is currently being done with charter-like schools under current law.
372	Chair Hartung	Asks if Vice-Chair Castillo understands that Oregon must have a charter school bill in order to be eligible for federal grants. States that the alternative schools that once qualified are no longer eligible to receive federal grants.
400	Vice-Chair Castillo	Responds that the committee does need to explore how Oregon can qualify for the federal funding.
408	Chair Hartung	Reminds the committee that Alex Medler stated that in order to qualify for federal funding, Oregon would need to do certain things that SB 100 requires. Cites the example of having an appeal to the sponsor.
422	Sen. George	Comments that he does not believe that SB 100 is being rushed through the

		committee. States that a great deal of time has been spent on charter school legislation during the last session and the interim.
<b>TAPE 11, A</b>		
010	Sen. Duncan	Asks how many requests there have been for variances, such as curriculum alignment, and how many of those have been rejected.
014	Chair Hartung	Asks for Greg McMurdo or Stan Bunn to answer this question at a later time.
021	Sen. Gordly	States that she is not trying to stop SB 100 from moving through the committee. Comments that the issues that she has raised have not ever been fully explored.
038	Sen. Courtney	Asks Chair Hartung if he plans to have the Governor come before the committee to discuss where he stands with charter school legislation.
044	Chair Hartung	Responds that the Governor will not come before the committee, but the Governor is amenable to working on SB 100 when it moves over to the House. States that the Governor recognizes that SB 100 is a very important policy statement that has a lot to do with accountability in education.
095	David Myton	<p>Executive Director of the Teachers Standards and Practices Commission (TSPC). Submits <b>(EXHIBIT A)</b>. Discusses the redesign of the regular teacher licensure system for 21<sup>st</sup> Century Schools. States that, based on SB 124, the new design for teacher licenses is as follows:</p> <ul style="list-style-type: none"> <li>• Regular college and university</li> <li>• Out-of-state</li> <li>• Alternative entry</li> </ul>
		States that the last major change in licensure occurred in 1965 and the most recent change occurred on January 15, 1999, when all of the new requirements from SB 124 went into effect.
155	Myton	Responds to a question from another public hearing regarding the difficulty in getting a teachers' license in Oregon. States that the individual did hold a teachers' license for full-time contractual employment in Oregon and did not renew it.
165	Vice-Chair Castillo	Asks if Myton is referring to the gentleman who could not get a license because he needed to take an audio visual course. Asks if the gentleman did have a license.
168	Myton	<p>Responds that the gentleman held a basic teaching license.</p> <p>States that the issue of how difficult it is to get a teacher's license is regulated by the legislative process. Comments that the TSPC did not have the authority to</p>

		require continuing professional development until the passage of SB 124.
200	Myton	<p>States that the TSPC believes that charter school teachers should be licensed. Refers to a study done by Linda Darling-Hammond which states that instructors from non-traditional backgrounds are not more effective at getting students to higher standards than are regularly licensed teachers.</p> <p>States that Oregon offers a Transitional Teaching License in which the applicant has three years to qualify for an Initial Teaching License. Cites an example of a performing dancer teaching at Jefferson High School.</p>
245	Myton	States that being part of a licensed staff at a school goes beyond managing the classroom and teaching a particular expertise. Comments that it also involves curriculum development. States that professional preparation would be needed.
		States that the TSPC recently completed a study on the supply and demand of teachers through 2010 and found that, overall, the supply of educators will be adequate. Comments that there may be a shortage of teachers in select areas such as special education, advanced mathematics, and physical science.
290	Myton	<p>States that the TSPC can issue a Professional-Technical Teaching License to instructors with experience in business and industry for Certificate of Advanced Mastery programs.</p> <p>States that the fingerprint checks required by SB 100 would not be of the same intensity as the ones required by the State Department of Education for licensed educators.</p>
343	Chair Hartung	Asks Myton if there is an alternative license, in addition to the basic teaching license.
356	Myton	Responds that it is called a transitional license. States that the license would be good for three years. Adds that about 300 transitional licenses have been issued for the current school year.
401	Vice-Chair Castillo	Asks Myton why he does not have a proposed amendment to address the fingerprinting issue.
412	Myton	Responds that it would be addressed in his proposed amendment in section 14, part 7.
<b>TAPE 10, B</b>		
003	Sen. Shannon	Asks if a teacher's aide has inappropriate contact with a student, how that would be recorded.
008	Myton	Responds that there is not a mandatory requirement that it be reported. Adds that educators are mandatory reporters and it could be reported to the state police.

022	Dr. Bruce Herbert	<p>Testifies in favor of SB 100. Submits <b>(EXHIBIT B)</b>. Discusses the following aspects to consider when crafting charter school legislation:</p> <ul style="list-style-type: none"> <li>• Approval process</li> <li>• Curriculum breadth and design</li> <li>• Facilities and other capital investments</li> <li>• Teacher certification</li> <li>• Teacher pay and benefits</li> <li>• Relationship to other district programs</li> <li>• Transportation</li> <li>• Equal opportunities for rural students</li> </ul>
104	Sen. Shannon	Asks the chair if the school district would still be required to provide transportation to the charter school.
108	Chair Hartung	Responds that a public charter school would be treated the same as a traditional public school.
124	Herbert	Gives reasons why the committee should be enthusiastic about charter schools.
175	Herbert	States that the committee needs to draft legislation that would make charter school programs effective in rural and urban areas.
185	Sen. George	Asks Herbert to comment on how innovation is stifled at some schools.
190	Herbert	Responds that some schools have limited innovation to a greater degree than they should.
244	Vice-Chair Castillo	Asks Herbert if it would be helpful for the rural areas to learn about what is happening in other parts of the state.
250	Herbert	Responds that it is not a lack of knowledge. States that the committee needs to look at how charter school legislation would impact students in large cities and rural areas.
265	Vice-Chair Castillo	States that each part of the state is different.
274	Sen. George	States that a lot of innovation has come out of the home school programs.
298	Sen. Duncan	States that rural schools do fantastic work.
304	Herbert	Responds that some rural schools are not challenged very much in regards to how innovative they are.
320	Vice-Chair Castillo	Comments on the fantastic job that the Alsea school district is doing.

347	Jeff Miller	Teacher at Cleveland High School. Submits <b>(EXHIBIT C)</b> .
<b>TAPE 11, B</b>		
003	Miller	States that research shows that greater competition and choice typically lead to greater segregation in the public school system.  States that it will be difficult for charter school teachers and public school teachers to work together.
		States that, during the 1997 Session, legislation was passed that required all teachers to get more professional training. Asks why SB 100 only requires that 50% of the teachers be licensed.
034	Chair Hartung	Responds that there are also alternative licenses.
042	Miller	Asks why SB 100 has a provision that states that 50% of the teaching staff needs to be licensed.
050	Chair Hartung	Responds that it needs to be written in the bill.
061	Miller	States that public school teachers will find it hard to work with charter school teachers that are not licensed. Adds that if the teachers are not part of same bargaining unit, then there will be distrust.
		Asks how SB 100 will address the funding issues for charter schools.
090	Sen. Shannon	States that charter schools should be able to use existing public buildings and hopefully not need to pay rent.
096	Miller	Responds that the vast majority of charter schools that startup in Oregon will be quite small. Asks how a school with a capacity of 800 can justify starting up a charter school that would serve only 150 kids.
108	Chair Hartung	Responds that it is possible to have more than one school in a building.  States that charter schools have the promise of increasing the quality of education.
126	Sen. Shannon	States that when the education of children is the focus, a lot of things can happen.
128	Miller	States concerns about charter schools having greater access to private funds. Adds that charter schools in wealthy communities will have major advantages

		over charter schools serving poor students or students of color. Asks what provisions in SB 100 guard against the possibility of creating more inequality in education.
		States that 20% of the district's total is too high, for the number of students that could be admitted to a charter school. Adds that the initial phase-in period should be extended from two to five years.
170	Sen. Duncan	Comments that he shares Miller's concerns with funding.
174	Sen. Gordly	Asks why Miller did not comment on the last page of his written testimony.
179	Miller	Responds that there was not enough time.
186	John Liljegren	Parent of three children. Testifies in support of SB 100.
		States that one of his children attended a public school in the Portland district called the Adventure School. Comments that this school had an emphasis on science as a basis for learning all subjects. States that the experience was not what his family had hoped it would be and his son returned to a traditional middle school a year later.
251	Liljegren	Discusses a situation where there are three virtually identical innovative schools. Asks why families cannot decide which schools their children will attend. Comments that if families choose a non-district school there will be less money for everyone else in the district.
339	Liljegren	States that people with enough money can afford to move to a better school district, pay for a private school, or do home schooling.
<b>TAPE 12, A</b>		
005	Chair Hartung	Tells Liljegren that if he would like the committee to respond to his testimony, then he will need to return at 5:00 p.m.
007	Liljegren	Responds that he is not able to return.
009	Sen. Duncan	Asks if Liljegren has written testimony.
011	Liljegren	Responds that he did not submit written testimony.
013	Chair Hartung	States that Rob Kremer will return at 5:00 p.m. to testify.

019	Sen. Duncan	Explains that due to another meeting, he and Sen. Courtney will not be able to attend.
021	Vice-Chair Castillo	States that she will not be able to attend.
023	Chair Hartung	Responds that the committee will operate as a subcommittee.
025	Sen. Gordly	States that she will not be able to attend.
028	Chair Hartung	Recesses the meeting until 5:00 p.m.
030	Chair Hartung	Reconvenes the meeting at 5:05 p.m.
034	Rob Kremer	President, Oregon Education Coalition. Testifies in favor of SB 100 ( <b>EXHIBIT D</b> ). Refers to a table in his exhibit which shows the key differences between SB 100 and Governor Kitzhaber's principles. Explains, based on evidence from other states, the Governor's principles would limit charter school activity.
		States that by disallowing private schools to convert to charter schools contract schools would be included as well. Cites Becky Blackis school, the McCoy School, as an example.
067	Chair Hartung	Asks Kremer how many contract schools there are.
071	Kremer	Responds that he does not know.
073	Chair Hartung	Asks Kremer to give examples of contract schools.
075	Kremer	Cites the following contract schools: the Creative Minds Alternative School (Eugene), the McCoy Academy (Portland), and the Village School (Portland).
080	Chair Hartung	Asks Kremer how contract schools would be allowed to convert to charter schools.
082	Kremer	Responds that it could take place through the creation of a separate chartering entity. States that every private school in Oregon should not be granted charter status. Suggests making an exception for contract schools that had previously contracted with school districts.
		States that all teachers should not need to be licensed.
107	Chair Hartung	Asks Kremer for comment regarding alternative licenses for 50% of teachers.

110	Kremer	Believes that it is not easy to obtain an alternative license. Repeats that he does not believe that all teachers should be licensed.
		States that there should be sponsors other than the local school board. Adds that the local school boards could create obstacles and attempt to stifle the charter schools.
		Comments on the Arizona charter schools survey. States that the Arizona charter schools are far more reflective of the general population racial numbers than the district schools are.
165	Chair Hartung	Asks Kremer how many charter schools there are in Arizona.
167	Kremer	Responds that Arizona has (about) 270 charter schools.
170	Chair Hartung	Asks Kremer if Arizona has corrected any of their early charter school disasters.
175	Kremer	Responds that he is not sure. States that one of Arizona's biggest problems was the wide open sponsorship provision. Explains that Arizona allowed any school district to sponsor a charter school. Cites an example of one district that sponsored 27 schools from other districts.
185	Chair Hartung	Asks Kremer if a contiguous school district should be allowed to sponsor a charter school.
187	Kremer	Responds that it should.
		Discusses the issue of academic achievement for minority students. States that the charter schools should not be able to pick and choose students and create an elite academy. Explains that if there were a provision in the law which forced a racial balance provision, some schools with a target niche population would be stifled. Suggests a provision which states that if the racial makeup of the charter school is out-of-line to the general population, then a review is triggered to determine if there are factors to indicate that the school is discriminating.
242	Chair Hartung	Discusses Crenshaw High School in Los Angeles which is largely African-American. States that there is a school in Harlem that is completely African-American.
		Asks Kremer if he has given his testimony to the Governor.
255	Kremer	Responds that he has not.
257	Chair Hartung	States that he will pass it on to the Governor.

259	Chair Hartung	Closes the public hearing on SB 100 and adjourns at 5:20 p.m.
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Submitted By, Reviewed By,

Karen O'Kelley Jan McComb

Administrative Support Administrator

#### **EXHIBIT SUMMARY**

**A ñ SB 100, brochure, written testimony and booklet, David Myton, 21pp**

**B ñ SB 100, written testimony, Dr. Bruce Herbert, 7 pp**

**C ñ SB 100, written testimony, Jeff Miller, 5 pp**

**D ñ SB 100, written testimony and charts, Rob Kremer, 4 pp**