SENATE COMMITTEE ON EDUCATION

January 25, 1999 Hearing Room B

1:00 p.m. Tapes 17-21

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 and 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 17,	Α	
005	Chair Hartung	Opens meeting at 1:05 p.m. and opens public hearing on SB 100.
<u>SB 100 P</u>	UBLIC HEARING	
009	Stan Bunn	Superintendent of Public Instruction. Encourages the committee to pass a charter school bill. Submits (EXHIBIT A).
		States that his department would like to have amendments added to the bill. Adds that the standards and assessment of the school improvement act would need to be met.
		States that the federal government requires that the definition of a charter school have a specific charter school statute. Adds that the appellate

		process is recommended, but not required.
033	Chair Hartung	Asks Bunn if there would be only one sponsor, with no appeal.
040	Bunn	Responds that the federal government states that an appeal process is recommended but not required.
	Л.	States that federal charter school grant money will not always be available, therefore it is important to design a bill that meets Oregonis needs.
		Believes that both the public nature and the financial accountability of charter schools are addressed adequately in the bill. States that the committee needs to determine what percentage of charter school costs should be retained by the district.
		States that if there is a procedural appeal to the state board then the state should provide hearings officers.
079	Chair Hartung	Discusses how collective bargaining is included in the bill.
086	Vice-Chair Castillo	Asks Bunn if he has suggested language in a LC amendment.
090	Bunn	Responds that he has not. States that he will try to have them ready by the end of the week.
096	Chair Hartung	Asks if the appeals would damage SB 100, as it is presently written.
099	Bunn	Responds that it would not.
106	Sen. Gordly	Asks if the Oregon Education Act for the 21 st Century has enabling language for charter schools.
112	Bunn	Responds that the Oregon Department of Education (ODE) believes that there is sufficient legislation to receive money for the continuation of charter school development.
117	Sen. Gordly	Asks what kind of federal funds Oregon would miss out on, without charter school legislation.
121	Bunn	Responds that the funds would primarily be start-up dollars.

125	Sen. Gordly	Asks for the ODEís definition of under-served students.
129	Bunn	Responds that he does not have the definition in front of him.
139	Sen. Gordly	Asks if Bunn has any comments about the wording that charter schools shall be open to all students on a space available basis.
67	Bunn	Responds that the statement is very broad and it might be better to separate some of the categories.
176	Sen. George	Asks Bunn for suggestions on how ensure that minority students are included in the bill.
189	Bunn	Responds that the impetus for helping disadvantaged and minority students needs to come from the community in how they use the bill.
200	Sen. Duncan	Asks if the ODE has analyzed the fiscal impact of 95% funding on the public school system.
208	Bunn	Responds that the ODE has not.
253	Sen. Shannon	Comments that half of the children in charter schools in the United States are minority and at-risk children.
263	Chair Hartung	Reads the letter from Rep. Sunseri stating that the House Education Committee looks forward to receiving the charter school legislation from the Senate (EXHIBIT B).
	Л	Refers to a letter from Jean Thorne and the finalized principles from Governor Kitzhaber for charter school legislation. (EXHIBIT C).
304	Greg McMurdo	ODE. States that under the Oregon Education Act for the 21 st Century, the state board has the authority to waive certain rules and statutes.
321	Randy Harnesch	ODE. Discusses the types of waivers that schools have applied for.
575	Chair Hartung	States that the ODE would not have to spend a lot of time on rules.
TAPE 1	л 8, А	

012	McMurdo	States that in order to receive federal funds for charter schools, the current law would need to be amended to have a statute that authorizes the granting of charters.
038	Chair Hartung	States that enabling legislation does not include charter schools in the new law.
047	McMurdo	States that the alternative programs will not cease to exist with charter school legislation.
056	Sen. Gordly	Asks if the 1998 federal funds application for charter schools was denied.
060	McMurdo	Responds that it was denied. States that part of the reason it was denied is because Oregon does not have charter school legislation.
070	Sen. Gordly	Asks if the funding was also denied because Oregon had an inadequate plan for serving disadvantaged and minority students.
080	McMurdo	Responds that he does not recall and he will need to check.
085	Chair Hartung	States that he is a proponent of public education. Adds that he objects when he hears that SB 100 is a plan to allow for the privatization of the public school system.
	Л	States that the Citizens Monitoring Advisory Committee (CMAC) testified they believe charter school legislation gives Oregon an opportunity for public schools.
135	Sen. Gordly	States that CMAC did not go on the record as supporting SB 100. Asks for Chair Hartung to request a statement from CMAC stating their stand on SB 100.
215	Chair Hartung	Responds that he will do that.
331	Chair Hartung	Recesses the meeting until 2:00 p.m.
332	Chair Hartung	Reconvenes the meeting at 2:05 p.m. and opens work session on SB 100.
<u>SB 100 '</u>	WORK SESSION	×
340	Cindy Hunt	Legislative Counselis Office. Explains

		th	e ñ1 amendments (EXHIBIT D).
APE 17	B		
011		Chair Hartung	MOTION: Moves to ADOPT SB 100-1 amendments dated 01/18/99.
		А	OTE: 7-0 YE: In a roll call vote, all tembers present vote Aye.
	Chair Hartung	Т	he motion CARRIES.
021			tates that the -2 amendments have een withdrawn (EXHIBIT E).
024		Hunt	Explains the ñ3 amendments (EXHIBIT F).
058		Sen. Courtney	MOTION: Moves to ADOPT SB 100-3 amendments dated 01/18/99.
		A D N	OTE: 4-3 YE: 4 - Castillo, Courtney, uncan, Gordly AY: 3 - George, Shannon, artung
	Chair Hartung	т	he motion CARRIES.
)67		Hunt E	xplains the -4 amendments EXHIBIT G).
094		Courtney D	iscusses the reasoning for using the umber 10 in the ñ4 amendments.
141		Sen. Courtney	MOTION: Moves to ADOPT SB 100-4 amendments dated 01/18/99.
			OTE: 3-4 YE: 3 - Castillo, Courtney, Gordly

		NAY: 4 - Duncan, George, Shannon, Hartung
150	Chair Hartung	The motion FAILS.
154		Chair Hartung States that the -5 and -6 amendments have been withdrawn (EXHIBITS H and I).
162		Hunt Explains the -7 amendments (EXHIBIT J).
220		Sen. Asks what kind of information would Gordly be required in the report filed with the ODE.
224	McMurdo	Responds that the report would include information that would be helpful to the ODE or the legislature.
231	Sen. Gordly	Asks if the statement in the amendment will be strong enough for what the ODE is trying to accomplish.
237	McMurdo	Responds that the ODE left the statement broad because the state board can be specific in what type of information they require.
245	Sen. Gordly	States that she would want to know what the demographics are within the charter schools.
290	Chair Hartung	States that the ñ7 amendment is trying to develop some accountability. Adds that he will want to know if charter schools are working or not.
296	Sen. Gordly	Asks if the report would state how often the reports would be due.
301	McMurdo	Responds that it would specify how often.
317	Chair Hartung	Asks if there could be a separate section on the report card for charter schools.
321	McMurdo	Responds that there could.
328	Sen. George	Asks if alternative schools file a report.
335	McMurdo	Responds that they do.

381	Chair Hartung	MOTION: Moves to ADOPT SB 100-7 amendments dated 01/18/99.
		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Hartung	The motion CARRIES.
		See tape 18, B (326) for change in Sen. Courtneyis final vote on the ñ7 amendments.
400	Hunt	Explains the -8 amendments (EXHIBIT K).
436	Jim Green	Oregon School Boardsí Association. States that each one of the concepts are broken out by a separate amendment.
TAPE 1	3, B	,t
034	Vice-Chair Castillo	Asks why the ñ8 amendments would give the charter school the option to choose the sponsor of the school.
038	Green	Responds that the OSBA wanted to give maximum flexibility to the charter schools. States that not all schools want to be the employer.
045	Vice-Chair Castillo	Asks why the OSBA has requested that at least 80% of charter school students be residents.
048	Green	Replies that Oregon is under a state funded school system and some districts need to be protected.
096	Hunt	Discusses how student enrollment would be handled at a public charter school during the first year.
119	Chair Hartung	Asks if student enrollment is addressed in another section.
122	Hunt	Responds that it is not. States that if the committee wants to vote on that particular concept separately then an amendment will need to be drafted.

125	Chair Hartung	Requests that a conceptual amendment be drafted separately.
160	Sen. Gordly	States her concern about the language on line 26 regarding selecting students through an equitable lottery process.
242	Hunt	Discusses how transportation services would be handled at the public charter school.
275	Sen. George	Asks if the school would be able to negotiate in order to receive the total transportation costs.
279	Hunt	States that with the amendments, the school district is responsible for the transportation of students attending the public charter school if the student is a resident of the school district.
321	Chair Hartung	Recesses meeting until 3:15 p.m.
324	Chair Hartung	Reconvenes meeting at 3:25 p.m.
326	Chair Hartung	Moves that Sen. Courtney be allowed to change his vote to aye on the ñ7 amendments. Hearing no objections it is so ordered.
435	Sen. Shannon	States for the record that she does not know of anyone who supports the idea of having religious schools convert to charter schools.
TAPE 1	9, A	I. I
070	Hunt	Discusses the ñ25 amendments (EXHIBIT L).
095	Chair Hartung	MOTION: Moves to ADOPT SB 100-25 amendments dated 01/15/99.
100		VOTE: 3-4 AYE: 3 - Castillo, Courtney, Gordly NAY: 4 - Duncan, George, Shannon, Hartung
105	Chair Hartung	The motion FAILS.
108	Chair Hartung	Discusses ñ27

		amendments (EXHIBIT M).
115	Chair Hartung	MOTION: Moves to ADOPT SB 100-27 amendments dated 01/25/99.
134		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.
142	Chair Hartung	The motion CARRIES.
145	Hunt	States that the ñ26 amendments would do the following (EXHIBIT N):
		Remove the ability of the State Board of Education to be a sponsor.
		• Alter the appeal process to the State Board of Education only to appeal the procedure used by a school board.
154	Vice-Chair Castillo	Asks where the sponsor section is in the bill.
157	Hunt	Replies that it is on page two line six.
162	Vice-Chair Castillo	Asks if the ñ26 amendment addresses the other possible sponsors.
164	Hunt	Responds that the other sponsors remain in the bill.
166	Chair Hartung	Asks at what point would an applicant go to the State Board of Education.
170	Hunt	Responds that the applicant can go to the State Board of Education after the application has been turned down.
180	Sen. Shannon	Asks if the school board is the only one that can be a sponsor.
182	Hunt	Responds that the ñ26 amendments also allow a contiguous school district and an Education Service District (ESD) as a sponsor.
185	Sen. Shannon	Comments that a school board could slow down the process.

120		VOTE: 4-3
110	Chair Hartung	MOTION: Moves to ADOPT SB 100-9 amendments dated 01/25/99.
075	Chair Hartung	States that he wants to be able to compare public charter school students directly with traditional public school students.
065	Sen. Qutub	States that the intent of this amendment is not to lower standards.
030	Sen. Shannon	States that there is a danger in not testing students on a national level.
TAPE 2), A	Л
440	McMurdo	States that in order to measure progress under the Oregon Educational Act for the 21 st Century, the schools must use the state-wide assessment.
414	McMurdo	States that the ñ14 amendments would make it impossible to compare the non-charter schools with the charter schools because the schools would not be taking the same tests.
347	Hunt	States that the -14 amendments would conflict with the ODEís ñ7 amendments that were adopted earlier.
		Explains the -9, -10, -11, -13 and -14 amendments (EXHIBITS P, Q, R, S and T).
274	Sen. Qutub	States that the -12 amendments have been withdrawn (EXHIBIT O).
244	Chair Hartung	Moves that the -26 amendments be withdrawn.
220	Green	States that the ñ26 amendments would take the State Board of Education out of the sponsorship loop.
192	Sen. Shannon	Replies that she does not favor this amendment.
190	Chair Hartung	Asks if Sen. Shannon favors eliminating the State Board of Education as a possible sponsor.

		AYE: 4 - Duncan, George, Shannon, Hartung
		NAY: 3 - Castillo, Courtney, Gordly
135	Chair Hartung	The motion CARRIES.
137	Chair Hartung	MOTION: Moves to ADOPT SB 100-10 amendments dated 01/25/99.
140		VOTE: 4-3 AYE: 4 - Duncan, George,
		Shannon, Hartung NAY: 3 - Castillo, Courtney, Gordly
145	Chair Hartung	The motion CARRIES.
148	Chair Hartung	MOTION: Moves to ADOPT SB 100-11 amendments dated 01/25/99.
		VOTE: 6-1 AYE: 6 - Castillo, Duncan, George, Gordly, Shannon, Hartung NAY: 1 - Courtney
170	Chair Hartung	The motion CARRIES.
172	Chair Hartung	MOTION: Moves to ADOPT SB 100-13 amendments dated 01/25/99.
174		VOTE: 4-3 AYE: 4 ñ Duncan, George, Shannon, Hartung NAY: 3 ñ Castillo, Courtney, Gordly
179	Chair Hartung	The motion CARRIES.

217	Sen.Asks if the ñ31 amendments removeShannonthe responsibility from the schooldistrict to transport students.
220	Green Responds that the ñ31 amendments state that the public charter school would be responsible for providing the transportation. Adds that the local school district may negotiate with the charter school to provide transportation.
231	Sen.Asks if the public charter schoolShannonwould get 70 % from the state for transportation costs.
235	Green Responds that, as the bill is currently drafted, the charter school would not get 70 %.
238	Sen.Asks if the school district would still be able to collect 70% if they did not provide transportation.
241	Green Responds that the school district would not be able to do that. Comments that if the school district does not provide the transportation, then they can not receive any money.
260	Green States that as the bill is currently drafted, all sponsors, except for the local school districts, would not be able to receive approved transportation costs.
270	Sen. Asks if the ñ31 amendments would Shannon take away a childís right to transportation.
275	Green Responds that if this amendment is adopted, the local school district does not have to provide transportation, but they may negotiate for it.
300	Chair Asks Green to Hartung withdraw ñ31 amendments (EXHIBIT U).
305	Green Responds that the ñ31 amendments have been withdrawn. Adds that he will take the ñ31 amendments to the House.
330	Sen. Discusses the issue of access for at- Gordly risk students.
349	Chair Asks if Sen. Gordly favors the withdrawal of the ñ31 amendments.

351		Sen. States that a charter school bill r Gordly include a transportation guarante all students.	
362		Chair Asks Hunt what will happen if t Hartung ñ31 amendments are withdrawn	he
365		Hunt Responds that if the transportati section stays the same in the bill school district would have to pre transportation to those students are residents of the school distri	l, the ovide who
376		Green States that there is a problem wi ñ31 amendments in regards to s education students. Comments t wants to be sure that the transportation needs of special education students are met.	pecial
	TAPE 19, B	Λ	
025		Hunt Discusses the -28, -29, -30 and amendments (EXHIBITS V, W and Y).	
075		Chair MOTION: M Hartung to ADOPT S 100-28, -29, and -37 amendments dated 01/25/	5B -30 5 all
	1	VOTE: 4-3	
		AYE: 4 - Duncan, Gordly, Sha Hartung	annon,
		NAY: 3 - Castillo, Courtney, George	
082	Chair Hartung	The motion CARRIES.	
084	Chair Hartung	Recesses meeting until 4:45 p.m	1.
086	Chair Hartung	Reconvenes meeting at 4:45 p.n	n.
100		Hunt Explains the and ñ16 amendments (EXHIBITS AA).	
127	Chair Hartung	MOTION: M to ADOPT S 100-15 amendments dated 01/25/	5B

130		VOTE: 3-4 AYE: 3 - Castillo, Courtney, Gordly NAY: 4 - Duncan, George, Shannon, Hartung
137	Chair Hartung	The motion FAILS.
162	Chair Hartung	States that the ñ16 amendments are withdrawn.
165	Hunt	Discusses the ñ17 amendments (EXHIBIT BB).
215	Chair Hartung	MOTION: Moves to ADOPT SB 100-17 amendments dated 01/25/99.
220		VOTE: 3-4 AYE: 3 - Castillo, Courtney, Gordly NAY: 4 - Duncan, George, Shannon, Hartung
224	Chair Hartung	The motion FAILS.
260	Chair Hartung	Discusses the ñ18 amendments (EXHIBIT CC).
267	Sen. Courtney	MOTION: Moves to ADOPT SB 100-18 amendments dated 01/25/99.
<u> </u>		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.
273	Chair Hartung	The motion CARRIES.
290	Sen. Gordly	Discusses the ñ34 amendments (EXHIBIT DD). States that these amendments reflect language in the California charter law which give preference to those schools that serve low achieving students.
320	Hunt	Discusses the changes to the ñ34

		amendments. States that the word petition should be changed to application.
362	Chair Hartung	Suggests changing the ñ34 amendments.
380	Hunt	States that the ñ34 amendments would add:
		 Additional application requirements to the charter school proposal. Criteria that the sponsor would consider in approving the charter school application.
395	Sen. George	Asks if the ñ34 amendments are necessary.
405	Hunt	Responds that there are anti- discrimination provisions and current laws that apply to charter schools. States that charter schools would be prohibited from discriminating based on race.
443	Sen. Gordly	States that the ñ34 amendments attempt to strengthen the language that will ensure access to all students.
TAPE 20	B	
1111 2 20	, ,	
005	Chair Hartung	Asks Green if the ñ34 amendments would be beneficial to the local school boards.
		would be beneficial to the local school
005	Chair Hartung	would be beneficial to the local school boards. Responds that it would not cause any
005	Chair Hartung	would be beneficial to the local school boards. Responds that it would not cause any problems for the school boards. States that it will be important to ask charter school sponsors how they will address meeting the needs of all
005	Chair Hartung Green	 would be beneficial to the local school boards. Responds that it would not cause any problems for the school boards. States that it will be important to ask charter school sponsors how they will address meeting the needs of all students within the district. States that it is not realistic to mandate that a charter school is a
005 012 040	Chair Hartung Green Sen. Shannon	 would be beneficial to the local school boards. Responds that it would not cause any problems for the school boards. States that it will be important to ask charter school sponsors how they will address meeting the needs of all students within the district. States that it is not realistic to mandate that a charter school is a reflection of the whole district. Asks if the ñ34 amendments would
005 012 040 044	Chair Hartung Green Sen. Shannon Chair Hartung	 would be beneficial to the local school boards. Responds that it would not cause any problems for the school boards. States that it will be important to ask charter school sponsors how they will address meeting the needs of all students within the district. States that it is not realistic to mandate that a charter school is a reflection of the whole district. Asks if the ñ34 amendments would establish quotas. Responds that she does not believe

185	Sen. Gordly	States that she will support a bill that addresses the issues of equity and access for those students who have historically been left out.
250	Chair Hartung	Reviews policy statement which states that charter schools could provide a more flexible way of educating children within the public school system.
350	Sen. Shannon	Asks if Sen. Gordly realizes the difference between access and quotas.
352	Sen. Gordly	Responds that she does.
367	Sen. Shannon	Asks Hunt if achieving a balance means a quota.
369	Hunt	Responds that she does not believe that achieving a racial and ethnic balance is necessarily a quota.
371	Sen. Shannon	Asks to have Huntís statement on the record.
375	Chair Hartung	Discusses further changes to the ñ34 amendments.
385	Sen. Gordly	MOTION: Moves to ADOPT SB 100-34 amendments dated 01/25/99 and that the measure be FURTHER AMENDED on page 3, line 8, by inserting "to give preference to applications, " after "The capability of the applicant".
388		VOTE: 5-2 AYE: 5 - Castillo, Courtney, Duncan, Gordly, Hartung NAY: 2 - George, Shannon
399	Chair Hartung	The motion CARRIES.
405	Chair Hartung	Recesses meeting until 5:35 p.m.
410	Chair Hartung	Reconvenes meeting at 5:40 p.m.

432	Sen. Gordly	Discusses the ñ35 amendments (EXHIBIT EE).		
440	Sen. Gordly	States that the ñ35 amendments have been withdrawn.		
TAPE 21, A				
025	Sen. Shannon	MOTION: Moves SB 100 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.		
		VOTE: 4-3 AYE: 4 - Duncan, George, Shannon, Hartung NAY: 3 - Castillo, Courtney, Gordly		
060	Chair Hartung	The motion CARRIES.		
		CHAIR HARTUNG will lead discussion on the floor.		
062	Chair Hartung	Includes the -20, -21, -22, -23, -24, - 33 and -36 amendments for the record (EXHIBTS FF, GG, HH, II, JJ, KK and LL).		
070	Vice-Chair Castillo	States that she and Sen. Courtney would like to serve notice of a possible minority report.		
075	Chair Hartung	Closes work session on SB 100 and adjourns meeting at 5:55 p.m.		

Submitted By, Reviewed By,

Karen O'Kelley Jan McComb

Administrative Support Administrator

EXHIBIT SUMMARY

- A SB 100, memorandum, Stan Bunn, 1 p
- B SB 100, letter, Rep. Ron Sunseri, 1 p
- C SB 100, letter, Jean Thorne for Gov. John Kitzhaber, 2 pp
- D SB 100, proposed ñ1 amendments, Sen. Metsger, 1 p
- E SB 100, withdrawn ñ2 amendments, Sen. Metsger, 1 p
- F SB 100, proposed ñ3 amendments, Oregon Education Association, 1p
- G SB 100, proposed ñ4 amendments, OEA, 1 p
- H SB 100, withdrawn ñ5 amendments, OEA, 3 pp
- I SB 100, withdrawn ñ6 amendments, OEA, 3 pp
- J SB 100, proposed ñ7 amendments, ODE, 2 pp
- K SB 100, proposed ñ8 amendments, OSBA, 4 pp
- L SB 100, proposed ñ25 amendments, OSBA and Confederation of Oregon School Administrators, 2 pp
- M SB 100, proposed ñ27 amendments, OSBA and COSA, 1 p
- N SB 100, withdrawn ñ26 amendments, OSBA and COSA, 1 p
- O SB 100, withdrawn ñ12 amendments, Sen. Qutub, 1 p
- P SB 100, proposed ñ9 amendments, Sen. Qutub, 1 p
- Q SB 100, proposed ñ10 amendments, Sen. Qutub, 1 p
- R SB 100, proposed ñ11 amendments, Sen. Qutub, 1 p
- S SB 100, proposed ñ13 amendments, Sen. Qutub, 2 pp
- T SB 100, proposed ñ14 amendments, Sen. Qutub, 1 p
- U SB 100, withdrawn ñ31 amendments, OSBA and COSA, 1 p
- V SB 100, proposed ñ28 amendments, OSBA and COSA, 1 p
- W SB 100, proposed ñ29 amendments, OSBA and COSA, 1p
- X SB 100, proposed ñ30 amendments, OSBA and COSA, 1 p
- Y SB 100, proposed ñ37 amendments, OSBA, 1 p
- Z SB 100, proposed ñ15 amendments, OEA, 3 pp
- AA SB 100, proposed ñ16 amendments, OEA, 2 pp
- BB SB 100, proposed ñ17 amendments, OEA, 2 pp
- CC SB 100, proposed ñ18 amendments, OEA, 1 p
- DD SB 100, proposed ñ34 amendments, Sen. Gordly, 1 p
- EE SB 100, proposed ñ35 amendments, Sen. Gordly, 1 p
- FF SB 100, withdrawn ñ20 amendments, ODE, 1 p
- GG SB 100, withdrawn ñ21 amendments, ODE, 2 pp
- HH SB 100, withdrawn ñ22 amendments, ODE, 1 p
- II SB 100, withdrawn ñ23 amendments, ODE, 1 p
- JJ SB 100, withdrawn ñ24 amendments, ODE, 1 p
- KK SB 100, withdrawn ñ33 amendments, Sen. Qutub, 3 pp

LL - SB 100, withdrawn ñ36 amendments, Sen. Hartung, 1 p