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**SENATE COMMITTEE ON EDUCATION**

**January 15, 1997 Hearing Room 343**

**3:00 P.M. Tapes 1 - 2**

**MEMBERS PRESENT:**

**Sen. Tom Hartung, Chair**

**Sen. Marylin Shannon, Vice-Chair**

**Sen. Ken Baker**

**Sen. Gary George**

**Sen. Cliff Trow**

**Senator-Elect Susan Castillo**

**MEMBER EXCUSED: None**

**STAFF PRESENT:**

**Jan McComb, Administrator**

**Shirley Spendal, Administrative Support**

**MEASURE/ISSUES HEARD:**

**Adoption of Rules**

**Introduction of legislative concepts**

**Informational Meeting, Charter Schools**

**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		
<u>ADOPTION OF RULES</u>		
003	Chair Hartung	Called meeting to order at 3:04 p.m. Welcomes public and welcomes new senator, Susan Castillo from Eugene replacing Peter Sorensen, who will be officially sworn in and a member of our committee. Discusses adopting rules; a quorum requires four members. The rules are model rules of all Senate committees ( <b>EXHIBIT A</b> ). Discusses changing rules with majority vote at any time. Only difference from last session is the secretary of the Senate does not want the committees to vote bills out of committee with conceptual amendments or amendments that have not been written up and reviewed by legislative counsel.
<u>INTRODUCTION OF BILLS</u>		
025	Chair Hartung	Asks committee to consider introduction of bills. He felt it was important to take up any issue the citizens of this state want to be heard, and these are brought before the committee to "subject the issues, the ideas, to good legislative debate." He feels if this is done, there would be fewer initiative petitions circulated that are not clear. Outlines decorum for audience.
40	Chair Hartung	Indicates he would like to introduce LC 511 as committee bill at request of the Oregon School Board Association (OSBA). This is first charter bill in shape for discussion. Introduction does not indicate any committee members are in favor of this and it is a bill we can amend. Several bills will come from the House also, but "I wanted to get started on charter schools immediately because we never did get a bill from the House last session so we will just get started with our own." Indicated all LC's before committee will be introduced as committee bills and LC 511 will be at request of OSBA.
	Sen.	<b>MOTION: Moves to ADOPT the proposed Committee Rules</b>

	<b>Baker</b>	<b>dated 1/15/97.</b>
		<b>VOTE: Hearing no objection, motion CARRIED.</b>
65	Sen. Trow	Asks for clarification of Rule 12, regarding minority reports. Does "when action was taken" mean when the bill was voted out?
	Chair Hartung	"That would be my interpretation."
84	Sen. Trow	<b>MOTION: Moves LC 509 (EXHIBIT B), 510 (EXHIBIT C), 511 (EXHIBIT D), 1104 (EXHIBIT E), 1269 (EXHIBIT F), 1590 (EXHIBIT G), 1591 (EXHIBIT H), 1680 (EXHIBIT I), 1721 (EXHIBIT J), 1741 (EXHIBIT K) BE INTRODUCED as committee bills. LC 511 is being introduced as committee bill at the request of OSBA.</b>
<b>105</b>	<b>Chair Hartung</b>	<b>VOTE: Hearing no objection, motion CARRIED.</b>
110	Chair Hartung	Announces formation of workgroup to work on higher education reciprocity issues. Members will be Albert Bollier, Jill Thorne, Roger Bassett, Tom Imeson, Bill Bell, and Ron Saxton.
<b><u>INFORMATIONAL HEARING ON CHARTER SCHOOLS</u></b>		
137	Chair Hartung	Friday will be available for public testimony. Will start with people from furthest distance. Will try to limit the time for each person this first time around as felt we have just begun charter schools. Indicates there are many variations of charter schools around. "I can find you a expert written opinion on any position you want to take on charter schools on any side of the issue." Referred to handout article on Arizona charter schools ( <b>EXHIBIT L</b> ). Plans to give charter schools time necessary to hear everyone. Starting with 511 introduced as request of Oregon School Board's Association, Jim Green.
153	Jim Green	Represents Oregon School Board Association. Supports LC 511, submits written testimony ( <b>EXHIBIT M</b> ).
	Green	Last session there was a charter school bill introduced by Rep. Milne in the House. Indicates Association opposed bill as drafted and offered amendments which were not accepted. Indicates had no other alternative but to oppose bill. Worked in the interim to come up with a new charter school bill we felt would be acceptable and "strengthen our public school setting."
163	Chair Hartung	Asks if that bill passed the House.
	Green	States failed on the House floor originally and then referred to rules committee.

168	Green	OSBA now has policy on charter schools (referring to <b>EXHIBIT M</b> ), which in turn came up with LC 511. Indicates sponsors of the charter schools under OSBA bill are only the locally elected school board members and they would only be able to site that charter school within the boundaries of their school district.
188	Green	Any group of persons or individual may apply. Charter would be good for five years and could be renewed every five years.
198	Green	Regarding waivers. States LC511 does not give blanket waiver to all statutes, rules, regulations. Have to appeal to local school district board to get waiver. Indicates does not want to give blanket waiver if it does not have relationship to why charter school is being set up. Gave authority per LC 511 for the local school district to waive statutes, rules, regulations that cover public schools. Indicated there has been discussion whether that it a constitutional delegation or not. Refers to a letter from legislative counsel from last session ( <b>EXHIBIT N</b> ). Charter school board meetings will need to be held in public hearings setting. The records should be open to the public. They should have to comply with municipal audit law.
218	Green	Health and safety statutes should not be waived. Children should be safe.
223	Green	States we now have a state-wide assessment in the State of Oregon and can compare any school building in the state to any other school building. Sets standard to see whether that particular charter school is doing a good job or not.
228	Green	Funding should be worked out as agreement between local school board and those people seeking a charter.
235	Green	One of issues going to be an issue of contention is teachers' certification. OSBA is aware of that. LC 511 says at least one member of the staff have to have a TSPC license.
244	Green	Termination of charter. Refers to Section 7 of LC 511. Should be terminated if not meeting terms of charter, fail to meet requirements for school performance, violate state or federal law or school board policy without waiver and fail to provide adequate insurance.
254	Green	How would charter school be formed? Visions group of concerned teachers, parents, concerned citizens approach local school board. Application has to be in by 10/15 to start school the next fall. Discussed concern about appeal. . Discussed mediation, which makes sense to their association, making good relationship with public.
282	Green	Discusses, accentuates local control with local school board.
<b>TAPE 2, A</b>		
001	Chair Hartung	Asks for examples of waivers asked for by charter school.

005	Green	Cites example of waiver from Oregon's Education Act for the 21st Century as amended last session. States he put together list of statutes, rules, relations school districts have to comply with - 375 plus. Discusses sources of rules, regulations.
020	Chair Hartung	Indicates it seemed to him if a school district wanted to make all of their schools charter schools and they wanted to waive the requirement of the Act they could do it under this bill.
023	Green	Indicates an issue but does not think it could be done. Employment in charter schools voluntary as well as voluntary for students. Also, parents may like their current system.
032	Sen. Trow	Asks if could waive compulsory attendance laws.
033	Green	Answered that under "their provision" that could be "on the table."
038	Sen. Trow	Asks if there is any limit on charters a school board could issue.
039	Green	Answered no limit in their bill.
040	Sen. Trow	Asks if there would need to be a limit.
	Green	States would be prerogative of local school board and parents.
043	Sen. Trow	Asks if home schooling can be charter.
045	Green	Refers to LC 511, Section 3. Indicates that interpreting that section, yes.
052	Sen. Trow	Asks if saying basically you would allow them to suspend the rulings of the Board of Education regarding anything.
057	Green	Answers yes and indicates waiver not automatic.
059	Sen. Trow	Indicates it seemed to him if such authority was given to local school board it would be an immense responsibility. There would need to be people elected to school board who would be able to operate with that kind of responsibility. Asks if satisfied if school boards out there can handle such responsibility.
066	Green.	States he feels with inservice training for school board members, knowing needs of local districts, working with parents, yes.
073	Sen. Trow	Mentions school boards becoming ideological "arenas of combat" and wonders if want curriculum would be caught up in that.
078	Green.	Answers "why not trust us with the ability to make those waivers."
082	Sen. Trow	Asks why do you suppose we set up state-wide standard system.
083	Green	Answers there is definitely logic for every rule passed, but in some instances those do "bind up" the educational process. He felt makes "some sense to allow waivers from some of those."

092	Chair Hartung	Asks if under LC511 could an elementary school that has not merged into a school district apply to local school district and become charter school and "avoid merger."
124	Green	Answers that "statute would be on the table for discussion, yes."
098	Chair Hartung	Asks if charter schools are working, or what the situation is.
	Green	Answers for the most part parents are satisfied, students are satisfied. If not working, problems between charter school agency, agreement, and the expectations were not clear. Indicates problems regarding blanket waiver.
	Chair Hartung	Asks how many states now have charter school law.
119	Green	Answered thought 14 or 15.
120	Chair Hartung	25.
132	Julie Brandis	Legislative Representative with Associated Oregon Industries. Supports charter school legislation ( <b>EXHIBIT O</b> ).
	Brandis	Charter schools provides alternative choice, a reasonable "form of school choice." AOI remains supportive of Education Improvement Act for 21st Century.
143	Brandis	Outlines key differences between AOI legislation and OSB's legislation. AOI allows for an additional board for appeals process. Supports an application process to waive rules. AOI legislation supports an existing private non-religious school becoming a charter school. Seeks a statutory funding formula and financial stability requirements. AOI believes a sponsor may not require a charter school to hire employees represented by collective bargaining unit or state's collective bargaining act.
175	Sen. Shannon	Refers to L.L. Stewart Research survey on page 1 of Brandis' testimony indicating 67 percent general public felt there had been no change or decrease in quality of education past 12 years, and indicates it says also this does not reflect AOI support of Education Improvement Act. "To me that is shocking."
185	Brandis	States AOI believes the Act has not had enough time to be implemented.
188	Sen. Shannon	Asks if she knows how long has to go with no improvement before AOI would say not working.
189	Brandis	Indicates issue continues being discussed and at this time AOI supportive of Education Improvement Act.
	Sen. Trow	Asks how reconcile "supporting the reform school legislation and wanting it applied universally to a system that would allow a substantial number of schools to opt out?"
195	Brandis	Indicates AOI believes variety of ways to reach end. Require students take assessment tests.

	Sen. Trow	What if they say they don't want to do the assessment tests?
202	Brandis	Answered believed assessment tests tied to outcomes of Certificate of Initial Mastery. Believe still required to meet end.
206	Sen. Trow	Indicates does not think tests will tie them to everything in the legislation and seems AOI needs to be consistent - "either for it or nor for it."
209	Sen. Baker	Indicates that two year ago Brandis represented AOI strongly advocating the reform act based on "school-to-work concepts of performance based learning" - asks if saying you are going to abandon that?
216	Brandis	No.
216	Sen. Baker	Emphasized confusion in AOI abandoning goals advocated past two years
219	Brandis	Indicates AOI does not see a lot of schools becoming charter. Does not think local school boards are going to support district waivers on the reform act. Indicates goal of reform act, improved students at end, is what is important. Indicates for the record, 450 charter schools across the nation.
232	Sen. Shannon	Asks for clarification.
239	Brandis	Answers "what I believe is that our state assessment system is based on standards of Certificate of Initial Mastery and Advanced Mastery."
245	Sen. Shannon	Indicates it seems to her we are going to make charter schools go through same process even though there are many parents who do not want that. "They want it more academic based."
250	Brandis	Indicates it does not require the same curriculum, just requires meet standards of assessment.
251	Sen. Shannon	Indicates does not seem that you can get there.
253	Brandis	Answers looking for flexibility from curriculum.
260	Norma Paulus	Superintendent of Public Instruction Department of Education; introduced Leon Fuhrman. Submits <b>EXHIBIT P</b> .
<b>TAPE 1, B</b>		
	Paulus	Emphasizes she wants to give maximum choice inside the public school system to parents and students. Also to give as much flexibility to school system as possible. "All academic choices for all children." Has achieved more flexibility with federal funds. A year and a half ago, 18 requests from school districts for waivers. Only one needed request from state. See listed 35 charter schools that we have and not one needed a state waiver. Cannot waive special education rules, civil rights, law pertaining to health and safety of students. Cannot waive fingerprinting bill. Generally

		speaking can waive almost anything.
029	Paulus	Her position is that charter schools have existed in Oregon since 1979. That was when Alternative Education Program to get more choice, methods, environments was passed. "Primarily targeted at children at risk." Outlines history of her agency's participation. Had 21st Century Act which includes waiver capability. Also had Alternative Education Act.
044	Paulus	Refers to Attorney General Opinion included in <b>EXHIBIT P</b> , Attachment B. Continues history. Talks about charter school seminar held 1/14/97.
058	Chair Hartung	Asks if the money the federal government sending to charter schools, "are those charter schools inside the public school system and receiving state funding also?"
069	Paulus	Yes. Discusses grant process.
074	Sen. Shannon.	Asks how is Parrish Middle School a charter school. Indicates looks to her to be possible for these schools to eat up federal monies before a "real charter school gets started that we are trying to create."
080	Paulus	Answers under present system local school boards must approve it.
084	Sen. Shannon	Asks for clarification.
086	Paulus	Concerned parents, teachers come to school board. Once school board approved this, has right to submit application for federal monies.
092	Paulus	Indicates would like to discuss changes she thinks should be made. Feels strongly about leaving control in locally elected school boards. Differs with AOI proposal in that regard. Gives examples of Abiqua School, Bend Community School District.
123	Paulus	Discusses the 21st Century waiver grant, indicating a provision inserted the bargaining unit to sign off on waivers. Bend wanted both certified and noncertified school teachers. The union would not agree to that. We suggested they operate under Alternative Education Program. Indicated since 1979 there have been Alternative Education programs in Oregon using noncertified staff and union has not raised objections. As soon as it moved into "mainstream" with Bend Community Schools, union objected and filed law suit against school board members as individuals. Made other school boards leery. Summing it up, have maximum waiver capability now as do local school boards. Suggests remove requirement that bargaining unit sign off on it.
146	Sen. Shannon	Asks if law suit going to be appealed and asks if so far board members have won.
147	Paulus	Answers yes.



149	Leon Fuhrman	Department of Education. Discusses examples on handout regarding private alternative programs. At this time, there are 39 - some in planning, implementation. Only 12 percent of those focus on at-risk youth.
173	Sen. Trow	Discusses CIM standards and indicates it looks like there will be problems and the need to help students. Understands from Superintendent Paulus' testimony that we already have statutory framework for charter schools with exception of one change.
190	Paulus	States yes, that is her opinion.
199	Sen. Trow	Asks what do she thinks about the parents that want to opt out?
204	Paulus	Does not agree. Notes common themes in charter schools studies. Number one requires meet highest standards state has set. Require children be chosen by lottery. They cannot charge tuition and have to submit themselves to statewide assessment system. Made point about LC511, wants to combine combining districts for some types of charter schools.
224	Sen. Shannon	Asks what she meant by seat time.
225	Paulus	Answers under current system requires time to sit in seat to be taught, but no mastery.
240	Sen. Shannon	States has never in her lifetime seen a student pass because of seat time.
247	Paulus	States we have children graduating who cannot read or do math properly.
259	Sen. Shannon	States would like to find successful school district assessment wise before we mandate every charter school has to meet those requirements.
264	Paulus	Will issue invitation to take you to Jefferson School District, Jefferson, Oregon.
266	Sen. Shannon	Okay.
267	Paulus	Says Jeff Gilmour, school board member, to be the guide.
268	Sen.- Elect Castillo	Clarifies that she did hear Paulus say she feels very strongly the school board should pay a roll in determining formation of charter schools.
269	Paulus	Answered yes.
177	Chair Hartung	Adjourns at 4:25 p.m.

**Submitted By, Reviewed By,**

**Shirley Spendal, Jan McComb,**

**Administrative Support Administrator**

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**EXHIBIT SUMMARY**

**A - Senate Rules, staff, 2 pg.**

**B - LC 509, staff, 3 pg.**

**C - LC 510, staff, 3 pg.**

**D - LC 511, staff, 13 pg.**

**E - LC 1104, staff, 2 pg.**

**F - LC 1269, staff, 7 pg.**

**G - LC1590, staff, 2 pg.**

**H - LC1591, staff, 3 pg.**

**I - LC 1680, staff, 23 pg.**

**J - LC1721, staff, 1 pg.**

**K - LC 1741, staff, 1 pg.**

**L - Newspaper Clippings, chair, 3 pg.**

**M - Testimony, Jim Green, LC 511, 2 pg.**

**N - Legislative Counsel Letter, Jim Green, 3 pg.**

**O - Testimony, Julie Brandis, 3 pg.**

**P - Exhibit, Norma Paulus, 21 pg.**

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