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SENATE COMMITTEE ON EDUCATION

March 24, 1997 Hearing Room 343

3:00 P.M. Tapes 62 - 65

MEMBERS PRESENT:

Sen. Tom Hartung, Chair

Sen. Marylin Shannon, Vice-Chair

Sen. Ken Baker

Sen. Susan Castillo

Sen. Gary George

Sen. Cliff Trow

MEMBER EXCUSED:

none

STAFF PRESENT:

Jan McComb, Administrator

Shirley Spendal, Administrative Support

MEASURE/ISSUES HEARD:

SB 294 - Public Hearing

SB 628 - 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 62, A | | |
| 001 | Chair Hartung | Opens hearing at 3:02 p.m. |
| <u>SB 294 - PUBLIC HEARING</u> | | |
| 008 | Gary Andeen | Executive Director, Oregon Independent Colleges Association. Supports bill. Submits (EXHIBIT A) . |
| 014 | Dr. David Young | State Academic Degree Administrator, Office of Education Policy and Planning. Supports bill. |
| | | (discusses history and effect of bill |
| | | (insures valid degrees |
| | | (bill replaces an obsolete penalty |
| 047 | Andeen | (discusses standards overlapping |
| | | (state wants to maintain consumer protection for students who file complaint, cannot get resolved in-house - keeps out of court |
| | | (discusses hand-engrossed amendment |
| 077 | Chair Hartung | Closes public hearing, SB 294; opens work session, SB 628. |
| <u>SB 628 - WORK SESSION</u> | | |
| 080 | Chair Hartung | Discusses amendments. |
| 093 | Jan McComb | Committee Administrator. Discusses amendment history. Submits staff handout (EXHIBIT B) . -13 amendments passed out to committee (EXHIBIT C) . Discusses -14 amendments (EXHIBIT D) , -15 amendments (EXHIBIT E) , -16 amendments (EXHIBIT F) . |
| 138 | Cindy Hunt | Legislative Counsel. -13 amendment having to do with religious activities. Applies ORS 327.109 to public charter schools |
| 170 | Greg McMurdo | Department of Education. Discusses history of law. Two types of activities arise at Christmas, graduation. Have same rules apply. |
| 184 | Sen. Trow | Asks about religious curricular activities, evolution. |
| 191 | McMurdo | Bill would not affect way taught now. Have good laws in place. Applies to charter schools. |
| 200 | Sen. Trow | Asks about discrimination. |

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| 201 | Hunt | Discusses prohibition in charter school draft, Section 9, -11's. |
| 218 | Sen. Baker | MOTION: Moves to ADOPT SB 628-13 amendments dated 3/20/97 (EXHIBIT C). |
| 220 | Chair Hartung | VOTE: Hearing no objection, the motion is CARRIED. |
| 222 | McMurdo | Discusses department review of special education. Did not think any point serious, but will be bringing up in House to clarify. |
| 234 | Sen. Trow | Would like to do now. |
| 235 | McMurdo | Not prepared to do this right now. |
| 244 | Chair Hartung | Hold in abeyance. Go through -14, -15, -16 amendments.. |
| 258 | Hunt | -14 amendments would delete lines 13-15, page 2, -11's. Take those entities out as possible sponsor. |
| 268 | Jim Green | Oregon School Boards Association. Take out department school or college of education at state institute of higher education. Not locally elected officials held accountable to anyone. Not experienced in secondary or elementary. |
| 276 | Sen. Trow | Asks if any requests from them to be sponsor. |
| 277 | Green | Discusses no interest. |
| 281 | Sen. Shannon | Discusses leaving them in. |
| TAPE 63, A | | |
| 001 | Sen. Shannon | Continues discussion. |
| 013 | Sen. Castillo | Not like to see in there. |
| 020 | Green | If you allow entities other than locally elected school boards with right of first refusal, we have to oppose. Discusses alternate sponsors having no accountability. |
| 031 | Sen. Baker | Discusses chain through elected officials. |
| 036 | Sen. Castillo | MOTION: Moves to ADOPT SB 628-14 amendments dated 3/21/ 97 (EXHIBIT D). |
| | | VOTE: 3-3 |
| | | AYE: 3-Castillo, Trow, Hartung |
| | | NAY: 3-Baker, George, Shannon, |
| 048 | Chair Hartung | The motion FAILS. |
| 049 | Hunt | -15 amendments would amend same page of -11's. Insert an additional clause on line 25. Section is which types of schools could be converted over to public charter school. Would add "if the school has contract with school district to provide educational services." |
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| 059 | Sen. Shannon | Asks if would affect Brownsville school. |
| 061 | Hunt | If school is currently contract school with school district, they could be converted. If private with no contract, could not be. |
| 071 | Sen. Baker | Not see where language gets us anywhere, not in favor. |
| 072 | Sen. Trow | MOTION: Moves to ADOPT SB 628-15 amendments dated 3/ 21 /97 (EXHIBIT E). |
| | Chair Hartung | VOTE: 2-4 |
| | | AYE: 2-Castillo, Hartung |
| | | NAY: 4-Baker, George, Shannon, Trow |
| 077 | Chair Hartung | The motion FAILS. |
| 078 | Hunt | -16 amendments amend page 11, -11's. Would delete all of subsection 2, taking away authority of state board of education to grant waivers of act. |
| 092 | Sen. Shannon | Asks if wanted state board for appeal process. |
| 093 | Hunt | Would not affect other appeals process in act, just waiver authority. |
| 098 | Green | -16 say state boards shall not have authority to waive any provisions of this act. This sets up so applicants, local board know exactly what going to deal with. Cannot go over any sponsors' heads. Discusses waiver. |
| 118 | Dick Meinhard | Portland, Oregon. Allow some "wiggle room in difficult areas" - safety mechanism, rather than way to skirt policy. |
| 133 | Sen. Baker | Agrees. Need good faith with department to make changes. |
| 141 | Sen. Trow | Discusses waivers. |
| 148 | Sen. Baker | Does not see "obnoxious" things happening. |
| 151 | Green | Discusses giving them ability to go to state board regarding funding. |
| 160 | Sen. Trow | MOTION: Moves to ADOPT SB 628-16 amendments dated 3/21/97 (EXHIBIT F). |
| | Chair Hartung | VOTE: 3-3 |
| | | AYE: 3-Castillo, Trow, Hartung |
| | | NAY: 3-Baker, George, Shannon |
| 165 | Chair Hartung | The motion FAILS. |
| 166 | Hunt | -11 amendments, page 1, line 20, delete comma, including, then all of line 21. Page 2, line 31, 180 changed to 120. Page 4, line 23, "will" changed to "may." Page 5, line 26, 90 would be deleted, 60 inserted. Page 8, line 28, after period deleted, lines 29-30 deleted. Inserted would be language about contested cases, how it would be appealed. |
| | | Page 12, added in after line 9, subsection 2 which would be school |

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| 217 | Hunt | district would determine employment status of employees of school district with public charter school. |
| 224 | Sen. Trow | Questions if have dealt with issue of quality of non-licensed persons. |
| 238 | Sen. Baker | Line 19, page 12. We have no qualifications. |
| 255 | Sen. George | Page 4. Discusses charter examining that. |
| 256 | Sen. Trow | Not spoken to what qualifications would be. Should be looked at carefully - able to demonstrate have substantial knowledge in subject teaching. |
| 273 | Sen. Castillo | Does not feel comfortable not having accountability for teachers. |
| 276 | Sen. Baker | Discusses not being concern. |
| TAPE 62, B | | |
| 001 | Sen. Shannon | Discusses teachers. |
| 011 | Hunt | Page 12, line 19, third changed to half. Page 13, line 13, change first part of sentence to read "Be considered to be residents of the school district in which the charter school is located for purposes of distribution of state school fund." Currently if resident of school district, get dollars from state. |
| 027 | Hunt | Page 13, line 26, after shall, insert "be responsible for providing." Discusses contracting back. |
| 039 | Sen. Baker | MOTION: Moves to ADOPT the SB 628-11 amendments as amended dated 3/19/97 (EXHIBIT G). |
| 046 | Sen. Shannon | Asks if go back and deal with the other amendments. |
| | | VOTE: 4-2 |
| | | AYE: 4-Baker, George, Shannon, Hartung |
| | | NAY: 2-Castillo, Trow |
| 051 | Chair Hartung | The motion is CARRIED. |
| 052 | McComb | Discusses -3, -5 amendments. -3's precursors of -11's. -5's speak to -3's. Find in -11's as go along. |
| 066 | Sen. Shannon | Discusses -5 amendments. Asks set aside. Submits (EXHIBIT H). |
| 084 | McComb | Page 2, line 4 of -11's. |
| 087 | Sen. Shannon | Section 2, line 4, added after applicant, "under the provisions of this Act." |
| 091 | Meinhard | Discusses exhibit being complete -11's. |
| 100 | Chair Hartung | Asks what does. |
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| 105 | Meinhard | May not be necessary any more. |
| 106 | Sen. Shannon | Let's skip it. Line 29, delete (3). Should have 90 days to hold public meetings and make decision, not 120 days. |
| 120 | Meinhard | Put everything into section 4 under application process. Turn in application, board has 90 days to respond; 30 days to look at second submission; at end of 90 days if board turns down could go to another board. Did leave in 120 day notification. Want six months. |
| 144 | Sen. Trow | Discusses previous committee discussion. |
| 156 | Green | Discusses 90 days not being enough time to work out agreements. |
| 170 | Sen. Baker | Line 5, page 26, 60 days application, page 6, line 20, 30 days after that make decision - that is 90 days. Already agreed. |
| 175 | Meinhard | Wants clearer process. |
| 183 | Chair Hartung | Thought already settled in -11 amendments. |
| 193 | Green | Discusses allowing to give application to other sponsor at same time as give to board. Not sure giving school district has right of first refusal by doing that. |
| 208 | Hunt | Does not see anything that would require charter applicants to go to school board first. |
| 210 | Sen. Shannon | Not the intent. Page 3, line 4. |
| 215 | Green | Discusses language referring to board that is contiguous district. |
| 224 | Sen. Baker | Page 2, lines 10-12. |
| 230 | Chair Hartung | Discusses asterisk 4 of exhibit. |
| 233 | Meinhard | Discusses veto power. |
| 236 | Sen. Baker | Discusses board having only one veto. |
| 242 | Sen. Shannon | Discusses asterisk 5 of exhibit. |
| 248 | Meinhard | Give district power to allow a pilot school. |
| 251 | Chair Hartung | Discusses would like to address in separate bill. |
| 266 | Meinhard | Page 4, (f), the proposed governance structure. |
| 272 | Sen. Baker | Does not see where adds anything. |
| 273 | Meinhard | Page 4, (g), not want violation of charter on enrollment projection. |
| 277 | Sen. Baker | Asks why not. |
| 291 | Sen. Shannon | No support, go to (m). |
| TAPE 63, B | | |
| 001 | Meinhard | Want to see financial plan, not just budget. |
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| 002 | Sen. Trow | Discusses seeing both. |
| 003 | Chair Hartung | States committee agrees to add "and financial plan." |
| 008 | Meinhard | Discusses change in "o" editing change. |
| 010 | Sen. Shannon | Just sounds better. |
| 021 | Chair Hartung | Take "information on" out. |
| 022 | Sen. Shannon | Discusses "r." |
| 027 | Sen. Baker | That's fine. |
| 029 | Sen. Shannon | Discusses "s." |
| 030 | Sen. Baker | That's all right. |
| 034 | Sen. Shannon | Already took care of (t). Discusses (u) and (v). |
| 045 | Sen. Baker | Questions "bonding." Say performance bonds. |
| 049 | Sen. Trow | Better than "bonding." |
| 050 | Sen. Shannon | Asks if that language takes place of (3(a) and (b). |
| 051 | Sen. Baker | Thought to leave (3) in there. |
| 054 | Green | Discusses (3) (a), (b). Discusses recollection of discussion. |
| 065 | Chair Hartung | Leave (3)(a) in and take (3)(b) out. |
| 069 | Meinhard | Does not think (3)(a) or (b) needed. |
| 072 | Sen. George | Questions. |
| 084 | Green | Sponsor may not be the district that owns building. |
| 102 | Sen. Baker | Application should mention; before approved, that you qualify for it. |
| 113 | Chair Hartung | Page 10, asterisk 12. We will delete (3) on page 5 of Sen. Shannon's exhibits. Added to Page 10, asterisk 12. |
| 121 | Meinhard | Discusses (4) becoming (w) - not policy change, but should be in charter. |
| 132 | Hunt | Does not think makes a difference where it is at. |
| 146 | Sen. Shannon | Discusses adding (a) to 2, approval process. Discusses deletion of "demonstrated, sustainable." |
| 149 | Sen. Baker | At least demonstrated support. Likes language have. |
| 157 | Sen. Trow | Should be lasting support. |
| 161 | Sen. Shannon | Questions change (a) to number 2. |
| 166 | Sen. Baker | Asks what meant by "underserved families." |

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| 177 | Chair Hartung | Take it out. Leave in demonstrated, sustainable. |
| 196 | Chair Hartung | Discusses (b) on page 6. |
| 200 | Meinhard | Discusses financial plan, marketing research. |
| 216 | Chair Hartung | Leave "b" alone - "e." |
| 221 | Sen. Baker | Thinks change naive. |
| 224 | Sen. Shannon | Discusses (f) and (g). |
| 229 | Chair Hartung | Leave (f) and (g) in bill way it is. Looks at asterisk (f). |
| 237 | Sen. Trow | Discusses value judgment as to whether standards better. |
| 248 | Sen. Shannon | Discusses not being taught to new standards, assessments. |
| 249 | Green | OSBA's position is should take assessments. Should be negotiated by sponsor and charter. |
| 262 | Sen. Shannon | Position nothing in law now requires it to be part of determination agreement - to terminate. |
| 268 | Hunt | Section 9 talks about what is not waivable. One of things not waivable are state-wide assessments and standards requirements under ORS 329. |
| 280 | Chair Hartung | Page 10, line 1. |
| 281 | Sen. Shannon | Her understanding CIM and CAM optional. We have no charter school bill if not there. Discusses looking at traditional education. |
| TAPE 64, A | | |
| 003 | Hunt | Talks about state-wide assessments, assessments built in to CIM and CAM. Possible to narrow down |
| 009 | Sen. Trow | Discusses being agreed to. |
| 014 | Chair Hartung | Asks for clarification. |
| 017 | Greg McMurdo | Department of Education. Issue is the standards requirements, which read to mean CIM, CAM and diploma are standards requirements. CIM, CAM have to be made available to students in charter schools. |
| 028 | Meinhard | Page 9 of exhibit specifies eliminating a reference to standards. |
| 032 | Hunt | Discusses concerns. Discusses statute. |
| 041 | Sen. Baker | Comments about not forcing to take CIM and CAM, but must be assessed by nationally norm test to compare. |
| 048 | McMurdo | States state-wide assessment tests not nationally normed. Thought you wanted to tell if students performing as well on Oregon assessment tests as Oregon students. Discusses diploma being part of standards. Need |

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| | | language to address diploma as being part of standard. CIM and CAM only required to be offered. |
| 077 | Sen. Baker | Does not have to teach to CIM and CAM but be tested so we can see what they are doing. |
| 080 | Hunt | Under Section 9 (k), amend to say state-wide assessment system developed by the department of education under 329.485(1). Discusses statute. If place in Section 9 would mean state-wide assessment system would be applied and given to students at public charter school, not that they would be taught or earn a CIM. |
| 097 | Chair Hartung | Asks if have four votes to do that. |
| 100 | Committee | Yes. |
| 102 | Hunt | Get rid of "and standards requirements under ORS 329." State-wide assessment system developed by the department of education under ORS 329.485(1). |
| 110 | Chair Hartung | Discusses going to -12 amendments (EXHIBIT I). |
| 123 | Sen. Baker | -12's, lines 13-14. Affects appeals rights so can appeal anything to state board of education except day-to-day operational things. Main point of -12's is lines 6-10, alternate language, page 3, -11's. States should put percentage on that rather than number of schools. |
| 153 | Chair Hartung | Would like 20. Discusses Brownsville. |
| 160 | Sen. Baker | Discusses 20 being "large hit." |
| 161 | Sen. Trow | Would go 15. |
| 162 | Sen. George | Would go 20. |
| 163 | Sen. Baker | Will go 20. |
| 165 | Chair Hartung | Change to 20 percent. |
| 166 | Sen. Baker | MOTION: Moves to ADOPT SB 628-12 amendments dated 3/19/97 as amended on line 7, deleting 15 and inserting 20 (EXHIBIT I). |
| 169 | Chair Hartung | Vote: Hearing no objection, motion is CARRIED. Back to Sen. Shannon/Sen. George changes. |
| 175 | Sen. Shannon | Page 7 is cleanup. Section 5 of -11 amendments. |
| 191 | Hunt | Same location. |
| 193 | Sen. Shannon | Asks if want two places. |
| 199 | Hunt | Discusses section 4 more limiting than section 5. |
| 202 | Sen. Baker | Wants to keep in both places. |
| | Chair | |

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| 203 | Hartung | Agrees. |
| 210 | Meinhard | Section 6. Issue is whether look at application, prove application, then have separate charter development process or if charter applicant submit proposed written document that forms charter. Recommend charter applicant specifies language you are approving for charter. |
| 218 | Sen. Baker | Problems with that. Think need to negotiate more complete document. Hopefully department have check-list. |
| 219 | Sen. Trow | Agrees. |
| 220 | Chair Hartung | Agrees. |
| 222 | Sen. Shannon | Discusses page 8, (d), (e). |
| 236 | Sen. Baker | Likes financial stability on page 8, line 14. |
| 237 | Sen. Shannon | Agrees. |
| 242 | Chair Hartung | Back to "d" we are going to cross out section 4(3) of this act. |
| 242 | Sen. Baker | Okay. |
| 242 | Sen. George | Okay. |
| 244 | Chair Hartung | Retain (e) failure to maintain financial stability. Discusses section (f). |
| 256 | Hunt | Subsection 5. |
| 264 | Sen. Trow | Asks about provision about fraud. |
| 267 | Hunt | Not sure difference, significant and serious. Should not say same thing. Discusses section 8(1)(f) with appeal provision and subsection 5 where sponsor can terminate immediately, not appealable. Discusses making risks clear. |
| 285 | Sen. Trow | Asks if in her opinion have covered. |
| 286 | Hunt | Have covered under Subsection 5, although limits to health or safety of students, not staff or parents. |
| TAPE 65, A | | |
| 003 | Hunt | Under what setting up, if was a health or safety risk, sponsor put in position to determine if significant or serious. If significant would go under Subsection (1) with 60-day notice to terminate, could be appealed to state board of education. If serious, would go under Subsection (5), would be immediately terminated, not appealable. |
| 020 | Sen. Shannon | Asks if take "significant" out. |
| 021 | Hunt | Still have argument where it falls. |
| 035 | Sen. Baker | Asks about another draft. |
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| 038 | Sen. Shannon | MOTION: Moves to ADOPT SB 628 amendments on the Sen. Shannon/Sen. George proposed changes that have been approved by the committee, dated 3/25/ 97 (EXHIBIT H). |
| 049 | Sen. Baker | Discusses Cindy Hunt taking look at language. |
| 051 | Chair Hartung | VOTE: Hearing no objection, the motion is CARRIED. |
| | | Adjourns meeting at 5:25 p.m. |

Submitted By, Reviewed By,

Shirley Spendal, Jan McComb,

Administrative Support Administrator

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EXHIBIT SUMMARY

A - SB 294, Hand-engrossed bill, amendments, Gary Andeen, 3 pg.

B - SB 628, staff handout, 2 pg.

C - SB 628, -13 amendments, 4 pg.

D - SB 628, -14 amendments, 1 pg.

E - SB 628, -15 amendments, 1 pg.

F - SB 628, -16 amendments, 1 pg.

G - SB 628, -11 amendments, 30 pg.

H - SB 628, proposed amendments, Sen. Shannon, 16 pg.

I - SB 628, -12 amendments, 1 pg.
