

Approved: 2/25/94
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by Chairperson Dave Kerr at 1:30 p.m. on February 23, 1994 in Room 123-S of the Capitol.

All members were present.

Committee staff present: Ben Barrett, Legislative Research Department
Avis Swartzman, Revisor of Statutes
LaVonne Mumert, Committee Secretary

Conferees appearing before the committee:

Dr. Dan Harden, Washburn University
Mark Tallman, Kansas Association of School Boards
Gerald Henderson, United School Administrators of Kansas
Susan Chase, Kansas National Education Association

Others attending: See attached list

SB 803 - School districts, charter schools

Staff explained the provisions of SB 803. It allows for the creation of charter schools -- nonsectarian, outcomes-oriented educational programs -- within and subject to the jurisdiction of local boards of education. Proposals could be submitted by existing public schools or any other person or entity. Several objectives of such school are set forth in the bill. The maximum number of schools which can be authorized in the state is 15, and there is no limit to the number in any single district. The bill includes a listing of the key elements which must be included in the charter. The bill requires that the school must be focused on outcomes, the student body be reasonably reflective of the district's racial and socio-economic composition, no tuition can be charged and schools must be in compliance with health, safety and access laws. Petitions to establish a charter school are submitted to the local board of education. If they deny the petition, there is an appeal process to the State Board of Education. Decisions to renew charters lie entirely with the local boards of education. The district must provide transportation of pupils who live more than 2.5 miles from the school and who qualify for free lunches under the National School Lunch Act. The bill requires that participation in the Kansas Public Employees Retirement System must continue for personnel of the charter school and fringe benefits available to other district employees must be provided as well. SB 803 contains provisions for exemptions from the professional negotiation and due process laws in statute for charter school personnel. The charter schools may apply for educational excellence grants. The local boards of education are required to annually evaluate charter schools and submit those evaluations to the State Board of Education, which shall compile that information and submit reports to the governor and legislature.

In response to questions, staff said the process to establish a charter school appears to be relatively uncomplicated if both parties were amicable. It was noted that such issues as teacher due process and evaluation would be determined and governed by the charter itself. Staff said that, under the bill, the funding for charter schools would be a reallocation of the district's resources. Staff explained that the bill is designed to create a structure for charter schools that fits within the parameters of the state constitution.

Dr. Dan Harden, Washburn University, testified in support of the bill. He said he is a product of public schools and has been a classroom teacher and school administrator. Dr. Harden stated that, in terms of education, everything is reasonably arguable. He talked about the diversity in education, i.e., student population, different philosophies of education, different purposes and different instructional approaches. He said that one of the results of this diversity has been an increasing demand on the part of parents and policy makers to provide some sort of educational choice. He said there are a lot of ways to approach educational choice; and charter schools may be one way within the structure of the public schools to allow for the development of various routes to achieving educational goals, since the structure of public schools does not

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION, Room 123-S Statehouse, at 1:30 p.m. on February 23, 1994.

really promote diversity. Dr. Harden said the charter school movement is very recent and there are no definitive answers as yet to their success. He believes that some charter schools will work and some will not; the market will tell. He noted that one of the difficulties in public education is that there are no immediate consequences for not doing a good job. Dr. Harden observed that there is a great deal of discussion with the outcomes based education/Quality Performance Accreditation movement about empowerment, but he said that too often this is empty rhetoric and does not actually give educational choice. He said SB 803 is a very moderate, very cautious and very conservative approach to charter schools. In his view, the restrictions in the bill are too constraining but he recognizes their purpose. Dr. Harden said charter schools can strengthen the public schools by giving parents, teachers and administrators a vehicle by which they can have the kind of schools that will allow parents to make good choices. Responding to questions from Committee members, Dr. Harden said that Michigan has a model in place where various educational institutions are the authorizing agents. The Michigan State Board of Education must approve the governance of the charter.

Mark Tallman, Kansas Association of School Boards, testified in favor of SB 803 (Attachment No. 1). He said his association is supportive of providing some degree of educational choice and also supports the option for schools to have more flexibility and less regulation as a part of outcomes based education. Mr. Tallman listed several advantages seen in the bill: the process begins with a clean slate, the innovation is allowed to happen within the public school system and there are numerous safeguards built into the process. He said it is their understanding of the bill that no teachers could be forced into a charter school situation.

Gerald Henderson, United School Administrators of Kansas, spoke in support of the bill (Attachment No. 2). He noted that the charter itself is the key to the entire process. He questioned the need for the appeal process to the State Board of Education.

Susan Chase, Kansas National Education Association, testified in opposition to the bill (Attachment No. 3). She said that while the association supports the concept of charter schools, they have concerns about SB 803: criteria for approval, payment of employees who are not certified, laws which are applicable to charter schools, funding, liability for legal problems, additional needs of the State Board to administer the program, definition of "educational service contractors", whether it is required that certified teachers be hired and a need for minimum guarantees. Ms. Chase said the first charter school became operational in September, 1992, and noted that there are very few charter schools in existence at the present. She pointed out a paper authored by Ted Kolderie (see Attachment No. 3) which states that the purpose of charter schools is to create dynamics that will cause the mainline educational system to change.

Senator Langworthy made a motion to approve the minutes of the February 22, 1994 minutes. Senator Oleen seconded the motion, and the motion carried.

The Committee members have been provided with information from Wichita State University (Attachment No. 4), Pittsburg State University (Attachment No. 5) and Emporia State University, Fort Hays State University and Kansas State University (Attachment No. 6) with regard to SB 630.

The meeting was adjourned at 2:30 p.m. The next meeting is scheduled for February 24, 1994.

SENATE EDUCATION COMMITTEE

TIME: 1:30 PLACE: 123-S DATE: 2/23/94

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Ken Baker	Topeka	4th Enrollment KSD's
Darlene Aylor	Topeka	WSTA
Sherald Anderson	Topeka	USA of KS
Mark Callman	Topeka	KASB
ALAN COBB	TOPEKA	KAAVTS
Kathy Sexton	"	Division of the Budget
Jeff A. Tal	"	Cap Journal
Kristen Hays	"	"
Ann Durnith	Topeka	USD 581#
Scott Hessel	Topeka	Kansas Inc.
Vic Braden	Topeka	KACC
Fred Sedermann	Wichita	Wichita State University
Dave Pelic	Topeka	State Council on Voc Ed
Karen Lowery	Topeka	KASB



**Testimony on S.B. 803 Before the Senate Education Committee
By Mark Tallman, Director of Governmental Relations**

February 23, 1994

Mr. Chairman, Members of the Committee:

We appear today in enthusiastic support of the charter school concept proposed in S.B. 803. One basis of this support is a policy position our Delegate Assembly approved two years ago to support "voluntary efforts to experiment with public school choice plans." Charter schools have the potential to increase options available for students. But a more important basis is our support for the outcome based school improvement process.

Outcomes based education means that schools should be held accountable for results. KASB believes that when the outcomes for education in Kansas are defined and appropriate resources and authority provided, Kansas schools can accomplish those outcomes. We believe that so strongly that we are willing to support sanctions for schools and districts which fail to show improvement.

But there is another side of outcomes based education. It is the promise that by focusing on outcomes, we will give schools more flexibility and less regulation. Right now, school boards complain about state regulations, paperwork and "red tape." Teachers complain about board policies and central office "red tape." In some cases, over-regulation may be a real problem. In other cases, it is just an excuse. But we have become convinced that the State needs to take serious steps remove both the problems and the excuses.

Later this afternoon, the House Education Committee will hold hearings on one approach: a bill requested by our association that would change the historic legal status that school boards only have authority to do what is permitted by state statute, to having the authority to do whatever is not prohibited by statute or the state and federal constitutions. S.B. 803 is another approach: it would allow school boards to authorize outcomes based "deregulated" schools on a building level. We see the following advantages:

1. The process begins with a clean slate. Instead of having to fit into the existing structures of state and district educational rules and procedures, any person or group interested in education can design an educational program from the ground up.

2. This innovation is allowed to happen within the public school system. The charter school is freed from most state and district regulations, but it remains funded by and under the authority of the local school board. The charter must also be approved by the State Board of Education. However, we oppose the provision in the bill which allows the State Board to approve a charter petition that has been rejected by the local board "If the state board finds that the board's decision to deny the petition was contrary to the best interests of the pupils, school district, or community." We do not believe that the State Board is in a better position to judge the "best interests of the pupils, school district, or community" than board members elected by the school district community. We do not believe that a school board should be forced to supervise a charter school it does not want, or that the chances of success are very good without a local board's support.

3. There are numerous safeguards in the process. The school's charter must define how the school will operate, who will operate it, and what educational results will be produced. The local school board may consider renewing the charter every year, and may revoke the charter if the terms are not followed or if the educational outcomes are not met. The charter must be approved by both the local school board and State Board, which means that the waiver of any local or state policies and regulations must be approved by the entities which are responsible for those policies and regulations. Teachers in charter schools would not be covered by the state's due process and negotiations laws, but teachers would have agreed to these terms when the charter was created. The charter itself would address the conditions of employment.

If the Legislature wants to change education, schools need the ability to change. If the Legislature believes in local control and site based management, it must stop expecting every school to be the same. If the Legislature wants innovation, it must allow educators to try new approaches; it must support concepts like charter schools.

This bill probably doesn't answer every question about charter schools. But we won't even know all those questions until we start trying. What do we really have to lose? I am reminded of Franklin Roosevelt's admonition for experimentation: try something, and if it doesn't work, try something else. But don't be paralyzed by fear of the unknown. KASB has the confidence in our teachers, administrators, local and state school board members to welcome change. That is what Quality Performance Accreditation is about. Let's keep going.

Thank you for your consideration.



SB 803

Testimony presented before the Senate Committee on Education
by Gerald W. Henderson, Executive Director
United School Administrators of Kansas
February 23, 1994

Mister Chairman and Members of the Committee:

United School Administrators of Kansas appreciates this opportunity to support **SB 803**, a measure which if enacted would allow for enormous flexibility in the design of an educational delivery system. At first reading there were several sections of the bill which caused us to question the practicality and workability of establishing charter schools in Kansas. Portions of the bill about which we had questions involved:

- 1- qualifications of personnel
- 2- due process and evaluation since articles 54 and 90 of Chapter 72 of KSA do not apply
- 3- accreditation requirements for charter schools

The answers to all three questions of course, lie in the language of the charter and in the fact that the charter must be approved by the local board of education and the state board of education.

For example, if the petitioners want to attract quality personnel, the charter will necessarily include provisions which allow that to happen. Likewise, if Quality Performance Accreditation is important for **all** Kansas schools, the Kansas State Board of Education would surely withhold its approval if QPA was not included in the language of the charter.

Sen. Ed
2/23/94
Attachment 2

Our one remaining question lies in the need for an appeal process to the state board when a petition is denied at the local level. I can not imagine an experiment such as this surviving without the support of local people, and I can not imagine many circumstance under which the state board would impose on a local district its interpretation of what is in "the best interest of the pupils, school district, or community."

We encourage the committee to act favorably on **SB 803**, and thereby allow those who choose to try this approach an opportunity to do so.



KANSAS NATIONAL EDUCATION ASSOCIATION / 715 W. 10TH STREET / TOPEKA, KANSAS 66612-1686

Susan Chase Testimony before
Senate Education Committee
Wednesday, February 23, 1994

Thank you Mr. Chairman. I am Susan Chase and I represent Kansas NEA. Thank you for the opportunity to address the committee on SB 803, which provides for the establishment of charter schools by boards of education.

Kansas NEA does not support SB 803. KNEA does support the concept of charter schools. Our affiliates in other states have worked with their legislatures to enact charter school legislation. Our concerns with this bill are in two categories.

The first category is what we see as unanswered questions and unaddressed issues. We have identified eight major issues.

1. What criteria will be used to approve or disapprove the charters?
2. How will districts pay employees who are not certified?
3. What laws are the schools exempt from and which must they follow (QPA, Kansas Assessment program, etc)?
4. How are the charter schools going to be funded?
5. Who is liable for legal problems such as special education, sexual harassment, or injury suits that arise in the charter schools? Considering economy of scale, how will this affect the ability of charter schools to function?
6. What additional personnel/funds will be needed by the state board to administer and provide technical assistance to the charter schools?
7. What is the definition of "educational service contractors"?
8. Must schools hire certified teachers?

The second category is establishing a context in which charter schools can be successful. If employees and parents are asked to take risks and try something totally new, they need minimum guarantees. The state must assure employees and parents that they will not suffer harm from the experience. For teachers that would include a guarantee of salary and benefits as they currently exist, a position in the district if the charter school disappears, and protection from unwarranted harassment. Parents need assurance of the competency of the personnel working with their children and of the charter schools longevity.

Although it is too early for definitive research on the effectiveness of charter schools, we believe that we can learn from other states who have already ventured into this process. We hope the committee will look at the problems and successes in other states, and address the issues we have identified, before taking action on this bill.

Thank you very much for listening to our concerns.

COMPARISON OF CHARTER SCHOOL LAWS:
 California, Colorado, Georgia, Massachusetts, Minnesota, and New Mexico

ISSUE	CALIFORNIA	COLORADO	GEORGIA	MASSACHUSETTS	MINNESOTA	NEW MEXICO
GENERAL PROVISIONS:						
<i>Length of charter</i>	up to 5 years	up to 5 years	up to 3 years	5 years	up to 3 years	up to 5 years
<i>Legal autonomy</i>	exempt from laws governing school districts with the exception of the teacher retirement system	rests with school district; any waivers for state regulations must be agreed to by local district, charter applicants, and state board of education	exempt from state and local rules, regulations, policies, and procedures	exempt from all local control and state rules and regulations as needed	exempt from laws and rules applicable to a school board and district	exempt from certain provisions of state's public school code
<i>Number of schools allowed</i>	100 (approx. 7,000 schools in state)	not more than 50 by July 1997; 13 reserved for applications designed to increase educational opportunities for at-risk students	not specified	not more than 25 statewide; the state's legislature will determine by 1998 if numbers will increase or decrease	20, 5 by any one sponsor (approx. 1,500 schools in state)	not more than five statewide
<i>Number of schools allowed per school district</i>	10 (unless whole district converts)	allows boards to set "reasonable" limit on numbers	not specified	not more than 5 in Boston or Springfield, and no more than 2 each in any other city or town	2	not specified
<i>Tuition</i>	cannot charge tuition	cannot charge tuition	cannot charge tuition	cannot charge tuition, but law does not specify whether charter schools can charge fees	cannot charge tuition	not specified, but all provisions of public school code apply
<i>Those who can submit an application to start a school</i>	one or more persons can circulate a petition to start a school; petition must be signed by 10% of teachers of a district or 50% of teachers in a school; no private school may become a charter	any one or more persons, groups, or organizations; non-public schools may not submit an application to convert to a charter school	any local school with approval of local board, 2/3 secret vote of faculty and instructional staff, and 2/3 vote of parents attending a meeting to approve/disapprove the charter proposal	a business or corporate entity, two or more certified teachers, or ten or more parents; private and parochial schools are not eligible to apply	one or more licensed teachers with sponsorship of local board; existing public school may convert with petitions of 90% of full-time teachers in the school	any local public school with support of 65% of teachers at that school; must show substantial involvement by parents of children in development of proposed charter

ISSUE	CALIFORNIA	COLORADO	GEORGIA	MASSACHUSETTS	MINNESOTA	NEW MEXICO
<i>Authority charged with approving applications to start a school</i>	local school board where school will be located	local school board or state board of education if on appeal	local board of education	state secretary of education	any local school board	state board of education
<i>Appellate</i>	county board of education	state board of education	state board of education	state secretary of education	not specified in law	state board of education
<i>Authority giving final approval to a charter school</i>	local board or county board of education	local school board or state board of education if on appeal	state board upon recommendation of local board	state secretary of education	state board of education upon recommendation of the local board	state board of education
<i>Guidance/technical assistance for organizers</i>	no formal assistance at state level, however, state board will disseminate information to potential sponsors	local board and state department of education	state department of education	not specified	state department of education, if requested	not specified
<i>Affiliation with a sectarian institution</i>	school must be nonsectarian in programs, admissions, employment practices, and all other operations; may not be affiliated with a religious school	must be nonsectarian, non-home-based in programs, admissions, employment practices and all other operations may not be affiliated with a religious school	not specified though the only schools to be granted charters are within existing public schools	though parochial schools are not eligible for charter status, the law does not specifically prohibit affiliation with other sectarian institutions or organizations	school must be nonsectarian in programs, admissions, employment practices, and all other operations; may not be affiliated with a religious school	not specified, though only public school will be granted charters
<i>Accountability process</i>	the school must meet statewide performance standards and conduct pupil assessments and report them pursuant to California law	the school's governing body must report annually to the local board, state board, and the public; state board of education will publish rules to provide for implementation of charter schools	the state board of education will establish criteria and procedures and the school will provide a yearly report to parents, community, local board and state board to indicate educational progress	the charter school must submit an annual report detailing progress toward educational goals and financial status to the secretary of education, each parent or guardian of enrolled students, and parents or guardians contemplating enrollment in the charter school	the school must report annually to the local board and the state board concerning information set forth in the school's contract	the state board of education will publish rules to provide for implementation of the charter schools
<i>Provisions for transportation of pupils</i>	not specified	application must include transportation plan if school plans to provide transportation	not specified	transportation must be provided by the resident district's school committee on the same terms and conditions as transportation is provided to children attending local district schools	transportation for pupils residing in the district where the school is located is provided by that district; the district is not obligated to provide transportation to a school in another district	public school code will apply

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ISSUE	CALIFORNIA	COLORADO	GEORGIA	MASSACHUSETTS	MINNESOTA	NEW MEXICO
<i>Revocation of charter</i>	the contract can be revoked if the charter school: committed a violation of any of the conditions in the charter; failed to meet pupil outcomes identified in the charter; failed to meet accepted accounting standards; or violated any provision of law	the contract can be revoked if the charter school: committed a violation of any of the conditions in the charter; failed to meet pupil outcomes; failed to meet accounting standards; or violated any provision of law	the state board of education can declare the charter null and void if 2/3 of the faculty and instructional staff of school request to withdraw the charter or if the school fails to fulfill the terms of the charter	secretary of education shall develop procedures and guidelines for revocation and renewal of a school's charter	the contract can be terminated or not renewed for: failure to meet pupil performance standards; failure to meet generally accepted standards of fiscal management; violations of law; or any other good cause	not specified
<i>Revocation authority</i>	the authority granting the charter	the authority granting the charter	state board of education	secretary of education	the sponsoring district or state board of education	not specified
ADMISSION STANDARDS:						
<i>Prohibited limits on</i>	race, ethnicity, religion, national origin, gender, or residence of pupil	disability, race, creed, color, gender, national origin, religion, or ancestry	school will operate in accordance with the constitutions of the US and the state of Georgia, and federal and state law; except for exemptions specified by charter school law (from state education department rules)	race, color, national origin, creed, gender, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance special need, or proficiency in the English language, and academic achievement	race, ethnicity, religion, intellectual or athletic ability, measures of achievement, or aptitude	not specified
<i>Allowable limits on admission</i>	admission requirements specified in charter, however, must ensure that requirements are nondiscriminatory	description of community school seeks to serve	not specified in law	charter may establish reasonable academic standards as a condition for eligibility for applicants	age; grade-level; aptitude for teaching method/philosophy or subject emphasis; or eligibility for state's high school graduation incentives program	not specified
<i>Limitations on admission based on geographic area</i>	existing schools converting to charter must give preference to students in the attendance area of that school	subject to court ordered desegregation plan in effect in a district	not specified in law	enrollment preference shall be given to students residing in the city or town in which the charter school is located	if an area to be served by the school has a greater percentage of non-Caucasians than the percentage of Caucasians in the congressional district where the school is located, admission can be limited to that area	not specified

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ISSUE	CALIFORNIA	COLORADO	GEORGIA	MASSACHUSETTS	MINNESOTA	NEW MEXICO
APPLICATIONS/CONTRACTS INCLUDE:						
<i>Educational program</i>	description of education program	mission statement	descriptive plan for school improvement	secretary of education to establish information needed in application, provided that the application shall include the method of admission to a charter school	description of educational program	comprehensive plan for implementing alternative curricula
<i>Student outcomes</i>	measurable student outcomes (must meet the statewide performance standards)	goals, objectives, and pupil performance outcomes	performance based objectives and student based objectives, including achievement of national and state goals	not specified	specific outcomes students will achieve	not specified
<i>Assessment</i>	method used to measure pupil outcomes (performance-based)	plan for evaluating performance and methods to measure pupil outcomes and performance standards like all public schools	outline proposed performance based criteria that will be used to measure progress of the school in improving student learning and in meeting national and state educational goals	not specified	not specified in law	not specified
<i>Governance structure</i>	description of governance structure which ensures parent involvement	description of governing body of school, relationship between school and district and extent of parental involvement in the school	not specified	a board of trustees shall be deemed the public agents who supervise and control the charter school	description of management and administration plan for school (board of directors)	not specified
<i>School facilities/ administration</i>	board may require that contract contain information regarding the facilities to be used by the school, and the manner in which administrative services of the school are to be provided	description of facilities to house charter, and manner in which they're obtained	not specified	charter school may be located in part of existing public school building, in space provided on a private work site, in a public building, or any other suitable location	not required in application, but school may lease space from a board or other public or private nonsectarian organization	not specified

ISSUE	CALIFORNIA	COLORADO	GEORGIA	MASSACHUSETTS	MINNESOTA	NEW MEXIC
<i>Liability coverage</i>	not specified in law	description of liability to be assumed and liability coverage to be obtained	not specified	not specified in application	types and amounts of insurance coverage	not specified
<i>Financial audits</i>	manner in which program and financial audits will be conducted	proposed budget and description of annual audit process of financial and administrative operations	not specified	not specified in application	requirements and procedures for program and financial audits	not specified, though proposal shall provide detailed budget to meet educational and administrative costs; budget shall be submitted to local school board
<i>Admissions</i>	admission requirements	proposed enrollment policy including plan to include academically low-achieving students, or program for exceptional children or those with disabilities	not specified	not specified in application	admission policies and procedures	not specified
<i>Student suspension/ expulsion</i>	specification of procedures to be followed	description of grounds and methods of suspension and expulsion	not specified	a student may be expelled based on criteria determined by the board of trustees, approved by the secretary of education, with advice from the school's principal and teachers	state's pupil fair dismissal act	not specified
<i>Health and safety of students and staff</i>	specification of procedures to be followed; employees must furnish criminal record	must comply with law and rules and regulations concerning health, safety, and civil rights	not specified	must comply with applicable state and federal health and safety laws and regulations	must comply with laws and rules and regulations concerning health and safety	not specified
<i>Ethnic diversity</i>	specification of means to achieve ethnic and racial balance reflective of local school districts	plan to promote diversity and inclusiveness representative of the community the charter seeks to serve, both ethnically and economically	not specified	not specified in application	not specified	not specified

ISSUE	CALIFORNIA	COLORADO	GEORGIA	MASSACHUSETTS	MINNESOTA	NEW MEXICO
EMPLOYMENT ISSUES:						
<i>Teacher qualifications</i>	teachers need not be certified, but charter must specify required employee qualifications	description of qualifications to be met by teachers if different from requirements for certification or licensure	only certified teachers can initially start a charter, but non-certified personnel may be hired by the charter	not specified	licensed teachers only	current public school code requirements
<i>Leave of absence to teach in charter school</i>	charter describes teachers' rights to return to employment with district	provides up to a 3-year leave of absence	not specified/applicable	provides up to a 4-year leave of absence for teachers	districts must grant teachers leave of absence to teach in charter school for length of time requested by teachers	not specified/applicable
<i>Retirement benefits for teachers at charter schools</i>	must specify manner in which employees will be covered by state retirement system, public employees retirement system, or federal social security	teachers shall be members of the public employees retirement association or Denver Public Schools retirement system	charter employees must affirmatively state their desire to retain their retirement benefits	teachers shall be subject to the state teacher retirement system, with service in a charter school considered "creditable service"	employees can continue to accrue district retirement benefits while at charter school by paying both employee and employer contributions	not specified/applicable
<i>Collective bargaining provisions</i>	depends on charter petition provisions	description of employment relationship to exist between teachers/other staff and charter; proposed procedures for resolving employment disputes, including negotiated agreements	not applicable	charter school employees shall be covered under state collective bargaining statute provisions	employees authorized to organize; schools bargain as a single unit	not specified
<i>Tenure</i>	depends on charter petition provisions	charter language will determine probationary/non-probationary rights for teachers	charter law allows charters to receive blanket waivers of state board rules, regulations, and standards, and state education statutes	charter school employees are explicitly denied coverage under the state's tenure and dismissal procedures laws	the charter school may discharge teachers and non-licensed employees	public school code shall apply unless waiver requested

ISSUE	CALIFORNIA	COLORADO	GEORGIA	MASSACHUSETTS	MINNESOTA	NEW MEXICO
<i>Funding provisions</i>	funds appropriated from the State School Fund, an amount for each unit of regular average daily attendance in the school that is equal to the current fiscal year base revenue limit for the school district where the charter was submitted; special education funds are apportioned for a pupil to the school district where the charter was submitted; private resources may be used to establish and run charter schools	enrolled charter pupils are counted in enrollment of pupils' district of residence; state department of education retains .5% of resident district's per pupil operating revenues multiplied by number of students attending charter schools for use in administering the charter schools program; for each pupil attending the charter school, district of residence must pay not less than 80% of per pupil operating expenses; charters may seek private funding	allows for expenditure controls within public school code to be relaxed for direct instructional expenditures made by each charter school for its students; charters may seek private funding	in communities with a "positive foundation gap," school districts in which the charter school resides shall pay to the charter school an amount equal to the average cost per student in that district; if a student attending a charter school resides in a community with no "positive foundation gap," the district in which the student resides shall pay to the charter school an amount equal to the lesser of: 1) the average cost per student, and 2) the average cost per student in the district in which the charter school is located; charters may also accept grants or gifts for school purposes	general education revenue is paid to the school as if it were a school district; the general education revenue for each pupil unit is the state average general revenue per pupil unit, calculated without compensatory revenue, plus compensatory revenue as though the school were a school district; capital expenditure equipment aid and special education aid is paid to the school as if it were a school district; charters may seek private funding	charter schools are eligible for funds from the state's public school fund based on the projected enrollment and the projected number of program units generated by students at the charter school

Adapted from Colorado Legislative Council Staff
 "Comparison of Charter School Provisions: Minnesota Statute, California Statute, and S.B. 93-183"

PUBLIC SERVICES REDESIGN PROJECT

CHARTER SCHOOLS: THE STATES BEGIN TO WITHDRAW THE 'EXCLUSIVE'

The charter schools idea, enacted in Minnesota in 1991 and in California in 1992, spread rapidly in 1993. It was introduced in some form in about 16 states. By September bills had passed in Georgia, New Mexico, Colorado, Massachusetts and Wisconsin and the idea was under active discussion in Illinois and in Michigan.

The essential idea is worth re-stating: It is to offer change-oriented educators or others the opportunity to go either to the local school board or to some other public body for a contract under which they would set up an autonomous (and therefore performance-based) public school which students could choose to attend without charge. The intent is not simply to produce a few new and hopefully better schools. It is to create dynamics that will cause the main-line system to change so as to improve education for all students.

The legislation this year increases those dynamics, by enlarging significantly the role of the state. Originally, in Minnesota, a proposal died without the approval of "a school board". In '92 California provided an appeal to the county school board. This year Colorado became the first state to allow an appeal to the state board of education in its original legislation, and Minnesota added the state-board appeal. New Mexico and Massachusetts made chartering a state decision.

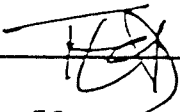
The legislative activity continues to be conspicuously bipartisan. And in pushing the charter idea governors and legislators continue to show remarkable political courage. Gov. Roy Romer's intervention at the end of the session in Colorado was the most determined advocacy seen so far from a governor.

Second-order effects are beginning to appear. Districts respond quickly to the prospect that some other public body might offer public education in the community. Locally some are moving to make changes they had resisted before. Legislatively some are seeking authority to charter existing schools.

So the idea itself continues to evolve. Initially it was a way to create an autonomous public school, new. Quickly people saw it could also be used to convert an existing school from

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administered to autonomous status. Initially, too, everyone assumed (as always) that teachers would be employees. Quickly people began to think about offering teachers a professional opportunity to own the learning-program in which they teach.

For governors and legislators it has been a liberating idea; a strategy for change that offers them real leverage while minimizing additional taxes and avoiding the political quicksand of the voucher idea.

Because the charter idea challenges most of the conventional ideas about how to organize (and how to change and improve) public education there is a growing need for understanding of the idea itself and of where it fits in the national discussion about strategy. This memo tries to contribute to that understanding. As always, we would appreciate your comments.

The essentials of the charter idea

A state interested in charter schools probably ought not to begin with what has come out of the legislative process in other states. Here is an uncompromised model.

1. The state says it's OK for more than one organization to offer public education in the community.

Today only the local board may start a public school. With a charter law the state says it's OK for somebody other than the local board to run a public school, sponsored if necessary by some public body other than the local board.

Generally anyone may make a proposal. Nobody can actually start a school without the approval of a sponsor. The sponsor might be (as originally in Minnesota) only "a school board". But proponents should be able to approach either a local board or some other responsible public body: the state board of education; the board of a public college or university; possibly a city council or county board.

2. It is public education.

The test of what's public is in the principles on which the activity operates, not in the legal character of the agent. A road is a public road because it is commissioned by the public, to serve a public purpose; paid-for by the public and open to the public. Nobody thinks the test is in who built it.

A charter school follows the principles of public education. It may not teach religion. It may not charge tuition. It must be open to the public: no picking and choosing "nice kids"; no elite academies. It may not discriminate. It must follow health and safety requirements. It is accountable to its public sponsor for meeting the objectives that it and its sponsor agree on.

F

3. The school becomes a legal entity.

Today the school does not exist, legally. The district exists: a school is a non-entity. So a school cannot act. The district acts. The school may advise; the district decides. This reality (as most studies find) means most so-called site-management is mainly rhetoric.

The charter idea makes site-management real. A charter school becomes a legal entity. Some states let it choose any form of organization available under state law. (Minnesota specifies: a non-profit or a cooperative.) The school will then have the power to hire employees, hold property, make agreements, etc. It will be governed as provided in that law.

4. Accountability shifts from process to performance.

Today the district's 'deal' with its schools is: "We don't-give-you autonomy; in return you don't-give-us accountability." Control is about process: The district worries more about how the school does things than about what students learn.

The charter idea turns this around. In return for accepting the accountability represented by (a) the requirement to meet the student performance objectives it agrees with its sponsor it will meet and (b) the obligation to attract and to hold its student and parent community, the school is waived clear of state regulations and statute law. Control shifts to performance: The school decides how things will be done; it goes at risk for student performance. The charter is for a term: It may be not-renewed, and may be revoked for cause during its term.

5. 'Charter' can be combined with choice.

Strictly speaking the charter idea has to do with who gets to offer public education in the community. How students get to school is a second and separate question. The old system of assigning kids to schools could continue if a state were willing for students to be assigned to innovations. In practice, most states provide for charter schools to be schools of choice.

6. The state pays the school.

The idea is for the charter school to get basically the same amount per student available to regular school, in the district or in the state. Typically in a district some students are fully paid from local sources; the rest fully paid by the state. The student who moves is treated as state-paid; so what occurs is essentially an accounting transfer on the books of the state department. The state pays the school directly.

7. The teachers have the professional option to be owners.

Teachers may choose to be employees; in which case they would be employees of the school. They could elect to organize

and bargain collectively, in a bargaining unit at the school; separate from other bargaining units. Teachers should also have the option not to be employees, and to work in a professional partnership. They might well join the union (one of the first acts of teachers at the first charter school in St. Paul was to join the Minnesota Education Association). But having no employer, no question of bargaining arises: The teachers would be working for themselves. (See page 7.)

8. The state lists questions the school/sponsor must answer.

Normally the state will simply ask the school and its sponsor to say what the school will be and do: what ages/grades, what curricular focus, what admission procedures, what the teachers will be legally, where the school will locate, what the outcomes and method of assessment will be, who will buy the insurance, etc. The idea (as Sen. Gary Hart, the chairman of the Senate Education Committee in California, says) is for the state to be 'open': to list the questions; not to dictate the answers.

Distinguishing features in the various state

Minnesota -- All schools authorized in '91 had been approved by early '93. Legislation this year raises the 'cap' from eight to 20 and lets proponents appeal to the state board if they get at least two votes in a local board. The law is geared more toward new schools than to conversions. Most approvals so far are for 'non-traditional' students: Boards resist proposals for 'mainline' kids. Contact Peggy Hunter in the Department of Education: 612/297-2241.

California -- The law gives a lot of flexibility to school and sponsor. The requirement that teachers sign on to a proposal (half the teachers in a school or 10% in the district) means it may be used more to convert existing school from administered to charter status. Up to 100 schools are allowed. Subject to the limit of 10 in any district a board may itself propose to convert all its schools to charter status. There is much interest up and down the state, and high visibility (partly because of the voucher plan coming up for statewide vote in November). As of August the State Department had assigned numbers to about 40 proposals. Contact Merrill Vargo, Department of Education: 916/657-2516. Sen. Gary Hart: 916/445-2522.

Georgia -- The law is a variation on the school-improvement program. School does not become a legal entity. There is a blanket waiver, in return for performance. School applies; local board approves; state board charters. No limit on the number. Specifics (including everything about finance) remain to be worked out. John Rhodes, Department of Education: 404/656-0644.

New Mexico -- This is a small pilot program, intended only for the conversion of existing schools to charter status. The legislative author, seeing the district board had no incentive, provided for state chartering. The local board may attach an

advisory recommendation. Contact: Rep. Richard Perls: 505/76 9077. Alan Morgan, state superintendent: 505/827-6516.

Colorado -- Up to 50 charters; 13 reserved for at-risk kids. New schools and conversions. A complicated appeal process. Intense opposition produced complicated provisions about financing, the waiver from regulations and the status of teachers. The first school will open, however, this fall. The interest from parents and community, after the bill was signed, has surprised most everyone. Contact: Bill Porter, Gov. Romer's education aide: 303/466-4666. Barbara O'Brien, Colorado Childrens Campaign: 303/839-1580.

Massachusetts -- Almost the least reported, this may be the closest to the real charter model. Keyed to new schools; up to 25 initially. School clearly a separate entity. Open as to applicant. No local board role: State Secretary of Education issues charters. Preference for low-performing areas. Contact Rep. Mark Roosevelt: 617/722-2070. Or Mike Sentance, Executive Office of Education: 617/727-1313.

Wisconsin -- Unusual, in having support from the state school boards association. This is on condition the local board be the sponsor, but (also unusual) in Wisconsin there is some notion this is something a board ought to do: Ten districts may have charters, and in 23 days 10 applications had come in (from Milwaukee and Madison) among others. Provides that teachers will be employees of the district, so in the strict sense is more a district-site-management program. The state superintendent issues the charters. Contact Tom Fonfara, Gov. Thompson's aide: 608/266-7424.

Emerging dimensions of the charter idea

The idea is changing as it spreads. Two new features have come into the discussion. One opens a new opportunity for school boards. The other opens a new opportunity for teachers.

1. To change existing public schools from administered to autonomous status

Not surprisingly, parents and teachers (even school boards) frustrated with bureaucratic resistance and disappointed with conventional 'site-management' ask: Why can't we "go charter"?

That makes sense. Once the Legislature has opened the way for new charter schools to appear it should give existing schools the opportunity to have that freedom too.

This idea -- essentially of having all the schools on a contract with the board -- seems to Paul Hill of the Rand Corporation the only effective solution for the problem of urban districts in this country. New charter schools, probably small, will enroll only a small number of students. Their presence can stimulate the district to change. But in the big cities action

needs to happen at scale; and quickly. That will happen best if existing schools convert from administered to charter status.

It would work about the way it works when a charter school is created new: The school becomes a legal entity. The board gets accountability, controlling through performance rather than through process. Clearly in converting an existing school there has to be some way to get the consent of teachers and parents, and some alternate arrangement for those teachers and parents who choose not to remain after the school changes.

Basically the idea is for the board to become a buyer of instruction. This has three important implications.

* First: Divestiture offers a way to 'break up' a big-city district without creating unacceptable problems of equity.

In city after city, from New York to Los Angeles, people want to reduce the size of the system. But almost always people assume that 'breakup' must be territorial; the board cut up along with the bureaucracy. Then the effort fails, because to divide large districts into smaller districts would separate majority and minority neighborhoods; rich tax base and poor tax base.

Where the board no longer owns the schools it can be done. The board continues to represent the whole community. The operating side, the bureaucracy, is broken up; into schools or into groups of schools.

* Second: Opening up choice for school boards would greatly increase the system-capacity for change.

The board can do little today to change the educational program. The district is a single, unitary organization. It cannot be changed a part . . . a school or a department . . . at a time. The board can change only a person at a time; and then usually only as individuals resign or retire. Mainly it must try to improve as it can the skills and attitudes of the people it has, in a situation where these people know they really do not have to change at all. (See page 12.)

If the board could buy-in the parts of the educational program it could change and improve its offerings as fast as new methods and technology appear.

* Third: Developing a capacity really to change and improve the learning program might save the American school board.

It is a troubled institution. More and more, boards are trying to run the system they own; less and less are they inclined to leave that to their administration. This brings them more and more into conflict with their superintendent: Boards are turning over these positions now about every four years on the average. This makes meaningful re-structuring impossible. The endless pressures for more money builds resistance in the

public; compounded when programs are cut to fund the salary-settlement. The effort to run everything distracts the board from the job of education. The Los Angeles Unified District owns the second-largest law-enforcement organization in California: problems with its police are its legal obligation as employer.

As board effectiveness weakens the state role strengthens, as does the idea that more decisions should be made at the learning-site. The concept of a two-tier system is emerging: state and school. Boards resist this. But people are now wondering openly if we really need that layer in the middle. If the school board is to survive it must find a useful role.

In Colorado the appearance of the charter idea -- and an alliance between a Democratic governor and a Republican state senator that the Colorado Association of School Boards and the Colorado Education Association together could not overcome -- led the CASB executive director, Randy Quinn, to think about boards' role.

"It can be an opportunity to do something creatively different," Quinn wrote in his August column. "School boards have been the providers (producers) of public education; hiring teachers, administrators and other staff. . . . Under charter schools that role will change. Schools granted charter status will become (substantially) self-governing. . . . This is a dramatic difference that forces the board to re-examine its role. The board has an opportunity to become the purchaser of education services on behalf of the community.

"This opens up all kinds of possibilities. . . . Viewed one way the underling principle behind charter schools is not new. School boards now contract with (others) to do some things, including transportation, food, cleaning and maintenance services. . . . Extending that concept to academic areas is a leap, but not unimaginable. . . . In my view Colorado school boards would be well advised to examine how this new concept can serve their communities. . . . Moving away from the role of exclusive (producer) of education may be a blessing in disguise."

Which leads to the next intriguing question: If the board did not own the learning-program, who might?

2. To open a professional opportunity for teachers

Initially the thinking about teachers assumed -- as almost everyone always does -- that teachers would be employees. This complicates the design of a charter law and of a charter school; not least, politically.

In July '92 discussions began in Minnesota about giving teachers the choice also to work as members of -- partners in -- a professional group which they would collectively own. The Minnesota law permits a school to organize as a cooperative. In July '92 Dan Mott, whose work has taken him both into education

law and politics and into cooperatives made this suggestion:

* Set up a two-part structure. Form the school as a non-profit. (It's important to be eligible for tax-exempt gifts.) Form a cooperative as a vehicle for the teachers.

* The non-profit could be organized by parents or teachers, or by some institution (a science museum, the zoo, in the District of Columbia the Smithsonian) or some individual; with the approval of a public sponsor, of course. It would hold the charter. It would handle the non-instructional functions. It would make an agreement with the teacher group.

* The teacher group (cooperative or partnership) would organize and run the instructional program. Within the framework of what the school has decided to be the teachers would organize the courses, pick the materials and methods, make the work assignments, select and evaluate their own colleagues and settle their own compensation in manner of other professional groups.

The workers' cooperative is a well-established (if not well-known) way of organizing activity. In Philadelphia there is a child-day-care organization -- Childspace -- set up on the two-part model Dan Mott advocates for schools. The people who work there are not servants of owners. They are owners: They make the decisions, receive the revenue and run the operation. They keep at the end of the year what they do not spend; they build up equity. It makes a difference: People behave differently when they are owners.

This, too, has big implications.

The teacher-group would be capitated (given a fixed number of dollars per student) at the existing level of expenditure. It would have the freedom the charter law provides to change and improve the program. Because the teachers could keep for use in their program or as personal income what they did not need to spend they would have both a reason and an opportunity to bring in new methods and technologies and to reallocate existing patterns of expenditure.

This could be important for teachers, for technology and for taxpayers.

The technologies for transmitting, storing, manipulating and displaying information are all now coming together in digital form. Business firms are moving quickly to buy up rights to 'intellectual property' all over the world: film and photo archives, art museums, science museums, libraries. Commercial applications will soon follow. It will be possible, school by school or department by department, to design and to assemble the learning-program in the form of high-quality, full-motion video or (with the parallel improvements in printing technology) as hard copy delivered in color and at high speed.

None of this has to happen in school. Most of the learning system is outside 'school'. Businesses can market these new technologies direct to families able to pay with their own money, as programs that enable kids to move at their own pace. They can also design and market a test and a diploma -- a demonstration and a certificate of competence -- validated by colleges' and employers' acceptance of it.

Think about the applications of electronic technology already in entertainment, and at the way young people respond. It is hard to believe that the potential for learning in these technologies is not going to come together with the interests of the kids and the needs of the country somehow; around the institution of school if necessary in something like the way the automobile went around the streetcar. That would create serious problems of equity. But this would not stop its happening.

Technology would move into school if the teacher-group rather than the board or the superintendent were the market for it. Teachers want improvements that make their work easier, more successful and financially more rewarding. If the decisions were theirs, technologies ranging from digital electronics to cooperative learning -- raising the quality both of teachers' practice and of students' practice -- might then get taken up as rapidly in school as new technologies and new methods were taken up on the family farm (where the workers were also the owners).

Unless change is in the teachers' interest there is no way to reallocate existing patterns of expenditure in public education. So long as the teachers' interest is entirely in their salary they will simply push endlessly for more, to be spent on the same: Boards will neither be able to reallocate nor to raise and spend significant amounts of new money for anything but salaries. Jim Walker at North Branch, who has worked as hard at reallocation as any superintendent in Minnesota, says: "Management cannot do it. Only the teachers can do it."

Whether teachers would or not, given the incentive and the opportunity, nobody really knows. Early discussions with union leadership are not negative. With teachers taking pay cuts in a number of big-city districts the traditional way looks like a hard struggle. So the responses are pragmatic: "How would we grow our compensation under that arrangement?"

What next?

With bill-introductions this year in about 16 states and enactments now in seven, 'charter schools' is becoming visible on the national policy scene. The idea is appearing not only in the education press and at discussions about education policy but also now in newspapers and on television (as on ABC's "This Week With David Brinkley"). The the National Conference of State Legislatures, the Education Commission of the States and the National Governors Association are beginning to track the idea and its spread so they can answer the queries coming in. As the

idea spreads the people involved are getting acquainted, at least by phone and fax. A national network is developing.

Three challenges lie ahead.

* The first is to get the new schools set up. This is not easy. Forming a new organization is difficult, if you have never done it before. And especially if the opposition continues to undercut the implementation. The job can be made tougher still by a well-meaning bureaucracy which -- shaped by its experience trying to control schools that cannot be got rid of -- is slow to understand the possibility of a more relaxed approach with schools whose existence depends on their students' performance.

On the positive side, efforts are appearing to help charter schools up the learning-curve. In California organizations are helping schools through the process of approval and start-up. In Colorado, where foundations understand the potential, the concept is emerging of a larger-scale "charter schools network" to provide support services to the new schools once in operation. Skills are developing rapidly.

* The second challenge is legislative and political. Bills are likely to be back in '94, an election year. Opponents will fight hard to remove all the dynamics: to limit sponsorship to the local board and to require teachers to be employees of that sponsoring district. Fake bills. Proponents will work to introduce a 'somebody else'; understanding -- as legislators in Illinois may now understand, in struggling again this fall with the problem in Chicago -- that to give the district an exclusive is to give that organization the power to control the state.

The growing aggressiveness of elected officials is very striking: Gov. Romer in Colorado, Kathleen Brown in California, Rep. Mark Roosevelt in Massachusetts, Gov. John Engler in Michigan. Michigan will be very important; perhaps considering seriously a proposal to make all public schools charter schools.

* The third challenge is to distinguish the charter idea from other ideas now crowding in around it.

o **Vouchers** -- This idea lets people start schools if they meet certain criteria. The state pays the parents, who pay (all or part of) the school's charges. The schools may be religious schools. The accountability is to parents: There is no performance contract with a board or other public body. It is a consumer market, not, as with the charter idea, a social market.

o **Contract management** -- Here the idea is for a commercial organization to sell instructional or non-instructional services -- or just the management of those services -- to the district. It remains a district model: There may be no concept of autonomy either for the school or for the teachers. Vendors are likely to want to deal with large districts to minimize management and marketing costs.

o Contract schools -- In this case an organization does propose to run (one or more) discrete schools. The school would probably be built to the vendor's design, however, and operated not as an autonomous and locally-controlled organization but as a unit of the vendor's larger organization.

o The 'charter district' -- Districts sometimes ask to be waived clear of 'the rules' themselves. They do not necessarily intend to pass the freedom on to their schools, and certainly do not intend that anyone else might offer public school within the district. Governors and legislators are likely to be cool to a proposal for an unregulated public utility, but in some states districts will give it a try.

Finally: It will be a challenge to distinguish the charter idea from other strategies proposed to improve K-12 education.

The 'Charter' Idea and System-change

For governors and legislatures the charter idea is important because it goes to the heart of the problem in our system of public education.

At its heart the problem is simple: the reward-structure is in backward. The system pays off whether the mission is accomplished or not. For the district practically nothing depends on whether the students' learn. The kids can be taken for granted. It's adult interests that matter.

This is true. The essential system-givens -- mandatory attendance, districting, the rule that only one organization may offer public education, and tax-financing appropriated per-pupil -- interact to create an arrangement in which the state assures the district its customers, its revenues, its jobs and its existence whether or not it changes and improves and whether or not the students learn.

This is important. It is not smart to expect performance from an institution in which the rewards are provided whether the mission has been accomplished or not.

When success is assured change is unnecessary. The system becomes inert. The organizations and the people in them are encouraged to put their own interests first. Why would any organization do the hard things that excellence requires -- take risks, upset adults' comfortable routines, challenge powerful interests, put customers first -- when nothing requires it?

This explains the way the K-12 system behaves. It explains why good teachers and administrators describe change, and the effort to put students first, as a risk. Why standards are not set for student and teacher performance. Why performance is not measured. Why rewards are unrelated to performance. Why senior teachers get to teach where they want to teach rather than where

they may be most needed. Why so much money is spent for training driven more by teachers' personal interests than by the needs of the organization. Why the system does not incorporate new technologies, hard and soft. Why leadership does not intervene decisively when students are not learning. It makes no sense to create all this controversy when the rewards are provided anyway.

"I'm convinced that we in education are not going to do the hard things needed to change the schools unless we have to," Albert Shanker, the president of the American Federation of Teachers said in Saint Paul in May 1991. "Something has to be at stake. There is, in other fields: Your organization could fail. People in these fields dislike change too. But they have to do it. We in education don't. Because for us nothing is at stake. If our kids do brilliantly nothing good happens. And if we don't push we can count on remaining popular with our colleagues. We have got to deal with this question of consequences for adults. We do need something to happen that is truly revolutionary."

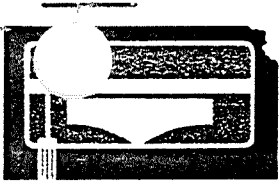
All the strategies approved-of by educators since the Nation at Risk report accept the basic system-givens . . . and so accept the perverse structure of reward. This means they cannot succeed. However earnestly people profess their intentions, however hard or long they work at it: these 'strategies' cannot succeed. It is beyond the capacity of administration, regulation and the political process to secure such basic changes in such powerful organizations when nothing makes it necessary.

And it is silly to try to force improvement into a system built not to need it. The sensible course is obvious: to give the district a reason, a need -- and an opportunity -- to make, in its own interest, the changes and improvements required. To re-align the structure of reward so that for the district and the adults in it consequences will follow, if the mission is accomplished and if it is not.

Governors and legislators understand this. They badly want improvement to move faster. Increasingly they see how the reward-structure they have created works against their own interest. They realize that what they have done to themselves they can un-do. They have discovered that, confronted by a district they cannot 'make' perform, they can say: "We'll get somebody else who will" . . . and that they can do this while remaining within the principles of public education. Done skillfully this can be made to work to the interests of school boards and of teachers at the same time.

The common sense of this is clearly coming through, now. As Colorado's Gov. Romer said on the Brinkley show, catching perfectly the essentials of the new strategy: "We want to stay within the principles of public education. But we do have to have the ability really to change it."

9/25/93



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MEMORANDUM

TO: *Dave* Members, Senate Committee on Education

FROM: Ted D. Ayres *Ted Ayres*

RE: Senate Bill No. 630

DATE: February 22, 1994

In follow-up to the hearing last week, I have obtained information relative to WSU's handling of requests from Community Colleges to offer courses in Sedgwick County. I am hopeful that the Committee finds it to be of interest and benefit.

I am advised that the Academic Affairs Office at WSU reviews these requests. I am further informed that if the course does not duplicate a WSU course, approval is granted. If the course is duplicative, but WSU cannot offer the course as or when requested, the Community College is given approval. If the course is duplicative and WSU can teach it, approval is denied.

I have enclosed a copy of a CONSORTIUM document, dated January 10, 1992, between Wichita State University and four Community Colleges (including Butler County Community College and Pratt Community College) and the Division of Vocational and Continuing Education of the Wichita Public Schools. I believe that you will find it consistent with the process described above.

Additional information should be forthcoming; however, as the focus of the testimony seemed to be on Sedgwick County/WSU, I wanted to provide the Committee with this information as soon as possible. Please advise should any member have additional questions.

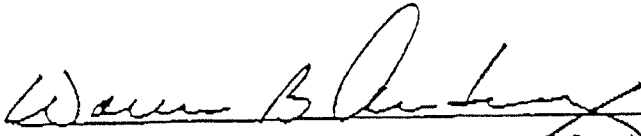
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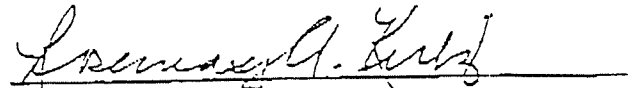
IV. CONSORTIUM GUIDELINES

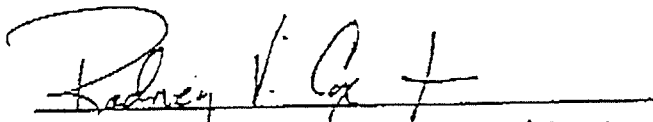
- A. The consortium constitution and by-laws take effect on the date of signing, with the election of vice-president to occur at the first regularly scheduled meeting called by the president of the consortium. The guidelines outlined in the memorandum of agreement will be initiated as quickly as possible without endangering the academic progress of students currently pursuing a degree program.
1. By May 1992, the consortium will attempt to establish course sequencing of up to two years, subject to changes in the fiscal climate of the state and nation.
- B. The South Central Kansas Post-secondary Education Consortium will initiate the following actions:
1. WSU will assume a coordinating role for undergraduate academic programming in Sedgwick County and upper division and graduate instruction in other areas when requested by consortium members.
 2. The Consortium will establish a specific schedule to be used by its members when requesting permission to offer courses in Sedgwick County. This schedule will be conducive to course planning and student enrollment patterns leading to a degree and post-secondary certificate; be consistent with members' deadlines for submitting course schedules for printing and distribution.
 3. In evaluating requests to offer courses within Sedgwick County, Wichita State University will not approve a proposed community college course offering that is equivalent to a course offered by Wichita State University course or a course offered by the Wichita Area Vocational Technical School unless exceptions are approved by the consortium and neither WSU or WAVTS wishes to offer.
 4. Unless restricted by the Consortium, if Wichita State University allows one community college to offer a course in Sedgwick County, any other Consortium member may offer an equivalent course in Sedgwick County, if it submits application to Wichita State University.
 5. A general needs assessment will be conducted by the consortium at least once every three years. A preliminary needs assessment should accompany requests for any new course or degree offerings in Sedgwick County.

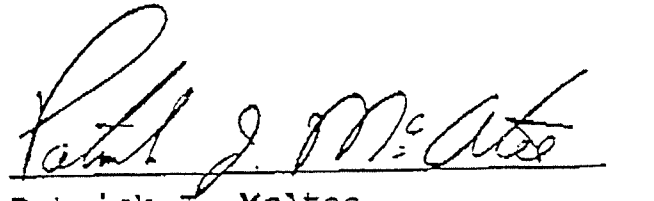
6. To ensure the educational needs of South Central Kansas and Sedgwick County residents are met, consortium members will develop and articulate academic paths to specific educational goals (e.g., associate degrees, two-plus-two arrangements, mediated instruction, and advanced degree programs).
7. To meet the baccalaureate and graduate needs within member's service areas, the consortium will investigate the adequacy of offering specialized degree programs consistent with accreditation standards of the respective academic programs and student demand.
8. To meet business and industry needs, the consortium will develop cooperative initiatives to serve specific educational requests from firms. By pooling scarce resources, the consortium can provide a wide range of training and educational programs essential for the economic development of this region.
9. This provision shall be reviewed and updated as necessary on an annual basis.


This Memorandum of Agreement establishing the Post Secondary Education Consortium is agreed to on January 10, 1992 by

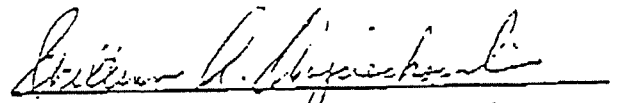

Warren B. Armstrong, President
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Wichita State University


Rosemary Kirby, Director
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Wichita Public Schools


Rodney V. Cox, Jr., President
President
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February 21, 1994

Mr. Ted Ayres
Kansas Board of Regents
700 S. W. Harrison, Ste. 1410
Topeka, KS 66603-3760

Dear Ted:

I appreciate having your letter of February 17, 1994, regarding the approval/disapproval of community college courses.

Any course offered by a community college in Crawford County must be approved by the President of Pittsburg State University. If the course does not duplicate offerings of PSU, a consent form is used. (See enclosed example.) If the course duplicates PSU offerings, the form must contain a justification which must be approved by the appropriate Department Chairperson and Dean in addition to the Vice President for Academic Affairs and the President.

However, I do not recall a community college's ever requesting a course which was a duplicate offering, so we have not really had any problem.

If you have any questions or need further information, let me know.

Sincerely,

A handwritten signature in cursive script that reads 'Robert K. Ratzlaff'.

Robert K. Ratzlaff
Acting President

klw
Enclosure

Sen. Ed.
2/23/94
Attachment 5

Kansas Community Colleges Approval of Out-District Instruction in a County Containing a Regents' Institution

PITTSBURG STATE UNIVERSITY hereby authorize
(Name of Regents' University)

LABETTE COMMUNITY COLLEGE to offer
(Name of Community College)

COMMUNITY BASED PROGRAMS for 3 credit hour
(Title of Course or Description of Activity)

in Pittsburg (Crawford County) (CLASS Building) county for the period of time beginning

May 1, 1994 and ending September 1, 1994
(Date) (Date)

1/20/94
(Date)

William Wilson
(Signature and Title of Regents' University Official)

(Date)

(Signature of President of Community College Offering Course or Activity)

Community College Offering Course: If applicable, attach to the Approval of Out-District Instruction form (0-411-105)



LABETTE

COMMUNITY COLLEGE

200 South Fourteenth • Parsons, Kansas 67357
Telephone (316) 421-6700

January 14, 1994

RECEIVED

A.M. P.M.

JAN 18 1994

PRESIDENTS
OFFICE

Dr. Donald Wilson, President
Pittsburg State University
Russ Hall
Pittsburg, KS 66762

Dear Dr. Wilson:

Labette Community College requests your approval to offer a three-credit hour class "Community Based Programs." The course is scheduled to begin May 1, 1994 and will be held at the CLASS Building in Pittsburg.

The course will cover information on integration, inclusion, normalization, keeping people safe, and the interdisciplinary approach as it concerns supported employment and supported living.

Enclosed is the approval form which requires your signature in order for us to offer this class in Crawford County. If you have any questions, please call my office at 421-6700, ext. 78. We appreciate working with Pittsburg State University and look forward to continued cooperative efforts with your school.

Sincerely,

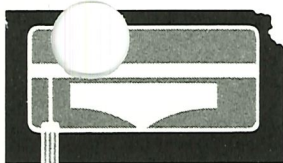
Beverly Settle
Associate Dean of Academic Affairs

Enclosure: Out-district approval

c: Dr. Joe Birmingham
Dr. Jeff Stevenson

ca:wilson

OK
PKR
1-20-94



KANSAS BOARD OF REGENTS

700 SW HARRISON • SUITE 1410 • TOPEKA, KS 66603-3760

GENERAL ADMINISTRATION - 913 296-3421 • STUDENT ASSISTANCE - 913 296-3517 • FAX 913 296-0983

M E M O R A N D U M

Dave
TO: Members, Senate Committee on Education
FROM: Ted D. Ayres *Ted*
RE: Senate Bill No. 630
DATE: February 24, 1994

Please note the enclosed information from Emporia State University, Fort Hays State University and Kansas State University relative to institutional processing/handling of requests from Community Colleges to offer courses in their respective counties. As you know, I have previously provided you with information from Wichita State University and Pittsburg State University.

On behalf of the Board of Regents and the Regents Institutions, I would again express opposition to Senate Bill No. 630. Please feel free to contact me if you have additional questions.

cc: John G. Montgomery, Chairperson
Stephen M. Jordan
Council of Presidents

TELEPHONE: 316/341-5333 FAX: 316/341-5553

FEB 23 1994 10:51 AM 002 P.01

EMPORIA STATE UNIVERSITY

1200 COMMERCIAL EMPORIA, KANSAS 66801-5087 316/341-5333
FAX 316/341-5553

OFFICE OF THE PRESIDENT - Box 01

February 23, 1994

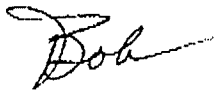
Ted D. Ayres
General Counsel and Director
of Governmental Relations
Kansas Board of Regents
700 SW Harrison; Suite 1410
Topeka, KS 66603-3760

Dear Ted:

At ESU, community college courses offered in Emporia are individually approved by the Vice President for Academic Affairs after he checks with appropriate deans to insure that these courses do not duplicate current offerings at ESU.

We would recommend against opening the statutory requirements to the community colleges to teach courses under the circumstances proposed in Senate Bill 630. It is important that the process continue which allows us to not approve courses which are duplicative of our offerings and, therefore, cost ineffective to the citizens of Kansas.

Sincerely,



Robert E. Glennen
President

Fort Hays State University

Provost

600 Park Street

Hays, KS 67601-4099

(913) 628-4241

MEMORANDUM

TO: Mr. Ted D. Ayres
Board of Regents

FROM: Dr. Rodolfo Arévalo *Rodolfo Arévalo*
Provost/Chief Academic Officer

DATE: February 23, 1994

SUBJECT: Senate Bill No. 630/Senate Committee on Education

Dr. Hammond has asked me to reply to your memo of February 17, 1994, to the Council of Presidents regarding the above referenced bill and questions involved in its discussion.

- 1) Who makes the decisions relative to approval/disapproval of the community college requests to offer courses?

Dr. Rodolfo Arévalo, Provost

- 2) What criteria are used?

Decisions are based on whether Fort Hays State University offers the course(s) and if whether we have the ability to deliver the course(s).

If I can be of further assistance, please contact me.

mjm

c Dr. Edward H. Hammond



Office of the Provost

Anderson Hall
Manhattan, Kansas 66506-0113
913-532-6224

February 21, 1994

TO: Sue Peterson
FROM: Jim Coffman *Jim*
RE: Ted Ayres request, SB630

On the main campus, the Dean of Continuing Education makes approval/disapproval decisions of community college requests, in consultation with the other Deans. In the event of a dispute, the Dean and the Provost adjudicate the issue, working with the Board of Regents' Director of Academic Affairs. On the Salina campus, the Dean of the College of Technology carries out the same responsibility.

The central criteria are service to students, program quality, and cost-effectiveness for the student, county, state and university.

lw