

Approved: March 21, 1996
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Barbara Lawrence at 1:30 p.m. on February 21, 1996 in Room 526-s of the Capitol.

All members were present except:

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

Conferees appearing before the committee: Sallie Moore, concerned parent
Robert Rusbarsky, A.I.A.
Mark Tallman, KASB

Others attending: See attached list

SB 606: Authorizing the establishment of state charter schools

Sallie Moore addressed the committee as a proponent of **SB 606**. She stated that parents in the past have only been advisory and that the charter school concept allows parents to have equality in all of the aspects that concern their child's education. Parents need empowerment in the educating of their children. Partnership within the educational structure which include teachers, administration, parents and local boards have proven to be successful in Wichita. She believe that the state has the four components necessary to successfully implement a charter school: the local board, parents, teachers and administration (Attachment 1).

Robert Rusbarsky addressed the committee as a proponent of **SB 606**. He stated that is intent is to speak on the dire need for charter schools in the public school system. His interest is for this alternative is generated by many reasons. He stated that he and his wife attend the local board meetings, attend school board meetings, vote on education issues and read voraciously on the situation in, not only Kansas schools but others throughout the nation. They both are alarmed at the current trends. In general, the trends are accelerating away from providing a quality, well-rounded education for the children. It not only needs to be stopped but reversed. The change can begin with the implementation of charter schools in the public school system (Attachment 2).

Mark Tallman stated to the committee that KASB supported the Charter School Act and worked very hard to help it go through several years ago. KASB believes that the current law should be addressed and have changes made to it, instead of proposing a new one. There are several other courses that can be taken. First, the present problems can be addressed in the current charter school act. Second, list the specific laws wished to be exempt from charter schools. Third, create incentives for the development of charter schools, such as start-up grants and technical assistance. KASB believes that these steps would result in the appropriate development of innovative school programs in the public school system (Attachment 3).

Chip Gramke submitted testimony to the committee for review (Attachment 4).

The meeting adjourned at 2:30 p.m.

The next meeting is scheduled for February 22, 1996.

SENATE EDUCATION COMMITTEE GUEST LIST

DATE: February 21, 1996

NAME	REPRESENTING
Mark Tallman	KASB
Lee Chase	KNEA
Kristen days	Cap Journal
Bob Rusbarsky	Self & children of Kansas
Annie Rusbarsky	Self + Children of KS
Gene Neely	KNEA
Jim Youally	USD # 512
Harold Pitts	
Frank D. Tindler	Topdow
Chava McKel	Sen. Downey
Neske Hill	KACC
Karl Peterjohn	KS Taxpayers Network
Susan Adlyts	Taxpayer
Eric J. Belko	Amanda Arnold
John Lachey	Amanda Arnold Elementary School
Allen Beck	USD 383
Denise A. [unclear]	USA
Serald Anderson	USA of KS
Bill Musick	ST Bd of Ed

(over)

Katie Sparks
Herschel Paor

Diane Gjerstad

Oran Burnett

DOB

cit

USD 259 - Wichita

USD 50 / #

Sallie H. Moore (Mrs. George)
428 South Fountain
Wichita, Kansas 67218
home 316/682-1655
fax 316/684-6102

- Parents need (and should demand) empowerment in the educating of their children.
- Partnership within the educational structure which include teachers, administration, parents and local boards have proven to be successful in Wichita.
- Parents in the past have been advisory only. The Charter School concept allows parents to have equality in all of the aspects that concern their child's education.

Please consider allowing Wichita to pursue a Charter school within the confines established by this legislative committee.

It is my contention that we have the four components necessary to successfully implement a Charter school - local board, parents, teachers and administration. All we need is the cooperation of the state to proceed.

SENATE EDUCATIONAL
2-21-96
ATTACHMENT 1

PROPONENT for CHARTER SCHOOLS

(testimony before the Kansas State Senate by...)

Robert J. Rusbarsky A.I.A.

2/21/96

Senator Lawrence, Mr./Madame Chairman and committee members, thank you for the opportunity to speak today. My name is Robert Rusbarsky. I am a Kansas citizen residing in Wichita. I hold a degree in Architecture from Kansas State University. I practice architecture, am licensed in the State of Kansas, am a member of the National and Kansas Chapter of the American Institute of Architects, past director of the Wichita Section, A.I.A., and a certified member of National Council of Architectural Registration Boards. I am an independent business owner, have served as a deacon of my church and am involved in many civic activities, both local and state. My wife Connie, present here today, and I are the blessed parents of triplet seven year old girls, currently attending Kellogg Magnet Public School in Wichita. It is in this capacity that I stand before you today.

My intent is to speak on the dire need for charter schools in our public school system. My interest for this alternative is generated by many reasons on which I will only briefly cover. My wife and I spend time in our local school, attend school board meetings, vote on education issues and read voraciously on the situation in, not only Kansas schools but others throughout the nation. We are, to put it mildly, alarmed at the current trends. In general, these trends are accelerating away from providing a quality, well-rounded education for our children. It has to not only be stopped but reversed. This will take time. This change can begin with the implementation of Charter Schools in our public schools system.

The current trends in public education are evident and undeniable. Test scores of todays children are dramatically lower than ever before in the history of the United States, much less compared to other countries. Discipline and control in our public schools has been all but eradicated. These need to be available at the classroom level and need to be stern and utilized to be effective. The parents need to be involve to make this work. The student-to-teacher ratio has to be significantly lower. This will also allow discipline and control to be better implemented but the biggest benefit will be that students will get the personal attention they need. The classrooms are so large now, teachers tell me that they cannot teach effectively and they spend most of their time administering curriculum to the whole of the class that they cannot spend the time needed with the individual. I know, because I have had to take time out from my work to help tutor these individuals.

The school boards make policy and the parents can only contest this policy once it is in effect. This has to change. Parents need to be involved from the start. Of great concern to informed parents today is the upcoming Outcomes-Based Education curricula. On the surface this curricula appears to have the best interest of the children at heart. Actually, the reverse is true. This curricula only exacerbates the trends stated above. The proof is in the results. There is much evidence to support this.

SENATE EDUCATION
2-21-96
ATTACHMENT 2

For these and other reasons we have seen the reaction of many parents in Kansas and other states, to the public school process and the results it produces. Many parents are taking their children out of the public school system and opting for private schooling options of many types. These include home-schooling, independent schooling, private schooling, parochial schooling, religious schooling and Christian schooling options. These parents help pay the salaries of public officials. They are the customers of elected public officials. In business, if we ignore the customer we lose business to other customer focused businesses. This is exactly what is happening to the public school system. We need to do business differently in public education and focus on the needs of its customers.

All the above is mentioned to contrast the current situation with what I believe to be an alternative. That alternative is charter schools. My definition of a charter school would be a school begun, programmed and run by Parents, Teachers and the local School Board with equal say by each, which would teach the basics, including American history, using definite grading standards to facilitate the success of students in a demanding economy all the while increasing the self-worth of the individual. Let me elaborate on this definition.

Since I have alluded to solutions above, I will be succinct in my elaboration. The Charter School should.....

- * be organized, developed and run by a collaboration of parents, teachers and the local school board.
- * promote a curriculum of the basics, reading, writing, arithmetic/math, American/world history, spelling and science.
- * provide whole class, as well as, individual instruction through the use of qualified, approved teachers and smaller student-to-teacher ratios in the classroom.
- * promote high academic achievement by using the Carnegie system of grading stringently.
- * follow a calendar year similar to what is currently being used as opposed to year round school.
- * promote and exemplify strict discipline and control in the classrooms while making clear to students consequences of adverse behavior.
- * promote the self- worth of all individuals by emphasizing and facilitating accomplishment in academics, personal fitness and moral values.

These and other attributes for such a school would, of course, be outlined in a formal proposal for approval to the necessary branches of government. I, as a parent, citizen, businessman and civic leader appeal to you, the Kansas State Senate, wholeheartedly, to approve Charter Schools as a viable alternative in public education. Charter Schools will provide another outlet to attract parents and children back to Kansas public schools. Charter Schools will provide a platform to contrast results between them and the results of other public schools. Charter Schools are a direct request from your customer, the tax-paying, voting citizen of Kansas. It is for these reasons, as well as many others, too numerous to mention, that I implore you to approve Charter Schooling in the Kansas public education system.

Again, thank you for the opportunity to speak and at this time I would be happy to answer any questions.

Thank you.



TO: Senate Committee on Education
FROM: Mark Tallman, Director of Governmental Relations
DATE: February 21, 1996

RE: **Testimony on S.B. 606 - State Charter Schools**

Madam Chairperson, Members of the Committee:

We appreciate the opportunity to appear today on S.B. 606.

KASB does not have a specific policy position on charter schools adopted by our Delegate Assembly. Several years ago, we strongly supported and worked very hard on the enactment of the current Kansas Charter Schools act. We did so because of four features in contained.

- First, it required that the focus of charter schools must be outcomes-based, and our policies support outcomes-based school accountability.
- Second, it created a mechanism for exempting public schools from State Board of Education regulations and state education laws. As we move toward outcomes-based accountability, we support a reduction of "input" regulations and mandates.
- Third, it created the possibility of increased public school choice, and our policies support "voluntary" with public school choice programs.
- Fourth, it required approval of the local board of education. We believe the responsibility for public school governance in Kansas must rest with locally elected school boards. That is why we appear today as opponents of S.B. 606, which would allow charter schools to be established by the State Board of Education.

Since interim hearings this summer, policy analysts from both inside and outside the state have labeled the current Kansas law "weak" because it requires local board approval to grant the charters, and argue that this provision must be changed to create a "strong" law. But please keep in mind that the only meaningful definition of a "strong" law is that large numbers of charter schools are created. There is no evidence to suggest that a "strong" law results in "good" charter schools, or that "strong" laws improve the performance of the either the charter school or the educational system as a whole.

In fact, this committee has been warned of an "adversarial" relationship that seems to be growing in many areas between charter schools and school districts. We would suggest that allowing charter schools to be first created without the agreement of local districts and then compete with traditional schools on (in many ways) more favorable terms, there is bound to be

SENATE EDUCATION
2-21-96
ATTACHMENT 3

an adversarial relationship. Moreover, the chances of transferring innovative ideas from charter schools to traditional schools will be limited by the fact that the charter schools proposed by S.B. 606 would be so different from public schools. Arguably, in fact, they would hardly be public schools at all.

I was struck yesterday by the comments of the Emporia principal who suggested that charter schools are only a threat to "the people who own and run the public schools." He suggested that educational innovation is stifled by school bureaucracies, by the infamous "educational establishment." I would like to explore those propositions in a little more detail.

The public schools of Kansas are owned by the people of Kansas and by the people of each unified school district who build and maintain them and pay for the educational programs they offer through their taxes. The public schools of Kansas are run by the people of each school district through the school boards they elect and the educators those boards hire to provide those programs. When proponents of charter schools talk about freedom and autonomy, they are talking about freedom and autonomy from the political process; the process makes public education truly public because it is paid for, governed by and accountable to the public. What some dismiss as "local politics" is really grassroots democracy. Moreover, they are seeking freedom and autonomy from the rules, regulations and mandates that every other public school must follow.

You have heard that charter schools are supposed to "empower" teachers and parents. Yet what are the impediments in the local system that are supposedly stifling innovation and choice? First blamed is the school board. I can assure this committee that most common single characteristic of school board members in Kansas is that they have children in school, and the most common reason for leaving the school board is that their children have left school. Parents are already "running" the school system. The second impediment is the negotiated agreement, which is reached by bargaining between the board (mostly parents) and the teachers; in other words, the two groups that charter schools are supposed to empower.

When asked why a charter was needed at the school in Emporia, the principal responded that a charter school would only have to worry about itself. He expressed frustration that the Emporia school board must balance the interests of the thirteen other schools in the district. I can't think of a better justification for our position! The role of the local school board must be to look out for the interests of all the children in the district; to consider the interests of the entire community. Removing local board approval of the charter school petition means that any time any school or group within a school district feels aggrieved by an action of the board - or even the voters of community - they would have the right to "secede" from the district by forming a charter school.

We believe the people of Kansas wisely built protections against this possibility into the Kansas constitution in 1966 when they adopted an education article which requires that the public schools be "maintained, developed and operated by local elected boards." We believe that means **all** public schools. We do not believe the Kansas constitution would allow public schools, including charter schools, to operate outside the control of local school boards. Charter schools may hold some promise but they also hold many risks. Only by requiring the approval of local school boards can those risks be balanced. Let me examine those risks.

1. Diversion of funds. If a charter school is approved and attracts students who are not currently being served by public schools, the cost to the state will be increased. Given the current state of resources, we are deeply concerned that new funds would be diverted to charter schools instead of adequately funding the present school finance system. If, on the other hand, a charter school draws students away from public school districts, then those districts would be losing resources. In fact, those resources would be transferred away from school districts into charter schools which would be exempt from most school laws. The public school districts would have to continue to comply with all those laws - with less money. As Dr. Skillett said yesterday, this bill requires districts to provide transportation for charter school students without reimbursement, meaning it would both increase costs **and** reduce revenues. Another issue is the fact that S.B. 606 does not appear to limit the ability of charter schools to raise and spend revenue from sources other than student tuition, which means charter schools could spend more than public schools. The expenditures of public schools are, of course, controlled by the school finance system.

2. Diversion of staff. S.B. 606 requires districts to grant leaves of absence to any teacher requesting a move to the charter schools. In other words, a charter school could be formed over the objections of a local board, it could then recruit teachers from the public school district, it could potentially pay them more than the public school district (because its budget is not controlled and its salaries are not bound by negotiations) - and the public school district could not even hire a "permanent replacement" for five years.

3. Diversion of students and parents. S.B. 606 would not allow charter schools to discriminate in the admission of students, but in its present form these schools would not have to meet the basic duty of public school districts: to provide education for **every** resident student who desires one. We have deep concerns that S.B. 606 could result in the selective recruitment of students by charter schools. Conferees earlier this week spoke of another problem: charter schools can draw upon the most motivated of parents, and set requirements for parental participation.

For these reasons, we must respectfully disagree with the answer given yesterday to Sen. Harrington's question: "Will charter schools hurt or help all students in the public system?" Unless the impact of the proposed charter school is weighted by the local board, there is a very real chance that charter schools will favor some students at the expense of others.

This leads us to our final concern, to what is the great mystery of the charter school movement. If legislatures believes that deregulation and autonomy are the keys to school innovation and improvement, why limit this philosophy to charter schools? KASB has argued for years with very little success that school board powers should be broadened and that state regulations and mandates should be reduced. Given the reluctance of the legislature to do this for elected local school boards, how can we justify giving more autonomy than we even dared ask for to anyone who properly fills out the application to become a charter school?

If the Legislature wishes to encourage charter schools, there are several other courses you can take. First, you can address the problems presented in the current charter school act by the attorney general and the experience in Emporia. H.B. 2915 by Representative Lowther responds to many of those concerns. Second, you could list the specific laws you wish to exempt charter schools from in the current charter school law. Third, you could create incentives for the development of charter schools, such as start-ups grants and technical assistance. We believe that these steps would result in the appropriate development of innovative school programs in the public school system.

Thank you for your consideration.

CHIP GRAMKE
USD 259 SCHOOL BOARD
3351 ALL HALLOWS
WICHITA, KS 67217
PHONE 316-943-2688
FAX 316-945-6669

Sen. Lawrence and Members of the Committee,

Thank you for the time you are taking on this important matter of Charter Schools. I apologize for not being able to address you in person, but even with the huge salary of a School Board member I find I must work at making a living. I'm sure each of you can relate to that.

I am a School Board member who has only been in office for eight months. But in those eight months I have seen the highest positives and the lowest negatives. I am sure you get hours of testimony on the negatives so I will focus on the positives. The true success stories in education come when you empower parents and teachers. I'm sure that comes as no surprise to you, but I have seen this proven over and over again. That is why I am so excited about Charter Schools. I believe Charter Schools will give us the chance to see what can really happen when parents and teachers are really empowered. Contrary to what you may have heard, it does not take a whole village to raise a child. It does take loving parents with the freedom to do what is best for them. With Charter Schools we can witness what can happen without the educational bureaucracy. Please keep in mind when drafting regulations for Charter Schools that their benefits are the absence of bureaucracy.

As a local School Board Member I wholeheartedly support the formation of Charter Schools.

SENATE EDUCATION
2-21-96
ATTACHMENT 4