

Approved: _____

4/11
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by Chairperson Barbara Lawrence at 9:00 a.m. on March 18, 1998 in Room 123-S of the Capitol.

All members were present except: Senator Hensley

Committee staff present: Ben Barrett, Legislative Research Department
Carolyn Rampey, Legislative Research Department
Avis Swartzman, Revisor of Statutes
Jackie Breymeyer, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

The meeting was called to order by Chairperson Lawrence who called on the Revisor, Avis Swartzman, to go over **SB 160--charter schools**

The Revisor stated that the concept of the bill is that the state board of education may authorize the establishment of nonsectarian, outcomes-oriented, performance-based educational programs known as state charter schools. The purposes for authorizing the establishment of such schools is to ensure the schools would be non-profit. The primary purpose of the schools would be to provide parents and pupils with expanded options in choosing educational opportunities that are available within the state. Additional purposes are on the amendment. These are the purposes that are in the present charter school law, which law is repealed by this amendment.

The Revisor went back and forth between the bill and the balloon, stating the additional purposes for authorizing the establishment of state charter schools and the powers necessary to carry out its educational program. She stated that the petition for the establishment of a charter school shall be designed for inclusion of a description of the key elements of the charter under which the school shall be operated. The school must participate in the quality performance accreditation system unless a specific request documenting the reasons for deviation from the system. The Revisor stated the rest of the language was stricken as redundant because this provision is already a part of QPA. She read the new provision in the balloon that provides for the establishment of an advisory board and the makeup, compensation and duties of the board.

On page 4, line 15, the balloon amendment changes "the Kansas state school for the blind and the Kansas state school for"; in line 16, by striking "the deaf" and inserting "operation of unified school districts"; The Revisor stated that this will be so that the state board will take all the budgets of all the schools operating and will then submit a budget request as a separate line item. She then gave the reasons the state board of education could revoke a charter. She went through the old and inserted language dealing with transportation of students who are in charter schools and continued through the leave of absence language that deals with charter school employees. She also mentioned that the governing body of a charter school may purchase group life, health and accident insurance or health care services for employees of the school. A new section 8 in the bill would instruct the state department of education in conjunction with the state department of administration to publish annually a list of vacant and unused buildings and vacant and unused portions of buildings owned by the state or by school districts and that may be suitable for the operation of a state charter school. The state board shall also provide technical advice and assistance regarding the establishment and operation of a state charter school or petition preparation.

The Revisor ended with the provision that existing charter schools shall be controlled by the provisions of law in effect at the time of execution and approval, which laws are repealed by this act.

One of the committee asked the Revisor to explain the funding mechanism.

She replied that each charter school is required to set out its needs in the budget for operation of the school. That is submitted to the state board. The state board reviews the budget and submits it to the legislature. There would be a state appropriation from the state board. It is a submitted like many budget requests.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION, ROOM 123-S-Statehouse, at 9:00 a.m. on March 18, 1998.

The Revisor was asked if it would be possible for a charter school to have a higher budget than a regular school. She responded that this is why the budget language was added that would put it in line with unified school districts. She read from page 4, section 3 and the new language in the balloon and added the state board of education would have oversight and the legislative appropriation.

The question was asked if the employees from the school districts to the charter schools bring along any additional rights. The Revisor replied that they would stay on KPERS. As they are on leave of absence, one of the duties of the state board of education is to make sure the school is in compliance with federal law, so it would be assumed that the state board of education would make a determination if those laws would apply. When and if they return to the district, they would return with the same rights they had. As they are on leave of absence, they probably could be terminated and then return to the school district. The charter requires employment policies for qualifications.

A question was asked about special education. If someone needing special education services would join lottery for admission and be successful, how would services be provided to that individual. The response was that they could contract with a consortium or other special education entity.

A question regarding health insurance plan was posed and it was commented that those people would probably have to be placed under the state health insurance plan. The Revisor responded that those people on leave would stay on the district health plan. The charter school is given the authority to purchase group life, health and accident insurance through an HMO. She believes this would be handled by contract between the employee and the charting authority.

With regard to the negotiations process, the Revisor thinks that this would be handled by the charter and the charter is really the designing instrument; whatever the charter sets out as its operation and is granted approval by the state board, then those employees would enter into their employment contract under those conditions. Whatever the charter sets out, they would agree to.

In answer to a transportation question, the Revisor stated that the students are required to be bussed in the same manner as the non-public school students. There is no reimbursement.

The Revisor clarified that on line 25 after the word "system" the remainder of that paragraph was stricken because Scott Hill, liaison for the state board of education stated it would be redundant because that provision is already in QPA. The state board is already granting specific requests for deviation from QPA.

Eleanor Lowe, President of the MAINstream Coalition, distributed her testimony (Attachment 1) and stated that although the Coalition has no position in support or opposition to charter schools, it does oppose some of the specifics of the bill concerning the establishment and operation of charter schools in Kansas. The testimony stated that the coalition is concerned about the potential for using state tax dollars for sectarian purposes.

The comment was made to Ms. Lowe that the committee member doesn't see the state board coming in in the interests of sectarianism. The Chairperson added that these would in no way be sectarian schools. They would have to function as any other public school. Anything that they would be proposing would have to be in the charter. If the local school board saw anything with those probabilities, they would certainly comment on it. The schools will be examined on a yearly basis. She also added that this is a school district in itself because it is a state school. The chartering authority is the board.

The purpose of an advisory board was asked. The Revisor stated that it would serve as a buffer. The Chairperson stated the Board would have a lot of work to do with the proposals; they will also have oversight of operations. They would be the charter school 'experts' so to speak. The state board of education has several different advisory boards on different subjects. This is not out of the ordinary at all. Because of the work and its narrow focus, it would be a buffer. It has worked well in other communities.

The Chairperson stated the hearing on **SB 160** would continue Friday, with Sue Chase, Kansas NEA, Proponent and Mark Tallman, KASB, Opponent.

The next meeting is scheduled for March 19, 1998.

SENATE EDUCATION COMMITTEE GUEST LIST

DATE: March 18, 1998

NAME	REPRESENTING
Mark Tallman	KASB
Sue Chau	KNEA
Lynette Hill	Kansas Farm Bureau
Denise Ayst	USA
Jacque Oakes	SOE
Dorothy Rockefeller	LOWU
Esther Shert	Jo County
Jane Bornkessel	" "
Eleana Loue	Mainstream Coalition
ERIC HIRSCH	NCSL
Al Paradise	Self
Barbara Paradise	Self
Eunice Kennedy	Self
Kay Sherar	Self
GERALD HENDERSON	USA of KS
Andy Tompkins	KSAB
Jayne Willis	self
Ed Mg	Senate
Roger Toelkes	Senate
Diane Gjerstad	USD 259



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TESTIMONY BEFORE THE SENATE EDUCATION COMMITTEE MARCH 18, 1998

Senators, thank you for allowing me to speak to you today. I am Eleanor Lowe, President of the MAINstream Coalition, based in Johnson County.

The MAINstream Coalition is dedicated to preserving the traditional values of separation of church and state, freedom of religion and speech, pluralism, individual rights, the importance of the family, public education, and tolerance and compassion for all; Our purpose is to educate and inform citizens, elected and appointed public officials, and political candidates about issues and attempts to impose religious ideologies within our governmental units and public education systems.

Although we have no position in support or opposition to charter schools, we do oppose some of the specifics of SB 160 concerning the establishment and operation of charter schools in Kansas.

Given the political climate, we are concerned about the potential for sectarian interests to use charter schools for religious purposes. To propose that charter schools operate independently from local school districts and boards of education requires caution and careful thought. We feel that removing local boards from any jurisdiction over charter schools, and transferring oversight to the State Board of Education, invites the possibility of the State Board imposing something on a local district that they did not seek or want.

Even though the proposed legislation states that charter schools must be non-sectarian in their admission policies, this does not rule out the possibility that an existing sectarian private school, or group of parents with like-minded religious interests, could apply for a charter. We are frankly concerned about the potential for using state tax dollars for sectarian purposes.

Furthermore, we don't know the fiscal details on this proposed legislation, and the extent to which costs could detract and weaken any given districts' overall financial capabilities. Moreover, what is the projected budget request for legislative appropriations for state charter schools?

We believe that public education is the cornerstone of freedom and democracy, and that this means freedom of religion, as well as freedom from religion. This must remain the principle in our public education system. Public schools exist to teach all students regardless of their backgrounds or religious beliefs.

Senate Education
Attachment 1
3-18-98