

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Representative Ralph Tanner at 9:00 a.m. on February 21, 2000 in Room 313-S of the Capitol.

All members were present except: A quorum was present.

Committee staff present: Avis Swartzman, Revisor of Statutes
Ben Barrett, Legislative Research Department
Carolyn Rampey, Legislative Research Department
Renae Jefferies, Revisor of Statutes
Linda Taylor, Committee Secretary

Conferees appearing before the committee: Representative Bob Bethell
Mark Desetti, KNEA
Mark Tallman, KASB

Others attending: See Attached List

Representative Tanner informed the committee that **HB 2790 - School districts, instruction on human sexuality, provision of condoms** will not be heard today at the request of the sponsor of the bill, Representative Bruce Larkin.

Hearings on **HB 2460 - Schools and school districts, charter schools, appeals to state board of education, home rule** were opened.

Representative Bethell, Chairman of the Subcommittee on Charter Schools, presented a summary of the work done by the subcommittee on **HB 2460**. (Attachments 1, 2) He stated that the focal point of their deliberations in the subcommittee were two House bills, **HB 2460** and **HB 2461 - State charter schools**. The subcommittee used **HB 2460** as the vessel for its actions. He then detailed the changes recommended by the subcommittee. (Attachment 3)

Mark Desetti appeared before the committee as a proponent of **HB 2460**. (Attachment 4) He stated that KNEA agrees with the subcommittee's recommendation to delete the home rule provisions from **HB 2460**.

Mark Tallman also appeared before the committee as an opponent of the bill. (Attachment 5) He stated that the KASB has disagreements with several parts of the subcommittee's recommendations, particularly in the area of home rule. They also believe there should be no limit to the number of charter schools allowed in the state.

Hearings on **HB 2460** were closed.

HB 2913- Kansas opportunity scholarship research experiment

Representative O'Connor moved to amend HB 2913 by changing line 39, page 3 to read 'within one working day' instead of 'immediately.' Representative Faber seconded the motion. The motion passed.

Representative O'Connor moved to amend HB 2913 by eliminating all references to 'list of schools' in the bill. Representative Morrison seconded the motion. The motion passed.

Representative Morrison moved to pass HB 2913 out favorably as amended. Representative O'Connor seconded the motion. The motion failed.

Chairman Tanner announced that there will be a meeting of the committee on Tuesday, February 22 at 7:00 a.m. in addition to the regular 9:00 a.m. meeting.

The meeting was adjourned at 10:50 a.m.

February 9, 2000

**REPORT TO THE HOUSE COMMITTEE ON EDUCATION
BY HOUSE EDUCATION SUBCOMMITTEE
ON CHARTER SCHOOLS**

**Submitted by:
Representative Bob Bethell, Chairman
Representative John M. Faber
Representative Kathe Lloyd
Representative Daniel J. Thimesch
Representative Judy Showalter**

The Subcommittee met four times, including a visit to the Basehor-Linwood school district (USD 458) to view that district's virtual charter school

While the Subcommittee took notice of HB 2460, HB 2461, SB 155, and SB 294, all pertaining to charter schools, the focal point of deliberations was the two House bills—HB 2460 (appeal provision in the current charter school law and home rule for school districts) and HB 2461 (state charter schools). The Subcommittee received testimony from the Kansas National Education Association, Kansas Association of School Boards, and patrons of St. Joe Ost elementary school in the Renwick school district (USD 267). State Department of Education staff presented information regarding the 15 charter schools currently in operation and the federal funding that is available to assist in the initiation of charter schools. State Department of Education staff noted that, due to the cap on the number of charter schools the State Board of Education may approve (15), Kansas school districts will not, in the future, be able to qualify for federal funds to assist in initiating charter schools as the funding is for start-up costs and not ongoing operations.

During the course of its deliberations, the Subcommittee used HB 2460 as the vessel for its actions. As introduced, HB 2460 contained the following provisions:

- The charter school law would be amended so as to establish conditions under which the State Board of Education may overrule a local board of education's denial of a charter school application, the board's denial of a charter renewal, or its revocation of a charter. There is no such provision in the current law.
- "Home rule" powers would be conferred on school district boards of education.

The Subcommittee's recommendations propose specific changes in the charter school law and remove the school district home rule issue from the bill. A summary of proposed changes to the charter school law follows:

House Education
2-21-00
Attachment 1

- **Appeal to the State Board of Education to Overrule a Local School Board's Denial of a Charter School Petition, Denial of Renewal of a Charter, or Revocation of a Charter.** If a school board denies a petition to establish or continue a charter school because the petition is not satisfactory or the school does not qualify for establishment or continuation, and the board does not offer suggestions for improvement of the petition or qualification of the school and permit a revised petition to be submitted, the petitioner may appeal to the State Board of Education. This appeal must be made within 30 days of receipt of the local board's decision. The State Board will hear the appeal and render its decision within 60 days after its hearing. If the State Board finds that the petition reflects a clear understanding of the cause of low pupil performance; identifies specific solutions, including a staff development plan; contains an appropriate evaluation plan; and that the board's denial of the petition was contrary to the best interests of the pupils, school district, or community, the State Board will order the school district board to approve the charter school. (This provision in HB 2460, as introduced, was not changed.)
- The cap on the number of charter schools that may be approved by the State Board of Education (currently 15) would be removed. (Added by the Subcommittee.)
- The limitation on the term of a charter is increased from three years to five years. (Added by the Subcommittee.)

The Subcommittee recommends that the House Education Committee adopt the Subcommittee's proposed amendments to HB 2460 and that the bill, as amended, be reported favorably for consideration by the House of Representatives.

Charter Schools Legislation

KEY:

Active: Relates to programs, not policy.

Became Law Without Governor's Signature

Died: Not approved by the legislature.

Passed: Regulation approved by the state board, legislative resolution approved by one or both houses, or ballot initiative approved by voters.

Proposed: Initiated by governor, legislative body or other entity such as the state board of education, but not enacted.

Signed by Governor: Legislation has been enacted into law.

Vetoed: Vetoed by the governor.

Veto overridden: Legislature has overridden Governor's veto.

NOTE: Summaries provided by *StateNet* or *Lexis-Nexis* reflect the content of bills as introduced and may not reflect changes made during the legislative process.

STATE	STATUS	SUMMARY
AR	Signed by governor Apr-99	Authorizes school districts to finance facilities to share under a compact for charter schools, alternative educational programs, secondary area vocational centers and community-based education. Title: S.B. 788 Authorizes Districts to Finance Facilities to Share Source: <i>Lexis-Nexis/StateNet</i>
AZ	Signed by governor Apr-99	Allows charter schools to refuse admission to a pupil who has been expelled or is being expelled from another school. Title: H.B. 2293 Charter School Admissions Source: <i>Lexis-Nexis/StateNet</i>
AZ	Signed by governor May-98	Relates to educational services to be provided to charter schools upon request; states that a county school superintendent may provide the same educational services to a charter school, if the school asks for them, as required by law for an accomodation school; states a superintendent can change a fee to recover costs incurred for services given to the charter school. Title: H.B. 2275 Source: <i>Information for Public Affairs, Inc.</i>
CA	Signed by governor Oct-99	Chapter No.736, Deletes a continuous appropriation, and would delete references to specific items of appropriation, as they pertain to federal Public Charter School Program grant funds, and would require funds appropriated to the Charter School Revolving Loan Fund remain available for the purposes of the fund until reappropriated or reverted by the Legislature through the Budget Act or any other act. Title: S.B. 267 Funding for Charter Schools Source: <i>Lexis-Nexis/StateNet</i>
CA	Vetoed Oct-99	Extends the expiration date for charter schools that serve at-risk pupils and operate under a charter approved before 6/1/97, in the County of Los Angeles to 6/30/2005. Authorizes specified charter schools may be funded for not more than 2,000 units of average daily attendance in any fiscal year, to the extent funding is appropriated therefor, as if it were a community day school operated by a county. Title: A.B. 312 Charter School Amendments Source: <i>Lexis-Nexis/StateNet</i>
CA	Signed by governor	Chapter No.828, Requires that provisions of existing law related to collective bargaining in public education employment apply to charter

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	Oct-99	<p>schools, thereby imposing a state-mandated local program; requires the charter school charter to declare whether the charter school is the exclusive public school employer of the employees of the charter school for this purpose.</p> <p>Title: A.B. 631 Collective Bargaining in Charter Schools Source: <i>Lexis-Nexis/StateNet</i></p>
CA	Signed by governor Jul-99	<p>Requires a charter school to offer, at a minimum, a specified number of minutes of instruction for the appropriate age levels, and to maintain written contemporaneous records that document all pupil attendance and to make these records available for audit and inspection. Requires a charter school to certify that its pupils have participated in the state testing programs in the same manner as other pupils attending public schools as a condition of apportionment of state funding.</p> <p>Title: S.B. 434 Charter School Accountability Source: <i>Lexis-Nexis/StateNet</i></p>
CA	Signed by governor May-98	<p>Authorizes 250 charters to operate in 1998-99 and 100 new charters in subsequent years. Requires a charter to elect whether to operate as an entity of the district or as a nonprofit public benefit corporation. Allows new or existing schools to become charters if enough parents or teachers sign a petition. Requires petitioners to provide financial statements. Tightens requirements for charter school teachers. Requires boards to hold a hearing and make written factual findings before denying charter petitions.</p> <p>Title: A.B. 544 Source: <i>ED CAL</i></p>
CO	Signed by governor Jun-99	<p>Authorizes a Charter school to create and operate on-line programs either by itself or in conjunction with other charter schools, school districts, or boards of cooperative services; defines "on-line program;" requires that the creation and operation of an on-line program by a charter school shall be pursuant to all requirements under the charter school act.</p> <p>Title: S.B. 52 Authorizes Charter Schools to Operate On-Line Programs Source: <i>Lexis-Nexis/StateNet</i></p>
CO	Died Apr-99	<p>Creates a state charter school district, the boundaries of which shall be coterminous with the state boundaries. Identifies the state board of education as the board of education for the state charter school district. Specifies that the state charter school district shall include only charter schools approved by the state board of education, in its capacity as the board of education for the state charter school district. Specifies the duties and powers of the board of education for the state charter school district. Specifies the requirements and procedures for obtaining approval of a state charter school, comparable to existing requirements and procedures for charter schools. Directs that each charter school shall annually receive funding from the state in the amount of state average per pupil revenues multiplied by the pupil enrollment for the state charter school.</p> <p>Title: S.B. 100 Charter Schools Creates State Charter School District Source: <i>Lexis-Nexis/StateNet</i></p>
CO	Signed by governor Mar-99	<p>Allows the school district to retain up to 5% of district per pupil revenues in payment for the charter school's share of central administrative overhead costs; defines "district per pupil revenues" as the district's total program for any budget year, divided by the district's funded pupil count for that budget</p>

STATE	STATUS	SUMMARY
		<p>year; specifies that the charter school may contract with the school district to purchase support services in addition to those included in central administrative overhead.</p> <p>Title: H.B. 1113 Charter School Revenue Source: <i>Lexis-Nexis/StateNet</i></p>
CO	Died Jun-98	<p>Concerns the provision of alternative chartering authority for charter schools. (Current Status: Postponed indefinitely, 2/11/98)</p> <p>Title: H.B. 1298 Charter Schools Source: <i>Lexis-Nexis/StateNet</i></p>
CO	Signed by governor Apr-98	<p>Repeals the provision that would otherwise repeal the "Charter Schools Act" on July 1, 1998.</p> <p>Title: S.B. 63 Charters Schools Act Source: <i>Lexis-Nexis/StateNet</i></p>
CT	Signed by governor Jun-99	<p>Makes changes in the Interdistrict Public School Choice Program and in laws governing State and local charter schools, lighthouse schools and interdistrict magnet schools; provides for funding for school transportation for these schools.</p> <p>Title: H.B. 6950 Interdistrict Public School Choice Program Source: <i>Lexis-Nexis/StateNet</i></p>
CT	Signed by governor Jun-97	<p>Section 1. (New) Each local and regional board of education shall provide an opportunity for the recruitment of students by regional vocational-technical schools, regional vocational agricultural centers, interdistrict magnet schools, charter schools and interdistrict student attendance programs, provided such recruitment is not for the purpose of interscholastic athletic competition.</p> <p>Title: S.B. 1033 Recruitment of Students (Public Act No. 97-39) Source: <i>Lexis-Nexis/StateNet</i></p>
DE	Signed by governor Jul-99	<p>Clarifies certain provisions in law regarding charter schools; provides for compliance with special education provisions; clarifies language in regard to student admissions; clarifies 90 days to 90 working days in language regarding the review of charter applications by the Department of Education.</p> <p>Title: S.B. 100 Clarifies Charter School Provisions Source: <i>Lexis-Nexis/StateNet</i></p>
DE	Signed by governor Jul-98	<p>Allows the siblings of children chosen to attend or attending charter schools preference in enrollment; corrects the current situation, which allows sibling preference for choice in district schools but not charter schools.</p> <p>Title: S.B. 382 Source: <i>Information for Public Affairs, Inc.</i></p>
FL	Signed by governor Jun-99	<p>Revises date through which district school board must receive charter school applications; authorizes charter schools to be sponsored by municipalities or other public entities; prohibits charter school from hiring certain persons who have resigned or who have been dismissed for good cause; requires school districts to report numbers of students attending various types of public schools according to rules of State Board of Education.</p>

STATE	STATUS	SUMMARY
		<p>Title: H.B. 2147 Charter School Administration Source: <i>Lexis-Nexis/StateNet</i></p>
FL	Died Apr-99	<p>Provides date for district school boards to receive charter school applications; provides for Charter School Review Panel; authorizes municipal-sponsored charter schools to give enrollment preference to students residing within limits of sponsoring municipality; prohibits charter school from hiring certain persons who have resigned or have been dismissed for good cause.</p> <p>Title: S.B. 2434 Charter Schools Source: <i>Lexis-Nexis/StateNet</i></p>
GA	Signed by governor May-98	<p>This bill enacts the Charter Schools Act of 1998, which expands the current charter school law to allow for petition for charter school status by an existing local school or parties other than a local school (i.e. existing local public school, a private individual, a private organization or a state or local public entity). A charter petitioner cannot be a home study program or school, a sectarian school, a religious school, a private-for-profit school, a private educational institution not established, operated or governed by the State of Georgia or an existing private school.</p> <p>Title: H.B. 353 Charter Schools Act of 1998 Source: <i>Professional Assn. of Georgia Educators</i></p>
HI	Signed by governor May-99	<p>Increases the flexibility and autonomy in public schools designated as new century charter schools. Allows up to a maximum of 25 schools, either existing or a new school comprised of programs from existing schools, to be established as a new century charter school. Requires plan for identifying, recruiting, and selecting students to ensure that student participation is not exclusive, elitist or segregationist. Requires open public meetings. Requires a plan for assessing student performance that is accountable to the general public. Requires facilities management plan to be consistent with the state facilities plan. Requires a plan to hold the school, its faculty, and staff accountable in an equivalent manner as other public schools. Requires Governor, Superintendent and Board of Education to issue a charter to the new century charter school provided the implementation plan, which will be converted to a written performance contract between the school and the BOE. Requires Legislative Auditor to determine the general fund allocation based on the total department general fund appropriation and per pupil expenditure in the previous year. Provides for state subsidy or allotment to augment the per pupil allocation for small schools. Requires annual self-evaluations and independent evaluations of each school every four years.</p> <p>Title: S.B. 1501 Requirements for New Century Charter Schools Source: <i>Hawaii Governor's Office</i></p>
HI	Signed by governor Jul-98	<p>Makes amendments to add two new sections on a mandate for the support and administrative supervision of student-centered schools; clarifies the legal responsibility and liability of the board of education, clarifies the funding formula, and delays review of schools.</p> <p>Title: H.B. 2680 Student-Centered Schools Source: <i>Lexis-Nexis/StateNet</i></p>
ID	Signed by governor Mar-99	<p>Clarifies provisions of public charter school law relating to accreditation status, exemption from payment of sales and use tax, qualifications of students for attendance at charter alternative school, date on which</p>

STATE	STATUS	SUMMARY
		<p>unused charter school allotments are available for random assignment, computing per-student financial support, provisions of state rules from which there is no exemption and review of petitions by the State Department of Education.</p> <p>Title: H.B. 310 Clarifies Public Charter School Law Source: <i>Lexis-Nexis/StateNet</i></p>
ID	Signed by governor Mar-99	<p>Amends existing law to allow students attending a public charter school to participate in public school programs under the dual enrollment provisions of law.</p> <p>Title: H.B. 186 Participation in Public School Programs Source: <i>Lexis-Nexis/StateNet</i></p>
ID	Signed by governor Jun-98	<p>Current public schools can convert to charter school status or private groups can establish schools. The legislation also spells out some limitations for charter schools. Some of those include: Shall be nonsectarian or nonreligious. No charter will be granted which authorizes the conversion of any private or parochial school to a charter school; Cannot charge tuition, levy taxes or issue bonds; Shall not discriminate against any student on any basis prohibited by federal, state or local laws or constitutions; No school district employee can be involuntarily assigned to work in a charter school; No board of trustees shall require any student enrolled in the school district to attend a charter school; No school district may be converted to a charter district. The legislation allows for 60 schools to be established in the first five years with only one charter school allowed in a school district. Each year, 12 schools - two in each of the state's six regions - may be approved. Charter schools must apply to school boards in their districts. There is an appeal process setup in the legislation. Funding - State education dollars would transfer with students leaving a school for a charter school. The charter school would not operate under the same restrictions as to how to spend the funds. In addition to the state dollars, charter schools could not receive funds for special education, alternative schools and transportation.</p> <p>Title: Charter School Legislation Source:</p>
ID	Signed by governor Mar-98	<p>Provides authorization for the establishment of public charter schools; addresses state financial support; describes application of school law, accountability and exemption from the state rules.</p> <p>Title: H.B. 517 Public Charter Schools Source: <i>Lexis-Nexis/StateNet</i></p>
IL	Signed by governor Jun-99	<p>Provides that when the maximum number of charter schools for a region has been reached, the number of charter schools authorized to operate at any one time in that region shall be increased by 15, with further increases when the new maximum numbers have been reached but with no more than 15 new charter schools being authorized per region, per year; sets other provisions.</p> <p>Title: S.B. 648 Regulates Number of Charter Schools Source: <i>Lexis-Nexis/StateNet</i></p>
IL	Signed by governor May-99	<p>Removes required report projecting secondary special education exit numbers; changes computation for reimbursement for gifted children and transportation so valuation for school district is computed in same manner as for apportionment of general state financial aid; provides charter</p>

STATE	STATUS	SUMMARY
		<p>schools maintain accurate attendance records if chartered by State Board Sufficient to file claims under provisions concerning the basis for apportionment of general State aid.</p> <p>Title: S.B. 291 Charter School Finance Source: <i>Lexis-Nexis/StateNet</i></p>
IL	Proposed Feb-99	<p>Provides that a certified individual employed by a charter school in an instructional position must hold an Initial or Standard Teaching Certificate.</p> <p>Title: H.B. 882 Charter Schools Law Certification Requirements in Charter Schools Source: <i>Lexis-Nexis/StateNet</i></p>
IL	Signed by governor Aug-98	<p>Provides that local school board is not responsible for the repayment of the loan to a charter school for start-up costs.</p> <p>Title: H.B. 2844 Charter School Finance Source: <i>Lexis-Nexis/StateNet</i></p>
IN	Died Jun-99	<p>Allows a sponsor to issue a charter to an organizer to establish a charter school; provides that a decision concerning the establishment of a charter school may not be restrained by a collective bargaining agreement; requires that 100% of the teachers in a charter school to hold a license to teach in a public school; requires a nonlicensed individual hired to teach in a chartered school possess certain qualifications.</p> <p>Title: S.B. 481 Charter School Requirements Source: <i>Lexis-Nexis/StateNet</i></p>
LA	Signed by governor Jul-99	<p>Authorizes an existing school with a special mission to become a charter school without altering its mission.</p> <p>Title: S.B. 170 Existing Schools Becoming Charter Schools Source: <i>Lexis-Nexis/StateNet</i></p>
LA	Signed by governor Jul-99	<p>Provides for part-time students and associated fundings; provides for attendance by students outside the parish; provides for new charter schools to get five years of facility funding.</p> <p>Title: S.B. 546 Charter School Finance Source: <i>Lexis-Nexis/StateNet</i></p>
LA	Signed by governor Jul-99	<p>Amends the Charter School Demonstration Programs Law; provides purposes, definitions, local school board duties, chartering process, charter terms, charter operations, charter renewal length, pupil admission requirements, charter contents, charter school employees, assets, property, and funding; provides for the application of certain laws; provides relative to charter school loans.</p> <p>Title: S.B. 554 Revisions to Charter School Law Source: <i>Lexis-Nexis/StateNet</i></p>
LA	Signed by governor May-99	<p>Amends law regarding charter school demonstration programs; provides for the purpose of the charter school law; provides a definition of a type 2 charter school; provides for duties of local school boards; provides relative to conversions of preexisting public schools; to repeal certain provisions relating to proposals for a type 3 charter school.</p> <p>Title: H.B. 2014 Charter Schools Source: <i>Lexis-Nexis/StateNet</i></p>

STATE	STATUS	SUMMARY
MD	Died Apr-99	<p>Authorizes the county boards of education to be chartering authorities for public charter schools in the State; establishes the procedures for establishing public charter schools; requires the State Board of Education to report to the General Assembly on the progress of public charter schools; relates to the establishment of public charter schools.</p> <p>Title: H.B. 116 Authorizes County Boards as Chartering Authorities Source: <i>Lexis-Nexis/StateNet</i></p>
MD	Signed by governor May-98	<p>Establishes a Public Charter School Program; provides requirements and criteria for the establishment of a public charter school; specifies the procedure under which a county board of education may grant a charter for the creation of a public charter school; provides for the creation, operation, governance, and personnel policies of public charter school; provides for certain admissions guidelines for public charter schools.</p> <p>Title: H.B. 999 Source: <i>Lexis-Nexis/StateNet</i></p>
MN	Signed by governor Jun-97	<p>Charter school provisions (removes the cap of 40 schools; \$50,000 start-up grants for charters are made available; separate grants are available to help repair facilities; private colleges can now serve as sponsors); requires that, beginning with the 1998/99 school year, school district calendars must be three days longer than the number of days of student instruction adopted by the district at the beginning of the 1996/97 school year, the first year without a minimum number of days; based on the results of a standardized eight-grade test, postsecondary institutions which determine that students are not prepared for college level courses, and need remedial courses, are allowed to "bill-back" the fees necessary to provide those courses to the school district which graduated the student, unless the high school can show the student did meet basic skill requirements; nonpublic school students are now eligible for the Postsecondary Enrollment Options program through their nonpublic school; TAX CREDITS AND DEDUCTIONS: Current maximum tax deduction for each dependent in grades 7-12 increases from \$1,000 to \$2,500 and from \$650 to \$1,625 for dependents in grades K-6. Deductions are allowed for currently deductible expenses (tuition, fees, nonreligious textbooks and instructional materials, and transportation expenses paid to others) as well as for academic summer school and summer camps, tutoring, and personal computer hardware and educational software, with a limit of \$200 for computer hardware and software. The existing working family credit increases from 15 to 25 percent of the federal earned income credit for families with qualifying children. The maximum credit for a family with one child increases from \$332 to \$553. For a family with two or more children, the maximum credit increases from \$548 to \$914. A new credit is created for education-related expenses for families with gross income less than \$33,500 per year. Creditable expenses are the same as deductible expenses, with the exception of private school tuition or fees, which are not creditable.</p> <p>Title: H.B. 1 & S.B. 1 Source: <i>Lexis-Nexis</i></p>
NC	Signed by governor Apr-99	<p>Implements a recommendation of the Joint Legislative Education Oversight Committee to direct the State Board of Education to extend its review and evaluation of charter schools.</p> <p>Title: H.B. 216 Directs State Board of Education to Extent Review of</p>

STATE	STATUS	SUMMARY
		Charter Schools Source: <i>Lexis-Nexis/StateNet</i>
NH	Signed by governor Jun-99	Amends the warrant article provision for the approval of a charter school to include language authorizing voters to raise and appropriate the funds necessary to ratify the charter school contract; requires fiscal audits to be performed by an independent certified public accountant; clarifies the duty of the local school boards in evaluating the initial charter school application; extends the time period for a charter school to begin operations. Title: S.B. 152 Approval of Charter Schools Source: <i>Lexis-Nexis/StateNet</i>
NH	Signed by governor Jun-98	Amends the Charter School Law by adding statutory "hold harmless" language; revises the method used to determine the average cost per pupil; removes the requirement that charter school boards of trustees solicit advice from the school board. Title: H.B. 1501 Charter Schools Source: <i>Lexis-Nexis/StateNet</i>
NM	Signed by governor Apr-99	Enacts the 1999 Charter School Act; provides for the establishment and operation of charter schools. Title: S.B. 192 1999 Charter Schools Act Source: <i>Lexis-Nexis/StateNet</i>
NM	Signed by governor Apr-99	Establishes a pilot program for the creation of Charter School Districts. Title: H.B. 458 Establishes a Charter School District Pilot Program Source: <i>Lexis-Nexis/StateNet</i>
NV	Signed by governor Jun-99	Revises provisions governing charter schools and makes various changes to public education. Title: A.B. 348 Revises Charter School Laws Source: <i>Lexis-Nexis/StateNet</i>
NY	Signed by governor Dec-98	Enacts the New York Charter Schools Act of 1998; establishes the Charter School Stimulus Fund. Title: S.B. 7881 Charter Schools Act of 1998 Source: <i>Lexis-Nexis/StateNet</i>
OH	Signed by governor Jun-99	Changes various aspects of the Ohio charter school ("community school") legislation. Title: H.B. 282 Revises Charter School Law Source: <i>Lexis-Nexis/StateNet</i>
OH	Died Jun-97	Authorizes the creation of community schools. Title: H.B. 489 Source: <i>Lexis-Nexis</i>
OR	Signed by governor May-99	Establishes process for creation of public charter schools; allows public charter school to be created from existing public school; prohibits conversion of private schools; requires approval of school district board in which charter school is to be located, or approval of State Board of Education; requires annual review of charter school, including annual audit; allows sponsor to terminate charter.

STATE	STATUS	SUMMARY
		Title: S.B. 100 Establishes Process to Create Public Charter Schools Source: <i>Lexis-Nexis/StateNet</i>
RI	Signed by governor Jul-98	Amends charter public schools act by providing further details as to how a charter public school shall be established and operated. Title: H.B. 7363 Source: <i>Information for Public Affairs, Inc.</i>
TX	Signed by governor Jun-97	Legislation affecting K-12 education expands the charter school law adopted in 1995 that authorized 20 open-enrollment charters. Up to 100 new open-enrollment charters can be granted by the state board of education for schools that adopt a policy providing for administration of students transferring from low-performing schools. Additional charters can be granted if 75 percent of the prospective students have dropped out of school or are at risk of dropping out. Title: Budget Source: <i>SREB Legislative Report</i>
UT	Signed by governor Mar-98	Relates to schools for 21st century; provides for a three-year schools for the 21st Century Program of Continuous Improvement; provides requirements for participation in the program; requires an action plan; provides for the selection of participants; provides for funding and incentive awards; provides a \$2,000,000 appropriation; provides for the creation of up to eight charter schools as a component of schools for the 21st century; provides for a chartering process. Title: H.B. 145 21st Century Program Source: <i>Lexis-Nexis/StateNet</i>
VA	Signed by governor Mar-99	Authorizes the establishment of regional charter schools, i.e., joint with 2 or more participating school boards; provides that the school boards operating the regional charter school shall determine the school division to which the regional school will be attributed for purposes of any restrictions on the number of charter schools. Title: H.B. 1577 Establishes Regional Charter Schools Source: <i>Lexis-Nexis/StateNet</i>
VA	Signed by governor May-98	Establishes a mechanism for developing and operating charter schools; defines as public schools, dedicated to providing elementary or secondary education; authorizes the Local School Board to operate with flexibility and a waiver of regulations from the Board of Education; states that local School Boards make the final decisions on how many, approval, renewal, and revocation of the charters, establishes the term be no more than 3 years; various provisions and procedures. Title: S.B. 318 Source: <i>Information for Public Affairs, Inc.</i>
VA	Signed by governor Apr-98	Authorizes establishment of charter schools in Virginia. Title: H.B. 543 Source: <i>Lexis-Nexis/StateNet</i>
WI	Signed by governor Jun-98	Relates to charter schools; relates to school districts; relates to librarians and contracting; prohibits contracts that would result in the conversion of a private, sectarian school to a charter school. Title: A.B. 631

STATE	STATUS	SUMMARY
		Source: <i>Information for Public Affairs, Inc.</i>

Proposed Committee Report on House Bill No. 2460

On page 1, following the enacting clause, by inserting a new section as follows:

"Section 1. K.S.A. 1999 Supp. 72-1904 is hereby amended to read as follows: 72-1904. (a) The board of education of any school district may authorize the establishment of a nonsectarian, outcomes-oriented educational program, hereinafter referred to as a charter school, as a means of providing new opportunities for:

(a) (1) Improved pupil learning;

(b) (2) increased learning opportunities for pupils in special areas of emphasis in accord with themes established for charter schools;

(c) (3) creative and unconventional instructional techniques and structures;

(d) (4) new professional vistas for teachers who operate such schools or who choose to work in them; and

(e) (5) freedom from conventional program constraints and mandates.

(b) No school district may operate more than two charter schools in any school year."

Also on page 1, in line 17, by striking "Section 1" and inserting "Sec. 2"; also in line 17, by striking "1998" and inserting "1999";

On page 2, in line 19, by striking the comma and inserting "and"; in line 20, by striking ", and statutory requirements";

On page 3, in line 13, by striking "If"; by striking all of lines 14 through 18; in line 19, by striking all before "The";

On page 4, in line 19, by striking "2" and inserting "3"; also in line 19, by striking "1998" and inserting "1999"; in line 23, by striking "three" and inserting "five"; in line 25, by striking "three-year" and inserting "five-year"; in line 34, by striking "provisions of law" and inserting "rules and regulations of the state board of education"; in line 35, by striking "of

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education";

On page 5, in line 5, by striking "1998" and inserting "1999"; by striking all of lines 8 through 43;

On page 6, by striking all of lines 1 through 43;

On page 7, by striking line 1; in line 2, by striking "72-8205 and K.S.A. 1998" and inserting "1999"; also in line 2, after "Supp.", by inserting "72-1904, 72-1905,";

In the title, in line 9, after "concerning", by inserting "charter"; also in line 9, by striking "and school districts"; also in line 9, after the semicolon, by inserting "rescinding the limitation on the number of charter schools being operated in the state;"; in line 11, by striking "confer-"; in line 12, by striking all before "amending"; in line 13, by striking "72-8205 and K.S.A. 1998" and inserting "1999"; also in line 13, after "Supp.", by inserting "72-1904,"; in line 14, after "sections", by inserting "; also repealing K.S.A. 1999 Supp. 72-1905"



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

Mark Desetti Testimony
House Committee on Education
Monday, February 21, 2000

Mr. Chairman, members of the committee, thank you for the opportunity to speak with you today on House Bill 2460. My name is Mark Desetti and I represent the Kansas NEA.

The impetus behind House Bill 2460 is to provide an applicant for charter status the opportunity to plead the case before an impartial board. Long advocates of due process and impartiality, Kansas NEA supports the intent in this bill.

Given the petition requirements for creating a charter school, it is hard to conceive of a situation where a local school board would deny a petition. Included in the petition are a description of the proposed program, support and interest on the part of employees, parents, and the community, student goals with measurable outcomes, and a plan for measuring, evaluating and reporting the success or lack of success of the charter school. The school remains under the control of the local school board which can demand and review reports and, if necessary, refuse to renew the charter.

Some legislators believe school boards might make decisions based on motives other than improving teaching and learning. Since an appeal to the same board that denied the petition is not likely to result in that board changing its mind, the appeals process described in House Bill 2460 is a good idea. It does not allow a petitioner to appeal to the State Board of Education simply on the basis of the denial. An appeal to the State Board is allowed only if, after denying the petition, the board does not offer suggestions for improvement or permit a revised petition to be submitted. To safeguard the local board, their decision can only be overturned if the State Board finds that the decision to deny the petition was "contrary to the best interests of the pupils, school district, or community."

There is one inconsistency in the bill that I believe was simply an oversight. On lines 1, 10, and 16 of page four, the words "statutory provisions" have been struck. This is clearly to bring the statute into line with Attorney General Opinion number 95-117. However, on line 20 of page two, the same words have not been struck. Given the Attorney General's opinion, the charter petition should not list statutory requirements from which waivers are being sought since such waivers would be unconstitutional.

We agree with the subcommittee's recommendation to delete the home rule provisions from HB 2460. That was indeed an "unusual marriage" and discussions on charter schools should not be weighed down with a provision designed to force one group to set aside objections to the appeals process. Both concepts can be considered on their own merit.

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TO: House Committee on Education
FROM: Mark Tallman, Assistant Executive Director for Advocacy, KASB
(Also representing United School Administrators)
DATE: February 21, 2000

RE: **H.B. 2460 – Charter Schools and School Board Home Rule**

KASB appreciates the opportunity to comment on H.B. 2460 and your subcommittee's recommendations on this bill. As introduced, H.B. 2460 addresses two concepts: charter schools and school board home rule or local control. Both of these matters are among KASB's highest priorities for the year. However, we respectfully disagree with the recommendations of the subcommittee in several areas. I hope you will consider our positions before taking final action on this measure.

Governance: the Role of the Local School Board

The subcommittee endorses the provisions of H.B. 2460 that would allow a proposed charter school to appeal to the State Board of Education if a local board does not give its approval. The State Board can only override the local board in certain limited circumstances. However, we still oppose this provision.

The people of Kansas have clearly spoken on this issue. The Kansas constitution requires that public schools be maintained, developed and operated by locally elected boards. Allowing any other body to establish or approve charter schools is unconstitutional. It also violates the principle of local control: that the people of each community – not the state – should determine how the schools in that community are operated. The local school board is elected to make those decisions on behalf of the community. The local board is accountable to the people, is readily accessible and can be removed by local voters. The State Board is not accountable to a local community.

Should there be an appeal process if a local board rejects a charter school? Yes. We hold school board elections every two years.

The state constitution gives the State Board authority for "general supervision" of public education. It exercises this authority through school accreditation, and should supervise charter schools in the same way it supervises all public schools. KASB believes that accreditation should be based on improvement in student academic performance. Charter schools should be a tool available to help local school districts improve school performance for all children, not a separate system that helps only some children.

Regulation: Charter School and State Law

Because of the working of the current law, the Attorney General has ruled that charter schools are bound by all state statutes that apply to other public schools. That means there is no real advantage to being a charter school other than receiving grant money. (Charter schools are able to apply to the State Board for waivers of board regulations, not statutes, but any school accredited by the State Board can apply to the board for a waiver.) The subcommittee recommendations do not appear to address this limitation.

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Charter schools should be given a clear exemption from state education laws, except for requirements of equal access (including special education requirements), non-discrimination, health and safety requirements and a prohibition on charging tuition and religious instruction. This exemption is contained in S.B. 155, which was introduced in the Senate at KASB's request.

Number of Schools Authorized

Current law only allows a total of 15 charter schools. All slots are taken. KASB does not believe that there should be any limits on the number of charter schools local boards may authorize.

Charter School Development and Support

One of the major limitations of the charter school movement in Kansas is the lack of technical support and encouragement. If the Legislature wants to encourage the development of charter schools (after it increases the number authorized) it should provide incentives. For example, Legislature has effectively used Parents as Teachers, the Educational Excellence Grant program and the Structured Mentoring Grant program to encourage innovation and spur new programs.

School Board Home Rule

School board home rule is contained H.B. 2460, as well as in H.B. 2181, which was introduced last year at KASB's request. Also called "local control" power, these bills would give school boards authority to take any action consistent with their constitutional duties that is not prohibited or limited by state or federal law. Currently, school boards may only take action specifically authorized by state law. Unlike school boards, cities and counties have home rule authority.

School board home rule is a top priority for KASB, and we believe it should be considered in any discussion of charter schools. The idea behind charter schools is to allow greater innovation and experimentation within the public school system. This is precisely the reason for school board home rule. If the Legislature supports strengthening charter schools, why should it continue to limit the authority of local boards?

Home rule legislation has twice passed the Kansas Senate. In 1998, it passed on a vote of 39-0. In fact, the Senate Education Committee is today holding hearings on S.B. 552, which contains the same home rule provisions contained in H.B. 2460. If the committee passes this bill, we urge you to include this language. If not, you will be sending the message that the only limitation on educational innovation is the local school board.

Conclusion

There has been much discussion in this committee in recent weeks about having the courage to try to new things. You have heard testimony on legislation that would empower students, teachers and parents. You have been asked to take some risks to see if new approaches might be better for the children of Kansas. Depending on the outcome these bills, local schools will share in these risks.

We ask you today to have the courage to trust your fellow elected officials who serve on local school boards, local boards where several of you have also served. We ask you to give school board home rule a chance.