

Approved: 3-28-2000
Date

MINUTES OF THE SENATE EDUCATION COMMITTEE.

The meeting was called to order by Chairperson Senate Barbara Lawrence at 9:00 a.m. on March 21, 2000 in Room 123S of the Capitol.

All members were present except:

Committee staff present: Avis Swartzman, Revisor
Ben Barrett, Legislative Services
Jackie Breymeyer, Committee Secretary

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

Others attending: See Attached List

The Chairperson called the meeting to order and stated the agenda was a continuation of:
Senate Substitute for House Bill 2357 - charter schools

Mark Tallman, KASB, presented his testimony (attachment 1) and stated that his association supports the increase in the number of charter schools allowed in Kansas. It supports broadening the authority of charter schools to operate outside the limitations of many state statutes and believes that good public policy and the state constitution require that local school boards approve the establishment or continuation of charter schools. He pointed out that under the Attorney General's opinion, charter schools cannot do anything legally outside the framework of other public schools. Of the 15 charter schools now operating, 8 are alternative schools; 7 of the 15 do not fall into that category. Of the 2 schools waiting for approval, neither of those are alternative schools. Of the 10 schools that applied for funding grants that did not get funding for the first round of federal dollars, half of those were for alternative type schools and half were not.

Mr. Tallman stated he wanted to mention the issue of whether there should be an appeal to a local school board's decision or some alternative mechanism to create charter schools. It is the association's belief that the decision should be made by the local board. Part of this is underscored by the Constitution. The people of Kansas in 1966 said that public schools should be in control of locally elected boards. Whether constitutional or not, that decision is then being made by the people closest to the situation. It would be hard for KASB to believe as an organization that some other entity would be in a better position to make decisions about what is in the best total interest of the local district.

Mr. Tallman ended his testimony and stood for questions. He responded to questions regarding federal funding and QPA.

In response to the question of why if the charters and the public schools are treated in the same way, why the need for the charters, he responded that he believes the major reason is because there is funding there to support the effort; it creates an incentive for people in the community who are interested in doing something to get some resources for planning and development.

The comment was made that it should be made clear that whatever is being done that is creative and innovative must also be tested and tracked; good results could be used and implemented by public schools.

CONTINUATION SHEET

MINUTES OF THE SENATE EDUCATION COMMITTEE, Room 123S Statehouse, at 9:00 A.M. on March 21, 2000.

The Chairperson commented that many of the charters outside of Kansas have not grown from administration. What she envisions is a group of teachers with an idea that has not been implemented or considered by the board; an idea that could take effect in their own school building, the ultimate cite council. With the help of parents that school would be run by the a group of teachers, not from the top down, but from the ground up. There would be a totally different mind set. That is where the innovation would be. There is not going to be anything different if it comes from the top down because the administration already has that kind of power or authority. An individual building with teachers there does not have that same kind of authority except through a charter. That is where the good and new ideas come. There are creative teachers out there who would love to have whatever ideas they see as working for them. She added that they have seen what happens when there is no recourse; if the local board says no. She used Emporia as an example where a charter was turned down, resubmitted, and still turned down. It was abandoned because it was never going to happen and there was no recourse. Some type of appeal needs to be made available. It is not a threat.

Dale Dennis, Deputy Education Commissioner, gave the time frame for the federal grant funds. The Kansas grant was turned in yesterday on the assumption the bill was going to be passed. If it is not, the government can be notified. The deadline is Friday for evaluating the grants. The evaluation starts Monday.

Mark Desetti, KNEA, presented his testimony (Attachment 2) He gave examples of creative innovative schools without seeking charter status such as magnet schools, alternative schools and the school-within-a school concept. Expanding the number of charter schools will allow more schools access to federal money. He stated it is hard to imagine a local school board denying a petition. KNEA supports the intent of the provision in **HB 2460** that states, should a local board deny an application, the applicant has the opportunity to appeal to an impartial board. The local board would be protected by demanding that its decision could only be overturned if the State Board found that the local board's decision was "contrary to the best interest of the pupils, school district, or community."

One of the committee commented that if it took a bill to allow three members of the same family to ride the same school bus, some concern might be expected.

Another comment was made that if the charter schools now are not creative or sharing why do we need more of the same.

The Revisor stated she does not think it was ever the intent to have the local boards of education to be the chartering authority. For the local board to write its own charter and approve its own charter doesn't make sense. The local boards already have the authority to operate alternative schools.

Dr. Kelly, State Department of Education, stated that it is no accident that 8 of the 15 schools are alternative schools. There was such a need with disadvantaged kids falling through the cracks at the high school level the thinking was that this was where the interest was. Twenty-three applications were submitted and all twenty-three were funded; no one was left out.

Several further comments were made.

The Chairperson asked the committee to be prompt for Wednesday's meeting as the bill needs to get out of committee.

The meeting was adjourned.



TO: Senate Committee on Education
FROM: Mark Tallman, Assistant Executive Director for Advocacy
DATE: March 15, 2000

RE: **Testimony on Sen. Subs. for H.B. 2357 – Charter Schools**

Madam Chair, Members of the Committee:

Thank you for the opportunity to testify on Senate Substitute for H.B. 2357, which would remove the current limit of 15 charter schools statewide. However, no more than two charter schools could be approved in each school district. In addition, the bill appears to make another change to current law. It would prohibit charter schools from seeking waivers from state statutes. The Attorney General has opined that the State Board is not constitutionally authorized to waive statutes. If the opinion is correct (or if the law is changed to reflect that opinion), charter schools would have no authority to beyond the powers of any other public school. That differs from charter school laws in some other states.

KASB has three main goals for charter schools. First, we support an increase in the number of charter schools allowed in Kansas. Second, we support broadening the authority of charter schools to operate outside the limitations of many state statutes. Third, we believe that both good public policy and the state constitution require that local school boards approve the establishment or continuation of charter schools.

The amendment to H.B. 2810 would remove the statewide limit of 15 charter schools. We support that change. We do not believe it is necessary to limit each district to two charter schools, but it is unlikely that any district will seek to exceed that limit within the next year or two, so the Legislature could revisit this issue.

Some have criticized the results of charter school law in Kansas by saying that the 15 current schools are little more than “alternative” schools that are not really doing anything that other public schools are doing. There is a simple answer to that. Under the Attorney General’s ruling, charter schools do not have the authority to do anything else.

KASB supports granting charter schools a waiver from state laws that focus on “inputs.” As we have stressed before, we believe accountability in the educational system should be based on results. That is the heart of the charter school movement. In the absence of a provision dealing with waivers of statutes, the flexibility of charter schools will continue to be limited. However, because federal funds are available to help develop and implement charter schools, KASB believes that expanding the number of schools will help foster innovation and choice in the public school system.

Because the bill retains the role of the school board in approving charters, we support this measure. Thank you for your consideration.

*Senate Education
March 21, 2000
attachment 1*



KANSAS NATIONAL EDUCATION ASSOCIATION / 715 SW 10TH AVENUE / TOPEKA, KANSAS 66612-1686

Mark Desetti Testimony
Senate Education Committee
Wednesday, March 14, 2000

Thank you for the opportunity to speak with you today on Senate substitute for House Bill 2357.

Many school districts in Kansas are already creating innovative schools without seeking charter status. Some examples are magnet schools, alternative schools, and the school-within-a-school concept. What sets most charter schools apart is their quest for additional funding. Expanding the number of charter schools will allow more schools access to some additional federal money. Allowing more of these opportunities, as this bill does, is a reasonable idea.

In House Bill 2460, which was recommended by the House Education Subcommittee on Charter Schools, there was a second provision. Should a local board deny an application, the applicant has the opportunity to appeal to an impartial board. Kansas NEA supports the intent of that provision.

Given the petition requirements, it is hard to imagine a local school board denying a petition. The petition describes 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 school's success or lack of success. 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.

An appeal would be allowed only if, after the denial, the school board did not offer suggestions for improvement and permit a revised petition to be submitted. The local board was protected by demanding that their decision could only be overturned if the State Board found that the local board's decision was "contrary to the best interests of the pupils, school district, or community."

We at Kansas NEA believe that the purpose of charter schools is to try innovative approaches to improving student learning. To do that, sometimes we must waive some restrictions to determine if those restrictions are a block to improved student achievement. Charter schools are not a means of skirting local policies, rules, or regulations. When they do waive any of these, it is with the express purpose of determining whether or not they interfere with learning. Charter schools should be learning opportunities for children and school districts. An appeals process like that in House Bill 2460 might help ensure that such learning opportunities can take place.

*Senate Education
3-21-2000
Attachment 2*