

Approved: 4-5-2000
Date

MINUTES OF THE SENATE EDUCATION COMMITTEE.

The meeting was called to order by Chairperson Senator Barbara Lawrence at 5:30 p.m. on March 23, 2000 in Room 123S of the Capitol.

All members were present except:

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

Conferees appearing before the committee:

Others attending: See Attached List

Chairperson Lawrence called the meeting to order and stated the committee would continue with the discussion on **HB 2357 - charter schools**

There was a substitute motion by Senator Kerr which he explained as a three-part motion. It is to increase the number of charter schools to 35; there is an appeal to the State Board of Education, and a request that was in the KASB testimony to try to incorporate that which would suspend those aspects discussed that are input restrictions and focus instead on the results.

The Revisor read a list of things the charter has to contain such as specification of program goals, pupil performance, specified measurable pupil outcomes, explanations of how pupil performance in achieving specified outcomes will be measured, evaluated and reported, and manner of people participating in assessment programs. Charters can opt out of the professional negotiating act, the due process law, and the state board of education rules and regulations regarding teacher certification.

The Revisor was asked if a teacher could teach in a charter school without a teaching degree. She responded under the state compulsory law, there is no requirement for certification. There must be a competent instructor; that has never been defined. Neither the word competent nor the word instructor has ever been defined. The way certification is required in Kansas for teachers in the public schools is through the state board of education and the accreditation process. Schools cannot be accredited unless they have certified teachers. That is through rules and regulations. Charter schools can opt out of rules and regulation authority.

One of the members reminded the committee that the focus is on results. It would be foolish for a charter school to bring in persons with no teaching experience and no likelihood of success as a teacher to achieve outcomes, it would not achieve results.

A member asked what happens when the results are looked at in a year and they are not good.

The response was that it is a three year charter, but the charter can be suspended, pulled or cancelled. The State Board of Education would do the cancelling.

The comment was made that the State Board of Education wasn't doing anything at this time except providing leadership.

The Chairperson stated that the State Board of Education could be strongly urged to more closely monitor those charters that are functioning presently and the new charters. They will be looking at outcomes. She added that the chartering process is extremely hard to go through. Anyone who wants to go through this process would not be foolish enough to hire other than the more accomplished people.

CONTINUATION SHEET

MINUTES OF THE SENATE EDUCATION COMMITTEE, Room 123S Statehouse, at 5:30 p.m. on March 23, 2000.

A five-year timetable for charter schools was discussed. It was the feeling that people felt more comfortable with a three-year frame.

A member of the committee state she could not support the amendment because she did not like the appeals process. She felt that was taking away local from school districts. It is not the responsibility of the State Board to mediate local issues.

The Chairperson stated that every person she has spoken with at the national level and on the state level who has been involved with charter schools says that this is the strength of any charter school law. The idea that the chartering entity would be given direction by the local board and, after having come back with the changes the local board requested, still denied has given the local board plenty of chances to work in good faith with the chartering entity. It would give the local board ample chance to make this work.

The Chairperson called for action on the substitute motion of Senator Kerr.

The motion failed.

The Chairperson stated the committee was back on the original motion of Senator Oleen.

Senator Oleen explained the motion was to move the number of charter schools from 15 to 25, making it an additional 10. She had an appeals provision in the motion, but if the motion fails, she will drop the appeals provision and simply add the 10. The question could be divided.

The Chairperson stated the question would not be divided. Losing the appeals process will make it a little harder for those people out there who are trying to do something they would like to do. If a superintendent doesn't want to have anything to do with charter schools, it won't happen. We will be losing some very creative and innovative ideas. That is why she does not want to divide the question.

It was questioned why the number was being limited to 10. Senator Oleen responded that 10 would gain access to the dollars and makes it go in a prudent manner.

It was commented that 10 is a very restrictive number.

Dale Dennis, Deputy Education Commissioner stated a copy of the law was sent in that had no cap. They asked for \$7 million dollars over three years. They know how much money is available and how many states are going to apply.

One of the committee commented that she is not enthusiastic about raising the cap until she sees there is a system lined up on how to report.

Senator Oleen made a substitute motion to cap the number at 30 and drop the appeal process. Senator Emert seconded the motion. The motion carried.

Senator Emert moved to strike lines 29 and 30 on page 1 of the bill. Senator Downey gave a second to the motion. The motion carried.

The Chairperson explained there would be no cap on the number of charter schools a district could have.

Senator Emert recommended passage of Senate Substitute for House Bill 2357 favorably as amended.

Senator Lee gave a second to the motion. The motion carried.

Senator Jones was recorded as voting no.

The meeting was adjourned.

