

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairperson Kathe Decker at 9:00 a.m. on February 11, 2004 in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Kathie Sparks Legislative Research Department
Art Griggs, Office of the Revisor of Statues
Ann Deitcher, Secretary

Conferees appearing before the committee:

Mark DeSetti, KNEA
Representative DeCastro

Mark DeSetti appeared before the Committee in regard to Read Across America. (Attachment 1).

HB 2558 - concerning charter schools; relating to the establishment thereof.

Representative DeCastro presented the Sub-Committee report on Charter Schools. (Attachment 2).

Following a question and answer session, the hearing on **HB 2558** was closed.

HCR 5030 - a proposition to amend sections 2, 4, 5 and 7 of article 6 of the constitution of the state of Kansas, relating to education.

It was moved by Representative Hutchins and seconded by Representative Lightner to adopt HCR 5030 for discussion by the Committee. The motion passed on a voice vote.

Art Griggs spoke to the Committee in explanation of **HCR 5030**. (Attachment 3). A brief question and answer session followed.

It was moved by Representative Yonally and seconded by Representative Horst for the adoption of the amended substitute to HCR 5030. The motion carried on a voice vote.

Discussion on **HCR 5030** was continued.

The meeting adjourned at 10:55. The next meeting is scheduled for Thursday, February 12, 2004..



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

Mark Desetti, Testimony
House Education Committee
February 11, 2004
Read Across America!

It's that time again – you've come to expect it – but this year is special in several ways.

First, this is Seussentennial! March 2nd marks the 100th birthday of Theodore Geisel, better known as Dr. Seuss. That by itself should make the day special.

Secondly, we have eight, not one spokespeople this year. You will recall that in 1999 we had George Brett; in 2000 we had Roy Williams and the Jayhawks; in 2001 we had Bill Snyder and the Wildcats; in 2002 we had weightlifter Tara Nott and Nobel Prize winner Jack Kilby; in 2003 we had Astronaut Steve Hawley.

But in 2004 we have Joe Henry Macoubrie, Ashley Amos, JR Williams, Amanda Gugelmeyer, Brooke Inlow, Michelle Stueve, Chance Harmon, and Michelle Bartley.

Do you know these eight? Any guesses?

Well, they are the eight Kansas High School Rodeo Champions. And all of them are featured on our poster and in our Reading Circle catalogue.

We've spent the last few years celebrating our adults and this year we decided to turn the spotlight on the most important people in Kansas – our future. We want to recognize that all we have to do is look down the hallways of Kansas school to allay all our worries about the future of our great state. Our kids are indeed champions – all of them. Their determination, hard work, and positive attitude, and respect for their teachers contribute to Kansas' high academic standing in this nation. And we thought it was high time we all took a good look at what we've got. So we present to you the 2004 KNEA Read Across America poster and the 2004 KNEA Reading Circle catalogue.

I know now you're wondering, "Where's my book? I always get a book to read in a school back home." Well, that's another change. We are not giving out books this year. The books are in the basement at KNEA. We are getting ready to package them up and ship them out.

We know our schools are doing great work and our teachers, administrators, and support personnel are working hard every day to meet the needs of our children. But the federal government has decided to stamp some of our schools as not so good. We respectfully disagree. But we acknowledge that we can do better.

House Education Committee
Date: 2/11/04
Attachment # 1-1

We believe that one of the things that makes great readers is access to great books. Where there are great books to hold, admire, and explore, children will pick them up and those children will read. So this year we will be sending our books out to schools that have labeled by the so-called No Child Left Behind Act. We plan to use these books to augment school libraries where children most need them. This is one way we can help out and we can tell those schools “we believe in you.”

But this of course leaves you with nothing to read. Or does it? We are asking each of you to join us by purchasing a new hardcover book, taking it to your favorite school, reading with the kids and leaving that gift in the library. Make it the book that turned you on to reading in the second or third grade. Maybe a book a teacher or parent read to you. Your favorite book for your favorite school.

Then send me the name of the book and why you chose it and I will compile a list of legislator’s favorite books to share with our members. And our teachers can share those stories with our children.

Please join us this year as we celebrate Dr. Seuss’ 100th birthday – the **Seussentennial** – and help us put our favorite books in the hands of the most important Kansans.

**Subcommittee Report
on
Charter Schools
to
The House Education Committee**

February 11, 2004

Brief History

The 1994 Legislative Session, enacted Senate Bill 803, the Charter School Act. However, no application for the establishment of a Charter School was submitted to the State Board of Education until 1996 when federal funding became available for Charter Schools. The Act was amended in 2000 to increase the maximum number of Charter Schools from 15 to 30. Amendments were also enacted during the 2002 Session in Senate Bill 402 which removed the cap on the number of Charter Schools and required that a Charter School be a separate and distinct school. Prior to the 2002 change, programs within a school could be deemed a Charter School.

Charter Schools Today

Under Kansas law a Charter School is formed to bring a different kind of curriculum or instruction to a specific community and group of students and are designed specifically to meet the needs of a particular group of students within a specific district. A Charter School is a "nonsectarian, outcomes-oriented educational program" operated within a school district structure, but independently from other school programs of the district. (K.S.A. 72-1904, K.S.A. 72-1903)

A school district employees group(s), educational services contractors, and other persons or entities may request permission to establish and maintain a Charter School within a local school district. The local board of education finds the application satisfactory, a public hearing must be noticed and held. After this process, a local board may approve the application for a Charter School. However, a local board must approve or deny the petition within 30 days after the public hearing is held. If the petition is denied, the process may end. Once, the local board has approved the application, it is forwarded to the State Board of Education who must determine whether the Charter School is in compliance with applicable state and federal laws, and rules and regulations. If it is found to be in compliance, the State Board must approve the application. If the application is not in compliance, the school cannot be established until it is brought into compliance. The State Board must notify the local board and the petitioner of its approval or disapproval of the petition no later than April 1. Once the petition is approved, the school is approved for operation for three years, at which time an application for renewal is required to continue operations.

House Education Committee

Date: 2/11/04

Attachment # 2-1

Special funding for Charter Schools is provided by federal legislation subject to federal appropriations. The Department of Education, has informed the Subcommittee that for the next three years, federal Charter School funding will be approximately \$8.0 million. In addition, the federal funding requirements state that only the first three years of operation may a Charter School receive federal operating funds. During the fourth year of operation the Charter School may receive dissemination funding, which is equal to 10 percent of the total award for the period. The schools wishing to participate in dissemination of information about their program may request these funds from the State Board of Education. However, the funding cannot be used for operations of the school nor to pay teachers, administrators, etc. The funds can only be used for dispersing information about the school in documents, training sessions, etc. If the dissemination funds are not requested, they are used for new Charter School operations.

Currently, in Kansas there are 32 Charter Schools, of which 23 are at the end of their third year of operation. According to the Department of Education representative, 8 have applied for renewal; 12 were programs not schools therefore, not eligible for renewal; and the reason for the remaining three schools not seeking renewal is unknown. Finally, the State Board has received 17 applications for new schools as of February 6, 2004.

Subcommittee Findings

The Subcommittee had information presented to them from representatives of USD 501, USD 512, KNEA, KASB, the Kansas Department of Education, and other lobbyists. Charter Schools in Kansas are required to meet all accountability and accreditation standards including participation in state and national assessments, adherence to the state established standards for student achievement, meeting the state and regents' graduation requirements, and ensuring the hiring of highly qualified teachers and school administrators. Therefore, Charter Schools are working within the framework of No Child Left Behind just like the rest of the K-12 school system.

References that Kansas has a "weak" Charter School Act is not necessarily the finding of the Subcommittee, as it depends on the definition of "weak." Since charter schools are held to the same accountability, testing and standards as all other schools in Kansas, some would suggest that this makes Kansas charter schools very strong. However, if "weak" is defined as only the local boards can approve a charter, then the Charter School Act is limiting.

In addition, the Subcommittee has found that in some cases, charter schools do look a lot different from other schools in Kansas. Clearly, Cornerstone Alternative High School (USD 499), Electronic Charter School (USD 218), The Learning Center (USD 262), The Learning Center of Harper (USD 361), Mid-Kansas Independent Academy (USD 423) and Yoder Charter School (USD 312) are excellent examples of what a charter school should provide to the students. However, the majority of charter schools based on the information provided by the State Board indicates to the Subcommittee that these programs could be offered within the framework of any local school district without the Charter School designation.

This leads to the difference between an alternative school and a Charter School. The Subcommittee was informed that this is clearly a community designation and in fact some communities do not want to use the alternative school label because of the belief that only discipline problem students attended these schools. However, other communities believe that these schools provide innovative teaching methods, flexible hours of instruction, and custom support services that address the needs of a subgroup of the school age population. The Subcommittee found that the major difference between a Charter School and an alternative school is the application process and federal funding.

Finally, the Subcommittee explored extending the funding over a five-year period instead of the current three years. Federal law currently allows for charter school awards to be not more than three years. In addition, it should be pointed out that the only additional funding above general and supplement aid a district receives for charter schools in Kansas is the federal funding for three years. The federal law does allow for a maximum 10 percent of the total state award to be used for dissemination of information about the individual school during the fourth year. The dissemination funds may not be used for salaries or operations of the school only dissemination of the information in brochures or professional development seminars. The Department of Education believes that they will receive approximately \$8.0 million in total for the next three-year period.

Conclusions and Recommendations

After the Subcommittee was briefed and held a round table meeting with interested parties on K.S.A. 72-1903 thru K.S.A. 72-1910 and K.S.A. 72-964, they make the following recommendations to amended current law.

- K.S.A. 72-1906, the application process is amended by adding a requirement that the application include the estimated amount of federal funding expenditures and a description of how the school will operate after the federal funds are no longer available.
- K.S.A. 72-1906, is amended to require the State Board of Education in writing specify why a petition is denied and allow that within 30 days the petitioner can make the necessary correction and the State Board will provide reconsideration within 60 days.
- K.S.A. 72-1906 and K.S.A. 72-1907 is amended to require a local board in writing specify why a petition is denied and allow that within 30 days the petitioner can make the necessary corrections and have a second consideration by the board.
- K.S.A. 72-1907, is amended to allow for the renewal process to be held in five years instead of every three years.
- K.S.A. 72-1910 is amended to require a local board to file a statement with the State Board of Education the reasons why a charter school was discontinued or did not seek renewal.

- K.S.A. 72-1906 is amended to change the date from April 1 to April 15 by when the State Board is required to notify approval or disapproval of a charter school application. (Original HB 2558)

The final item the Subcommittee wish to bring to the full Committee's attention is charter schools being exempted from state statutes. Some support allowing charter schools to be established that would be exempt from tenure and negotiations with district wide bargaining unit, and allowing the possibility of merit pay as long as no teacher is required to transfer to such a school. The Subcommittee takes no position on these items.

Rep. Willa DeCastro
Representative Willa DeCastro, Chair

Rep. Becky Hutchins
Representative Becky Hutchins

Rep. Tom Holland
Representative Tom Holland

Substitute for HOUSE CONCURRENT RESOLUTION NO. 5030

By Committee on Education

A PROPOSITION to amend sections 2, 4, 5 and 7 of article 6 of the constitution of the state of Kansas, relating to education.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Sections 2, 4, 5 and 7 of article 6 of the constitution of the state of Kansas are hereby amended to read as follows:

"§ 2. State board of education and state board of regents. (a) The legislature shall provide for a state board of education which ~~shall have general supervision of public schools, educational institutions and all the educational interests of the state, except educational functions delegated by law to the state board of regents.~~ The state board of education shall perform such other duties as may be provided by law.

(b) The legislature shall provide for a state board of regents and for its control and supervision of public institutions of higher education. Public institutions of higher education shall include universities and colleges granting baccalaureate or postbaccalaureate degrees and such other institutions and educational interests as may be provided by law. The state board of regents shall perform such other duties as may be prescribed by law.

(c) Any municipal university shall be operated, supervised and controlled as provided by law.

§ 4. ~~Commissioner of education~~ Secretary of education. ~~The state board of education shall appoint a commissioner of education who shall serve at the~~

House Education Committee

Date: 2/11/04Attachment # 3-1

~~pleasure-of-the-board-as--its--executive--officer.~~ The governor shall appoint a secretary of education subject to confirmation of the senate. The state board of education shall nominate three individuals to the governor for the appointment as secretary of education. The governor either shall select and appoint a person nominated to be secretary or shall reject the nominations and request the board to nominate three new individuals for the appointment as secretary. Upon receipt of any such request for the nomination of three new individuals, the board shall nominate three new individuals for the appointment as secretary in the same manner. The secretary shall serve at the pleasure of the governor. The secretary shall have general supervision of public schools, educational institutions and all the educational interests of the state, except educational functions delegated by law to the state board of regents.

§ 5. Local public schools. Local public schools under the general supervision of the ~~state--board~~ secretary of education shall be maintained, developed and operated by locally elected boards. When authorized by law, such boards may make and carry out agreements for cooperative operation and administration of educational programs under the general supervision of the ~~state--board~~ secretary of education, but such agreements shall be subject to limitation, change or termination by the legislature.

§ 7. Savings clause. (a) All laws in force at the time of the adoption of this amendment and consistent therewith shall remain in full force and effect until amended or repealed by the legislature. All laws inconsistent with this amendment, unless sooner repealed or amended to conform with this amendment, shall remain in full force and effect until July 1,

~~±~~1969 2005.

~~(b)---Notwithstanding---any---other---provision---of---the
constitution---to---the---contrary,---no---state---superintendent
of---public---instruction---or---county---superintendent---of
public---instruction---shall---be---elected---after---January---17
±1967.~~

~~(c)---The---state---perpetual---school---fund---or---any---part
thereof---may---be---managed---and---invested---as---provided---by---law
or---all---or---any---part---thereof---may---be---appropriated,---both---as
to---principal---and---income,---to---the---support---of---the---public
schools---supervised---by---the---state---board---of---education.~~"

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. The purposes of this revision of the education article of the state constitution are to: (1) Provide for the governor to appoint a secretary of education, subject to confirmation by the senate; (2) retain the elected state board of education; (3) transfers the general supervision powers of the state board of education to the secretary of education; (4) eliminate from the constitution the reference to the commissioner of education; and (5) eliminate obsolete language.

"A vote for this proposition will effectuate the purposes for revision of the education article as stated above.

"A vote against this proposition will continue in effect the present provisions of the education article."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the

electors of the state at the general election in the year 2004.