

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairman Kathe Decker at 9:00 A.M. on February 13, 2006 in Room 313-S of the Capitol.

All members were present except:

Dale Swenson- excused

Committee staff present:

Kathie Sparks, Kansas Legislative Research

Art Griggs, Revisor of Statutes Office

Ann Deitcher, Committee Secretary

Conferees appearing before the committee:

Rep. Sue Storm

Chiquita Coggs, Helping At-Risk Kids

Mark Tallman, KASB

Bob Vancrum, Blue Valley Schools

Kathy Cook, Ks Families United for Public Ed

Terry Forsyth, KNEA

Kathleen Wilson, Disability Rights Ctr. Of Kansas

Leslie Girard, Families Together, Inc.

Gerry Henderson

HB 2652 - Appeal of charter school denials to the State Board of Education.

The Chair introduced Chiquita Coggs who spoke to the Committee in support of **HB 2652**. (Attachment 1 and 2).

Next to appear was Mark Tallman who offered comments regarding his organization's opposition to **HB 2652**. (Attachment 3).

Bob Vancrum appeared in opposition of **HB 2652**. (Attachment 4).

Kathy Cook spoke to the Committee in opposition of **HB 2652**. (Attachment 5).

The hearing was closed on **HB 2652**.

HB 2712 - Special education for exceptional children act.

Representative Storm spoke to the Committee regarding **HB 2712**. (Attachment 6).

Mark Tallman appeared as a proponent of **HB 2712**. (Attachment 7).

Sharing the thoughts of his organization was Terry Forsyth. (Attachment 8).

Kathleen Wilson offered the testimony of Michael Donnelly in expressing their organization's concern with the addition of language *including any substantial change in placement and any material change in services*. (Attachment 9).

Written only testimony in support of **HB 2712** was offered by Deb Haltom of Shawnee Mission Schools. (Attachment 10).

CONTINUATION SHEET

MINUTES OF THE House Education Committee at 9:00 A.M. on February 13, 2006 in Room 313-S of the Capitol.

Leslie Girard referred to certain sections of **HB 2712** that her organization was opposed to. (Attachment 11).

Gerry Henderson of USA offered written only testimony in support of **HB 2712**. (Attachment 12).

State Education Governance At-A-Glance was distributed by NASB. (Attachment 13).

The meeting was adjourned at 10:50. The next meeting of the House Education Committee is scheduled for Thursday, February 16, 2006.

Chiquita C. Coggs
H.A.R.K (Helping At Risk Kids)

I represent a Kansas ad hoc group called **H.A.R.K. (Helping At Risk Kids)**. I work in Kansas City in census tract 410, which is the poorest of the 455 census tracts in the metropolitan Kansas City area, the urban core at its best. **H.A.R.K.** is comprised of concerned parents, business leaders, law enforcement personnel, educators, and faith and community leaders in Kansas. We, first of all, recognize that Kansas is a leader in education reform. But we also recognize, along with many educational administrators, that being a leader is not enough. What is needed is a vehicle for assuring an appropriate education for **ALL** children, and that without risk. Along with these educators we know that we still have a long way to go.

When we look at reported education reform student data, what we see is a report on the kids who live in the middle. As we know, in these reports, the data at top is cut off as well as that from the bottom. What we don't see, and those about whom we at **H.A.R.K.** are concerned, are the kids at the bottom, those who continually slip through the cracks in the walls of the halls of education.

This system can, however, be supplemented by the existence of successful public charter schools. Kansas, along with Louisiana, Mississippi, Arkansas, Tennessee and many other states, ranks among the weakest in state charter school laws. I am here today to encourage an immediate change in the Kansas law to allow more autonomy and independence for public charter schools to **begin** to serve these **at risk kids**, those at the bottom, who just happen to be predominantly poor and children of color. I encourage you also to take a more in-depth look at the law in the immediate future to bring it in line with the strongest laws in the nation, to reflect the Kansas position of being a leader in education reform.

School administrators in Kansas City admit that they feel threatened and somewhat intimidated by the emergence of public charter schools that are not directly under their control. This is a natural by-product of our humanness, to feel threatened by change, especially change over which we have no control. But we must also look at the fact that those who are most concerned about those children at the bottom are their parents, grandparents and others in their own communities, the local stakeholders. I want my grandchildren and their friends to be prepared to go to college when they

House Education Committee
Date: 2-13-06
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graduate. I don't want them to be among the statistics of those children who are not left behind, but who need remedial classes to participate in college-level classes.

And I also want to know that those who are responsible for providing that adequate education for these kids, have enough money to do so. Or that they at least have what is provided for other kids in other public schools. Public charter schools are entitled to start on a level playing field toward educating the children who don't fit into regular public schools but could thrive in a different learning environment. It's just the right thing to do.

There are many educators, such as Dr. Kunjufu and Dr. Alfred Tatum, currently addressing the education of African American males. There is obviously a reason for this proliferation of literature in recent years. They represent a population of **highest at risk kids**. We must allow **true local control (TLC)** for these students, not just control by the local school district, but the site control of the local stakeholders; an independent governance board of local stakeholders. Their parents and their community educators are highly qualified for making site decisions. And they are informed about how to educate these young men, and many others who are simply at risk because they are poor. It is well documented that many at risk kids respond differently to the education process with different techniques of delivery, even when that environment is the Judicial Detention Center. I am asking you to allow them that opportunity through reformed public charter school laws. The current proposed charter school law amendments can help expedite this process for many categories of **at risk kids** and propel Kansas even farther to the head of the class in education reform.

NEBA Statewide Survey

When the NEBA decided to conduct a survey of 400 random statewide interviews along with an over-sample of 200 random inner-city interviews. The survey was designed to gauge public support statewide as compared to the expected stronger level of support in the inner city for more freedom to innovate in these areas where higher percentages of students are being left behind. The survey confirmed support of Kansans public charter schools as well as a baseline comparison from the Emporia State poll in 1994, which indicated that 53% of Kansans supported a voucher system. Although we

are not here today in support of a voucher program, this confirmation of the Emporia State survey supports the high level of support for innovation for inner city at risk kids.

“Parents whose children attended private schools overwhelmingly supported the **voucher** system, the **poll** showed. And respondents in Johnson, Wyandotte and Sedgwick counties favored it by a majority of 63 percent.

Overall, 53 percent favored a **voucher** plan.” Kansas City Star, March 10, 1994

Considering the most recent survey, 63% of all voters favor the expansion of public charter schools in the state - including an astonishing 73% of those with children living in the home. I won't read you the results of the survey since you have copies of them as well as the summary of survey results.

In summary I would like to see this committee support the following amendments to the current law:

- The elevation of Kansas public charter school laws from weak to strong as was the intention of the original federal legislation thus increasing the potential for Federal Charter School dollars
- Include in the appeals process that the State Board of Education, upon appeal, consider all key elements included in original petition
- Institute an appeals process to the current law to provide for an equitable and unbiased opportunity for approval
- Opportunity for True Local Control allowing the natural commitment of the neighborhood stakeholders to act in the best interests of local at risk kid
- Allow for an independent local Board of Governance
- Provide for sponsorship of charter schools outside the local school district, e.g., college or university, non-profit organization, etc.
- Establish public charter school accountability to the sponsoring agency
- Insist that full funding (for at risk kids) follow the student (as expected by taxpayers).

Thank you for your consideration in assisting the Helping of At Risk Kids in Wyandotte County.

MEMORANDUM

DATE: January 10, 2006

TO: Chiquita Coggs, Executive Director, North East Business Association, Inc.
HARK (Helping At-Risk Kids)

FROM: Pat McFerron
Cole Hargrave Snodgrass & Associates, Inc.

RE: A Survey of 400 Registered Voters Statewide, with 200 Additional Interviews
in Selected Disadvantaged Zip Code, Regarding Education in Kansas.
Conducted January 2 – 5, 2006
Margin of error for the Statewide Survey: +/- 4.9%

Cole Hargrave Snodgrass & Associates is pleased to present this summary of findings of its recent study of Kansas voters. The survey reveals that while they are pleased with the overall education structure in Kansas, **voters recognize the need for reforms and embrace those reforms that provide more educational choices, increase parental involvement, and focus on student achievement.** The study also reveals that these proposals are generally supported by broad coalitions that include both upper-income voters and those who reside in the most economically disadvantaged neighborhoods in the state. Especially in light of last year's Supreme Court ruling which orders a focus on student outcomes, **Kansas voters are ready to try innovative approaches to education** – and in fact, the only time voters balk at reforms that include more choice in education is when some choice options are limited to certain students.

Although 58% of Kansas voters give the public schools a rating of either excellent (12%) or good (46%), almost four in ten rate them as either only fair (28%) or poor (10%). It should be noted that this endorsement of public schools is far from universal. **In fact, in the most economically deprived neighborhoods, only 36% give statewide schools passing marks while 56% rate them as either only fair (41%) or poor (15%) – 50% higher than the state as a whole.** Additionally, lower income voters on the whole are much more critical than are the more affluent counterparts.

Despite giving the statewide system positive marks, most Kansans (83%) believe that some districts are not the job they should be. Additionally, a strong majority (61%) of Kansans believes it is simply wrong to force a child to attend a neighborhood school that is not meeting his or her needs. **Clearly, to many Kansans, forcing a child to attend a failing school is a matter of conscience** and any elected official should be cognizant of this fact.

When school choice options such as additional public charter schools are suggested, Kansans quickly embrace them. **Fully 63% of all voters favor the expansion of public charter schools in the state – including an astonishing 73% of those with children living in the home.** Both men (63% favor vs. 29% oppose) and women (62% favor vs. 26% oppose) support public charter schools by more than a two-to-one margin as do Republicans, Democrats and undeclared / Independent voters. Among those in the disadvantaged areas, support increases to 67%.

House Education Committee

Date: 2-13-06

Attachment # 2-1

Cole Hargrave Snodgrass & Associates
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Support for charter schools is not dampened by limiting them to certain students or certain economically depressed areas. In fact, with this limitation, support increases to 83% with only 5% voicing opposition. Clearly, Kansas voters believe it is time to, at the minimum, embrace public charter schools in select circumstances.

When it comes to the creation of either a voucher or scholarship program that would allow parents more choice, including both private and public schools, support is also very high (58% support vs. 36% oppose). While majorities of most all groups are supportive, there is a greater partisan difference on this issue as Republicans are very supportive (58% favor vs. 37% oppose) as are Independent and undeclared voters (67% favor vs. 26% oppose), while Democrats are only mildly in favor (52% favor vs. 43% oppose). **Perhaps more important, however, is the fact that those with children in their own home are very united in their support of a voucher or scholarship system (70% favor).** In the disadvantaged areas, 60% favor a scholarship or voucher system.

Unlike the charter school issue, however, a voucher or scholarship system targeted to only certain students or distinct areas causes it to lose, rather than gain, support. Political leaders should be very aware of this fact. **Clearly, voters in Kansas want a full-fledged voucher or scholarship system and an attempt at compromise could lead to voter unrest.** Upper income voters in particular become less likely to support a voucher or scholarship system if it is restricted.

Perhaps the most important finding of this study is that voters do NOT want to put more money into education, but would prefer innovative approaches to improve student achievement, including more choice options, curriculum changes and trying to get more money directly to the classroom. Regardless of how the question was phrased, Kansans believe that \$10,000 per student, or \$150,000 for an average classroom, should be enough to educate Kansas children. When asked how to meet the State Supreme Court's order to improve student outcomes, by better than a three-to-one margin, Kansans said the answer was in reforms, not money.

Other practices within the educational establishment also disturb Kansas voters. **Fully 83% of Kansas voters oppose the practice of social promotion. More than half of all voters, and six in ten parents of school-age children want schools to get parental permission before teaching sex education. Similarly, 55% of all voters believe that public schools should be subject to the same obscenity standards as other entities in the state.** In all three of these cases, the intensity is greater among those who most often participate in the electoral process and it becomes easy to see why these could be hot button issues in the coming election cycle.

About Cole Hargrave Snodgrass & Associates and Pat McFerron

Cole Hargrave Snodgrass & Associates (CHS) is one of a very few nationally recognized political polling firms in the nation that is not headquartered on one of the coasts. Since 1989, the firm has developed an expertise in surveying the political landscape in its home state of Oklahoma, in surrounding states and throughout the nation. The firm's history in Kansas dates to 1993 and includes the publication of the **The Kansas Report** during the 1996 election cycle. Since that time, CHS has regularly been involved in both political and marketing research in Kansas.

Pat McFerron, a Kansas native, has been the Director of Survey research at Cole Hargrave Snodgrass & Associates since he joined the firm in 1993. During that time, he has supervised polling and voter contact projects for dozens of successful candidates for U.S. Senate, Congress, Governor and numerous other state and municipal offices in more than 30 states. In addition, McFerron has developed marketing strategies for Fortune 500 companies and been the lead pollster on numerous successful statewide and municipal elections including Oklahoma City's landmark MAPs for Kids educational reform movement.

A Survey of 400 Registered Voters in the State of Kansas

Margin of error: +/- 4.9%

Conducted January 2 - 5, 2006

HARK Survey

Hello Mr./Mrs. _____, I'm _____ of CHS & Associates, a national research firm. We're speaking with people in Kansas today about issues facing us. First...

1. Do you believe that the public school system in Kansas is doing an excellent, good, only fair or poor job of educating our students?

Excellent 12%
Good 46%
Only fair..... 28%
Poor..... 10%
Undecided (vol.) 4%

2. Do you agree or disagree with the following statement: While many school districts with in the state may do a good job of educating their students, there are clearly some districts in the state that should be doing a better job. (After response, ask:) Would you say you strongly (agree / disagree) or only somewhat (agree / disagree)?

Strongly agree 46%
Somewhat agree..... 37%
Somewhat disagree 3%
Strongly disagree 2%
Undecided (vol.) 12%

3. Do you agree or disagree with the following statement: It is wrong to force a child to attend a school that is not meeting the student's needs simply because his or her parents live within a certain boundary area. (After response, ask:) Would you say you strongly (agree / disagree) or only somewhat (agree / disagree)?

Strongly agree 37%
Somewhat agree..... 24%
Somewhat disagree 14%
Strongly disagree 17%
Undecided (vol.) 9%

4. Would you favor or oppose allowing the Kansas State Board of Education to create new public schools – called public charter schools – that are less bureaucratic and are tailored to meet the needs of communities and specific types of students. These charter schools would be held accountable for student results and would also be required to meet the same academic, health, safety, discrimination and fiscal viability standards as other public schools but would not cost the public any additional money? (After response, ask:) Would you say you would strongly (favor / oppose) or only somewhat (favor / oppose) allowing the creation of public charter schools?

Strongly favor 37%
Somewhat favor 26%
Somewhat oppose 11%
Strongly oppose 17%
Undecided (vol.) 10%

5. Would you be more likely to support or more likely to oppose allowing public charter schools if its use is limited to families of students with special education needs, low-income children, at-risk children, or families who live in economically disadvantaged areas, or for those who live in school districts that have not met state and national standards? (After response, ask:) Would you say you would be much more likely to (support / oppose) or only somewhat more likely to (support / oppose)?

Much more likely support..... 46%
 Somewhat more likely support 37%
 Somewhat more likely oppose..... 3%
 Much more likely oppose 2%
 No difference (vol.) 12%
 Undecided (vol.) -

6. Several states are now implementing programs that give families scholarships, or vouchers, equal to the amount the state would spend on that child's education. The parents can then use that voucher, or scholarship to send their child to any public school, including charter schools, magnet schools and neighborhood public schools, or to any non-public school, including private, parochial and specialized schools, that they choose. Would you favor or oppose the adoption of a voucher or scholarship system in the state of Kansas? (After response, ask:) Would you say you strongly (favor / oppose) or only somewhat (favor / oppose)?

Strongly favor 37%
 Somewhat favor 21%
 Somewhat oppose 11%
 Strongly oppose 25%
 Undecided (vol.) 6%

7. Would you be more likely to support or more likely to oppose an education voucher system if the program was limited to families of students with special education needs, low-income children, at-risk children, or families who live in economically disadvantaged areas, or for those who live in school districts that have not met state and national standards? (After response, ask:) Would you say you would be much more likely to (support / oppose) or only somewhat more likely to (support / oppose)?

Much more likely support..... 24%
 Somewhat more likely support 20%
 Somewhat more likely oppose..... 17%
 Much more likely oppose 32%
 No difference (vol.) 4%
 Undecided (vol.) 4%

8. There are different ways to institute state programs that give parents the ability to send their children to non-public schools. Which of the following do you prefer? (Rotate choices)

Give vouchers to the parents so that they can redeem them at the public, charter, private or parochial school of their choice 34%

Provide for tax credits for any person or business who donates to a scholarship fund that is used to provide scholarships to students 19%

Provide for tax credits on state income tax to offset what parents of qualifying students have spent on school tuition 24%

Oppose all (vol.) 15%

Undecided (vol.) 9%

9. Currently, Kansas public schools routinely advance students to the next grade level who have not adequately learned the material presented to them in their current grade. This policy of promoting students even when they cannot do the required skills is called social promotion. Do you favor or oppose the continuation of social promotion in Kansas public schools? (After response, ask:) Would you say you strongly (favor / oppose) the continuation of social promotion or would you say you only somewhat (favor / oppose) its continuation?

Strongly favor social promotion 6%

Somewhat favor social promotion 7%

Somewhat oppose social promotion 17%

Strongly oppose social promotion 66%

Undecided (vol.) 4%

10. When it comes to teaching sex education in Kansas public schools, where do you believe the burden of parental involvement should be: Should the schools initiate contact with the parents and require parental permission before teaching sex education, or should the school teach sex education to each student unless the parent initiates contact with the school and insists that their child be excluded from sex education?

School should get permission first 51%

Parent should have to initiate contact 45%

Undecided (vol.) 5%

11. As you may or may not know, currently the Kansas State statutes exempt schools from obscenity laws, so anything taught in a public school or college is exempt from state obscenity and pornography laws. Do you think Kansas should maintain the exemption from obscenity laws for schools or do you think schools should have the same legal requirements that exist for public television or newsprint. (After response, ask:) Would you say you feel strongly that way, or not so strongly?

Strongly agree 26%

Somewhat agree 9%

Somewhat disagree 11%

Strongly disagree 44%

Undecided (vol.) 10%

12. It has recently been proposed that Kansas limit the growth of state government to no more than the rate of inflation plus the rate of population growth. In addition, it has been proposed that all tax increases be approved by a vote of the people. Do you favor or oppose these proposals? (After response, ask:) Would you say you strongly (favor / oppose) or only somewhat (favor / oppose)?

Strongly favor	52%
Somewhat favor	27%
Somewhat oppose	6%
Strongly oppose	10%
Undecided (vol.)	6%

13. Those who oppose the proposals we just discussed say that they would make it too difficult to fund vital programs like education and health care. They say that we can't predict what the state's needs might be in the future. They also say that tying growth to inflation and population growth does not take into consideration the skyrocketing cost of healthcare which is such a big part of the state budget and will grow as the state's population ages. They also say that people don't need to vote on every tax increase because they already vote on the elected leaders and could vote someone out of office if they raise taxes too high. After hearing these arguments, would you favor or oppose these proposals? Do you favor or oppose these proposals? (After response, ask:) Would you say you strongly (favor / oppose) or only somewhat (favor / oppose)?

Strongly favor	28%
Somewhat favor	20%
Somewhat oppose	21%
Strongly oppose	20%
Undecided (vol.)	12%

14. For years, governments have used the power of eminent domain to take control of private property and then using that property for schools, hospitals, roads, parks and other public services. Recently, the Kansas Supreme Court has expanded the government's ability to use eminent domain to include taking control of private property and transferring it not for public services, but to other private interests such as shopping centers or car lots. Do you favor or oppose the increased use of eminent domain to include taking private property and transferring ownership to other private interests? (After response, ask:) Would you say you strongly (favor / oppose) or only somewhat (favor / oppose)?

Strongly favor	3%
Somewhat favor	4%
Somewhat oppose	11%
Strongly oppose	81%
Undecided (vol.)	2%

15. Currently, Kansas Supreme Court justices are selected through a process involving only the Governor and the Kansas Bar Association of which only Kansas lawyers are members. In essence, the Governor picks from a list of three potential candidates, which is supplied by a panel of nine members who were appointed by either lawyers in Kansas or the Governor. How do you think Kansas Supreme Court judges should be selected? Do you think... (Rotate)

Kansas should keep the system like it is 30%

Kansas should adopt a system like is used by the United States where the Governor would select a person and the Kansas State Senate would confirm the person 31%

Kansans should directly elect their Supreme Court justices as they did during the earlier part of the state's history 33%

Undecided (vol.) 7%

16. (half the sample) Currently, Kansas spends approximately \$150,000 on average in tax dollars in each public classroom per year. In addition the State Supreme Court has ordered schools to improve student outcomes. Given these facts, what do you think Kansas should do?

Kansas should spend more on education to improve student performance, even if it means raising taxes 26%

Kansas should look at innovative ways to improve student achievement such as charter schools, tuition scholarships, curriculum changes and getting more of existing money directly to the classroom 63%

Undecided (vol.) 11%

17. (half the sample) Currently, Kansas spends approximately \$10,000 in tax dollars per year for each student. In addition the State Supreme Court has ordered schools to improve student outcomes. Given these facts, what do you think Kansas should do?

Kansas should spend more on education to improve student performance, even if it means raising taxes 21%

Kansas should look at innovative ways to improve student achievement such as charter schools, curriculum changes and getting more of existing money directly to the classroom 70%

Undecided (vol.) 8%

18. Do you have children under the age of 18 living in the home?

Yes..... 34%
No 66%
Refused (vol.) -

19. Which of the following income brackets describes your annual household income?

Under \$20,000 10%
\$20,000 - \$40,000..... 21%
\$40,000 - \$60,000..... 23%
\$60,000 - \$80,000..... 17%
\$80,000 - \$100,000..... 9%
More than \$100,000 10%
Refused (vol.) 10%

20. Gender (If female, ask:) Are you employed outside the home?

Male..... 49%
Female employed outside home 31%
Female not employed 21%

REMAINING DATA FROM FILES

21. Registration

Republican..... 52%
Democrat 30%
Independent / Unaffiliated / Other..... 19%

22. Media Market

Wichita / Hutchinson plus 43%
Kansas City..... 34%
Topeka 15%
Joplin / Pittsburg..... 6%
Lincoln / Hastings 1%
Tulsa 1%
Amarillo -
St. Joseph..... 0%

23. Statewide geographic regions

West..... 14%
Northeast 15%
Wichita 19%
Topeka 12%
Kansas City..... 30%
Southeast 10%

24. General election vote history

None 8%
One out of last five 18%
Two out of last five 12%
Three out of last five 17%
Four out of last five 15%
Five out of last five..... 30%

25. Primary election vote history

None	41%
One out of last five	17%
Two out of last five	11%
Three out of last five	14%
Four out of last five	9%
Five out of last five.....	10%

A Survey of 200 Registered Voters in the State of Kansas

Margin of error +/- 6.9%

January 2 - 5, 2006

HARK Survey

Hello Mr./Mrs. ____, I'm ____ of CHS & Associates, a national research firm. We're speaking with people in Kansas today about issues facing us. First...

1. Do you believe that the public school system in Kansas is doing an excellent, good, only fair or poor job of educating our students?

Excellent..... 7%
Good 32%
Only fair..... 41%
Poor..... 15%
Undecided (vol.)..... 7%

2. Do you agree or disagree with the following statement: While many school districts within the state may do a good job of educating their students, there are clearly some districts in the state that should be doing a better job. (After response, ask:) Would you say you strongly (agree / disagree) or only somewhat (agree / disagree)?

Strongly agree..... 54%
Somewhat agree..... 31%
Somewhat disagree..... 3%
Strongly disagree..... 2%
Undecided (vol.)..... 11%

3. Do you agree or disagree with the following statement: It is wrong to force a child to attend a school that is not meeting the student's needs simply because his or her parents live within a certain boundary area. (After response, ask:) Would you say you strongly (agree / disagree) or only somewhat (agree / disagree)?

Strongly agree..... 41%
Somewhat agree..... 22%
Somewhat disagree..... 14%
Strongly disagree..... 16%
Undecided (vol.)..... 8%

4. Would you favor or oppose allowing the Kansas State Board of Education to create new public schools – called public charter schools – that are less bureaucratic and are tailored to meet the needs of communities and specific types of students. These charter schools would be held accountable for student results and would also be required to meet the same academic, health, safety, discrimination and fiscal viability standards as other public schools but would not cost the public any additional money? (After response, ask:) Would you say you would strongly (favor / oppose) or only somewhat (favor / oppose) allowing the creation of public charter schools?

Strongly favor..... 41%
Somewhat favor..... 26%
Somewhat oppose..... 8%
Strongly oppose..... 17%
Undecided (vol.)..... 10%

5. Would you be more likely to support or more likely to oppose allowing public charter schools if its use is limited to families of students with special education needs, low-income children, at-risk children, or families who live in economically disadvantaged areas, or for those who live in school districts that have not met state and national standards? (After response, ask:) Would you say you would be much more likely to (support / oppose) or only somewhat more likely to (support / oppose)?

Much more likely support.....	54%
Somewhat more likely support	31%
Somewhat more likely oppose.....	3%
Much more likely oppose	2%
No difference (vol.)	11%
Undecided (vol.)	0%

6. Several states are now implementing programs that give families scholarships, or vouchers, equal to the amount the state would spend on that child's education. The parents can then use that voucher, or scholarship to send their child to any public school, including charter schools, magnet schools and neighborhood public schools, or to any non-public school, including private, parochial and specialized schools, that they choose. Would you favor or oppose the adoption of a voucher or scholarship system in the state of Kansas? (After response, ask:) Would you say you strongly (favor / oppose) or only somewhat (favor / oppose)?

Strongly favor	44%
Somewhat favor.....	16%
Somewhat oppose.....	13%
Strongly oppose	22%
Undecided (vol.)	7%

7. Would you be more likely to support or more likely to oppose an education voucher system if the program was limited to families of students with special education needs, low-income children, at-risk children, or families who live in economically disadvantaged areas, or for those who live in school districts that have not met state and national standards? (After response, ask:) Would you say you would be much more likely to (support / oppose) or only somewhat more likely to (support / oppose)?

Much more likely support.....	33%
Somewhat more likely support	21%
Somewhat more likely oppose.....	9%
Much more likely oppose	28%
No difference (vol.)	4%
Undecided (vol.)	6%

8. There are different ways to institute state programs that give parents the ability to send their children to non-public schools. Which of the following do you prefer? (Rotate choices)

Give vouchers to the parents so that they can redeem them at the public, charter, private or parochial school of their choice39%

Provide for tax credits for any person or business who donates to a scholarship fund that is used to provide scholarships to students.....21%

Provide for tax credits on state income tax to offset what parents of qualifying students have spent on school tuition 17%
Oppose all (vol.)..... 14%
Undecided (vol.)..... 10%

9. Do you have children under the age of 18 living in the home?

Yes..... 26%
No 74%
Refused (vol.) 1%

10. Which of the following income brackets describes your annual household income?

Under \$20,000 18%
\$20,000 - \$40,000..... 28%
\$40,000 - \$60,000..... 30%
\$60,000 - \$80,000..... 9%
\$80,000 - \$100,000..... 1%
More than \$100,000 1%
Refused (vol.) 15%

11. Gender (If female, ask:) Are you employed outside the home?

Male..... 48%
Female employed outside home 24%
Female not employed 28%

REMAINING DATA FROM FILES

12. Registration

Republican..... 22%
Democrat 49%
Independent / Unaffiliated / Other..... 30%

13. Media Market

Wichita / Hutchinson plus 36%
Kansas City..... 54%
Topeka..... 10%

14. Statewide geographic regions

Wichita 36%
Topeka..... 10%
Kansas City..... 54%

15. General election vote history

None 8%
One out of last five 18%
Two out of last five 18%
Three out of last five 12%
Four out of last five 12%
Five out of last five..... 33%

16. Primary election vote history

None 53%
One out of last five 13%
Two out of last five 8%
Three out of last five 11%
Four out of last five 6%
Five out of last five..... 11%

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS



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Testimony on **HB 2652**
before the
House Education Committee

by

Mark Tallman, Assistant Executive Director/Advocacy
Kansas Association of School Boards

February 10, 2006

Madam Chair, Members of the Committee:

Thank you for the opportunity to comment on **HB 2652**. KASB stands in opposition to this bill for the following reasons:

First, it violates the principle of local control of public schools in the Kansas Constitution, which says public schools are to be “maintained, developed and operated by locally elected boards.” The “original intent” of this provision of the education article was to give people in each community the right to manage their schools through boards elected by those LOCAL voters. The constitution charges the Kansas State Board of Education with “general supervision” of public education. Nothing in the state constitution gives the State Board the authority to tell local boards how to maintain, develop and operate public schools. Yet **HB 2652** would allow the State Board to overrule decisions of local school boards and force them to develop and operate public charter schools, and to specify how those local schools are to be maintained through funding.

Perhaps some would argue the quite clear language and meaning of the constitution should be set aside if there is some compelling need. Let us consider some possibilities.

Are Kansas public schools failing to address the needs of Kansas students, especially “at-risk” students? We all know there is an achievement gap which is the basis of the constitutional challenge to the school finance system. But as the Post Audit Report shows on page 12, student performance on state assessments has been increasing over the past five years, and the achievement gap has been narrowing. Further, the report indicates the fundamental problem is a lack of funding for at-risk and other special needs programs. (See attachment one.)

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Do more expansive charter school laws improve academic results in a state? To answer this question, I used the most recent data from the National Assessment for Education Progress in reading and math, and compared Kansas to the 10 states that have the highest percentage of students in charter schools. (See attachment two.) None of these states had higher scores for all students than Kansas (one was tied). Moreover, every other state has LOWER scores for low income students, and most had lower scores for students with disabilities. Furthermore, the “high choice” states with the best results were the states which spent the most per pupil. Finally, I found the average scores for the states with the most students in charter schools had lower average scores than states with few students in charter schools – and the 11 states with NO charter schools had the BEST average scores.

In addition, the Kansas State Department of Education’s own study found students in traditional public schools usually do better than charter school students on Kansas assessments AND on national assessments. (See attachment three.) It found no conclusive evidence charter schools provide better educational outcomes than traditional public schools. While it is true charter schools may have more “at-risk” students, which would negatively affect test scores, it also means charter schools have not been able to OVERCOME the challenges of at-risk students. Lower performance by at-risk students is used to justify the need for charter schools; then the same results are used to explain why charter schools get lower results!

Does the agency which approves charter schools make a difference? The State Department’s report shows charter schools approved by local school boards have better academic results on national tests than schools chartered by state boards. In other words, the impact of this bill would be to allow a method of charter school approval that has WORSE academic results than the CURRENT law.

Are local school boards arbitrarily or unreasonably turning down promising charter school requests? No. When the State Board endorsed the proposal in this bill in January, not a single instance was presented to suggest school boards have failed to appropriately consider charter school proposals. The fact that SOME charter school proposals have been turned down does NOT mean local boards have done something wrong. Legislators vote against proposals all the time. It doesn’t mean they are being arbitrary or capricious; it means they are exercising their judgment on behalf of the people who elect them.

Several years ago, KASB supported changes in the charter school law which required local boards to give reasons if they reject a charter proposal; to allow the petitioner to address those concerns; and to notify the State Board. No evidence was presented to the State Board of any cases of unreasonable action by local boards. Nor does this bill limit the State Board’s action to cases where there is evidence that the local board acted inappropriately.

This bill does not require a balance between the interests of students in a proposed charter school and the needs of other students in the district. In considering charter school applications, local school boards weigh the impact of the charter school proposal against the impact the school would have on other students in the district. It is certainly possible that a proposal could promise better results for students in the school, but led to worse results on other schools in the district. That is precisely why local school boards should be responsible for approving charter schools.

But on page three, lines 27-29, this bill requires the State Board to approve a charter proposal “If the state board finds such charter school is likely to achieve program goals.” The bill says nothing about balancing the interests of other students, parents, patrons and taxpayers. It

says nothing about negotiating in good faith, or protecting against arbitrary action by local boards. It says nothing about demonstration of community support. This bill simply allows any individual or group to by-pass the board elected by the voters in a school district if they don't like the answer they receive.

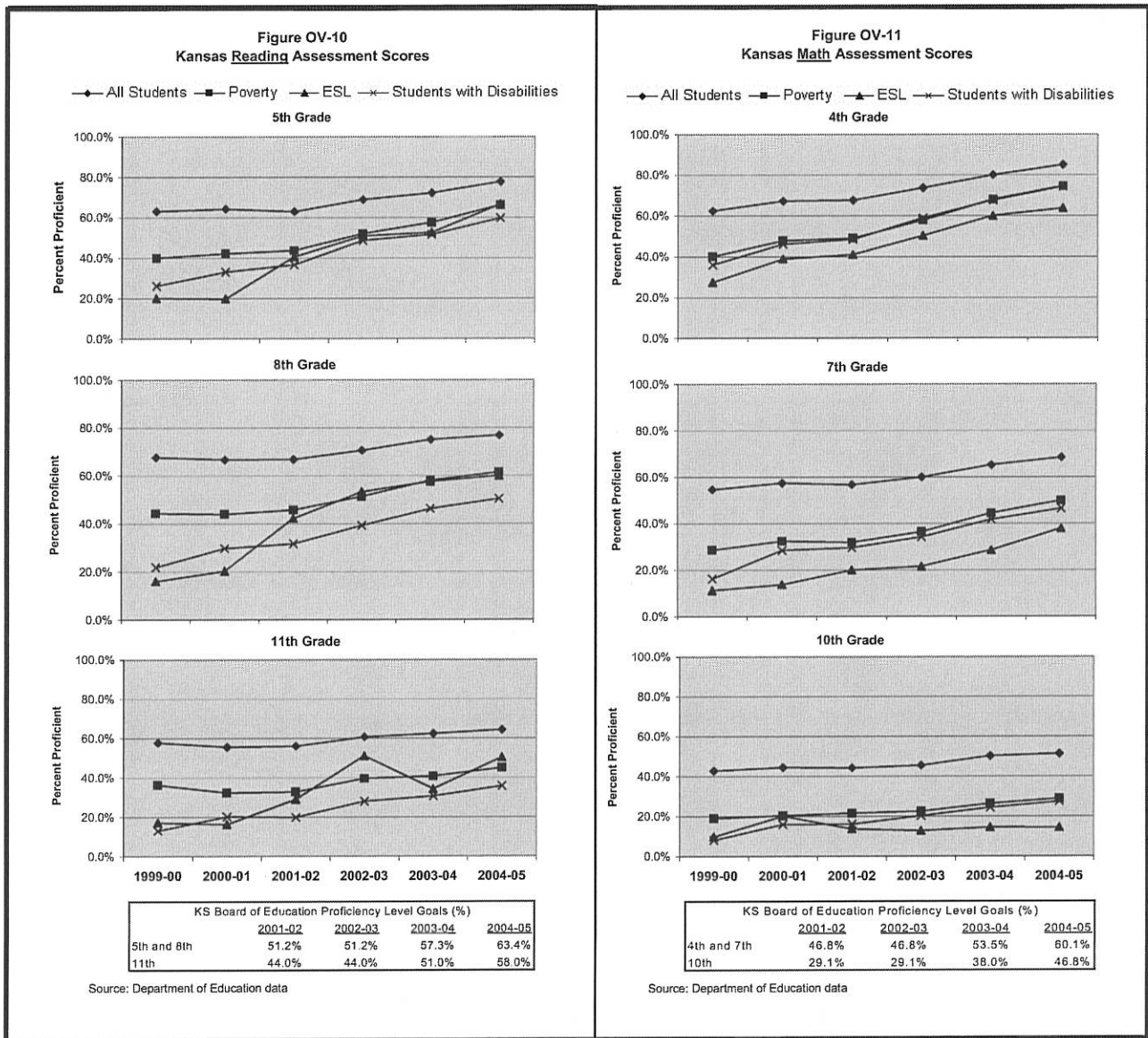
At least one State Board member suggested this bill would allow patrons to keep open school buildings which have been closed by local school boards by turning them into charter schools. If that is indeed the goal or effect of this bill, you can forget about ANY chance for school consolidation or closing for efficiency or academic quality in Kansas.

Finally, this bill sets a minimum funding level by requiring the local board provide at least the base budget per pupil plus "applicable weightings and other categorical funds attributed to students enrolled in the charter school." But the base budget is designed to reflect the costs of an average child in a school district, not an individual school. For example, an elementary school typically does not cost as much to operate as a high school. Furthermore, weightings often apply to programs or services, not schools. If the charter school receives the pupil's transportation weighting, does it provide bus service? If it receives at-risk weighting, does it have to provide its own approved at-risk program?

For all these reasons, we urge you to reject **HB 2652**. Thank you for your consideration.

Kansas students have shown improvement on Statewide assessment tests, but some student groups are struggling to achieve outcomes. State law requires the State Board of Education to provide for assessment tests to be administered at three grade levels in the core academic areas of mathematics, science, reading, writing, and social studies, and to establish curriculum standards for such core academic areas. Through the 2004-05 school year, the State Board required, 5th, 8th, and 11th graders to be tested in reading, and 4th, 7th, and 10th graders to be tested in math. Beginning with the 2005-06 school year grades 3 through 8 and one high school grade will be tested annually in reading and math. In subsequent years, additional tests will be required in science, social studies, and writing.

Figures OV-10 and OV-11 show the percentage of students who have scored “proficient” or above on the Statewide math and reading assessments since 1999-00.



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ATTACHMENT 2

Expanded school choice doesn't improve student performance

KASB Issue Paper – December 6, 2005

New Kansas Education Commissioner Bob Corkins has made expanding school choice and competition his top priority, saying that private school vouchers and more public charter schools would improve education in the state.

However, the states with the highest percentage of students in charter schools, as well as those which provide state funding for private school vouchers, generally performed well below Kansas on national reading and math tests.

Student performance can be compared by examining results from the 2005 National Assessment of Education Progress. NAEP reports the percent of public school students who score basic or above in reading and math at grades four and eight. For each state, a NAEP test total can be determined by adding the percent at that level in each of the four tests. A "perfect score" would be 400.

Table 1						
How Kansas Compares to "High Choice" States						
	Charter School Enrollment as Percent of Total Public School Enrollment	2005 National Assessment of Education Progress Number is the combined percent of students scoring Basic and Above for Reading and Math, Grades Four and Eight (Maximum score 400)				Current Expenditures per Pupil, 2003
		(1) All Students	(2) Low Income Students	(3) Students with Disabilities	Average of Columns 1-3	
Kansas	0.3%	309	259	175	248	\$7,454
Ten "High Choice" States:						
Delaware	5.3%	309	253	183	248	\$9,693
Ohio	3.3%	305	237	184	242	\$8,632
Wisconsin	3.0%	304	229	163	232	\$9,004
Colorado	4.6%	295	223	148	222	\$7,384
Michigan	4.4%	283	211	169	221	\$8,781
Florida	3.0%	278	233	176	229	\$6,439
Alaska	3.3%	274	206	143	208	\$9,870
Arizona	5.4%	251	193	120	188	\$6,282
Hawaii	2.8%	240	185	72	166	\$8,100
California	2.8%	238	215	104	175	\$7,552
"High Choice" State Average		278	215	175	227	

Kansas has consistently scored among the top-performing states. For 2005, Kansas tied for 10th place with a score for all students tested of 309.

Ten states have at least 2.8 percent of total public school enrollment in charter schools. Three of those states (Wisconsin, Ohio and Florida) also have some form of state-funded voucher for students attending private schools. Among the 10 "high choice" states, one (Delaware) tied with Kansas, with all others scoring lower. The average score of the high choice states was 278, which was 31 points LOWER than Kansas.

The Commissioner proposed targeting vouchers to low income and disabled students because these groups are the focus of the constitutional challenge to the Kansas school finance system. However, “high choice” states also fall below Kansas in serving these groups. The combined NAEP scores for Kansas students eligible for free or reduced lunch was 259. Every single “high choice” state had a lower score for low income students. The average of these states was 215, or 44 points LOWER than Kansas.

For students with disabilities, three “high choice” states had a higher NAEP score than Kansas (Delaware, Ohio and Florida by a single point), but the average of all 10 states was 146, or 29 points LOWER than Kansas.

This data also reinforces another fact: higher spending per pupil on public education usually (but not always) makes a positive difference. The “high choice” states with the best overall performance (Delaware, Ohio and Wisconsin) each spent between \$1,000 and \$2,000 per pupil more than Kansas. In other words, the “high choice” states that came closest to the level of student achievement in Kansas spent considerably more money per pupil.

Overall, a higher percent of students in charter schools as opposed to traditional public schools actually seems to correspond to LOWER student performance. As noted above, the average combined NAEP score for the 10 “high choice” states was 278. The average score for the 12 states with charter school enrollment between 1.0 and 2.8 percent was 290. The average score for states with less than 1 percent charter enrollment was 285. The highest average score was for the eleven states with NO charter school enrollment: 295.

	Percent of Public School Enrollment in Charter Schools			
	2.8 Percent or more	1.0 to 2.7% Percent	Less than 1 Percent	No charter schools
Number of States	10	12	17	11
Average Combined 2005 NAEP score (All students)	278	290	285	295

These national test results refute the notion that expanding school choice improves public education. It is easy to understand why: public schools must educate every child under a host of state and federal mandates. “Choice” really means allowing certain schools to educate a small number of students under “different rules” – or no rules at all. If “choice” schools are allowed to choose the students they want, public schools are responsible for educating the students “choice” schools do not want. If “choice” schools are required to operate the same as public schools, student results are no different.

Sources:

- National Assessment of Education Progress: “Mathematics 2005” and “Reading 2005”
- National Charter School Research Project; Indicator Reports; Number of Students
- Nation Center for Education Statistics: Current Expenditures for Pupil 2002-03

Table 2: How Well Do Charter School Students Do on Assessments?

Reading Assessment Results, Charters vs. Other Publics
Grade 4 (NAEP data) & Grade 5 (Kansas data)

	NAEP*		Kansas**	
	% Basic or Above		% Proficient or Above	
	Charters	Other Publics	Charters	Other Publics
All Students	58	62	79	78
Male	55	58	76	78
Female	60	65	83	79
White	73	74	80	82
Black	37	39	**	62
Hispanic	45	43	none	67
Free or Reduced	39	45	63	69
Non-Poor	72	76	87	85
w/ Disabilities	N/A	N/A	**	60
ELL	N/A	N/A	none	67

*Source: U.S. Dept. of Education, National Assessment of Educational Progress (NAEP) 2003 Grade 4, Reading Charter School Pilot Study. Percentages are rounded to the nearest whole number.

**Source: Kansas Dept of Education, 2005 State Reading Assessments, Grade 5. For charter schools, the number of African-American as well as Students with Disabilities with valid assessments were less than 10, so these cells were suppressed to protect student confidentiality. There were no Hispanic or ELL students tested.

Table 3

Math Assessment Results, Charters vs. Other Publics
NAEP & Kansas data

	NAEP*		Kansas**	
	% Basic or Above		% Proficient or Above	
	Other Charters	Other Publics	Other Charters	Other Publics
All Students	69	76	88	86
Male	69	77	91	86
Female	68	75	87	85
White	84	87	88	90
Black	51	54	**	70
Hispanic	58	62	**	72
Free or Reduced Non-Poor	53	62	87	78
	81	88	90	91
w/ Disabilities	N/A	N/A	**	75
ELL	N/A	N/A	none	64

*Source: U.S. Dept. of Education, NAEP 2003 Grade 4, Math Charter School Pilot Study. Percentages are rounded to the nearest whole number.

**Source: Kansas Dept of Education, 2005 State Math Assessments, Grade 4. For charter schools, the number of African-Americans, Students with Disabilities, and Hispanics with valid assessments were less than 10, so these cells were suppressed to protect student confidentiality. There were no ELL students tested in the charter schools.

Table 4
Kansas High School Assessment Results,
 Charters vs. Other Publics

	Reading* % Proficient or Above		Math* % Proficient or Above	
	Other Charters	Other Publics	Other Charters	Other Publics
All Students	35	65	32	52
Male	35	63	24	54
Female	35	67	45	51
White	33	69	32	58
Black	**	37	**	23
Hispanic	**	47	**	26
Free or Reduced Non-Poor	40	49	42	33
w/ Disabilities	none	35	**	26
ELL	none	52	none	13

*Source: Kansas Dept of Education, 2005 State Assessments. For charter schools, the number of African-Americans, Students with Disabilities, and Hispanics with valid assessments were less than 10, so these cells were suppressed with ** to protect student confidentiality. There were no ELL students tested in the charter schools.

Data Observations:

- Disaggregated by grade, the number of Kansas charter-school students is very small. Therefore, even small changes in the populations served, or in charter-school designs, could result in large changes in assessment results.
- The Kansas charter results, like those of the regular public schools, show good results in the early grades, and markedly worse results in the high school grades. This seems to be best explained by the differences in the charter schools' missions: a high-proportion of charter high schools are alternative schools serving at-risk students. The differences in demographics can be seen in the table below.

NAEP Survey Data

As part of its recent study of charter schools,² the U.S. Department of Education researchers surveyed the principals of the 150 charter schools participating in the National Assessment of Educational Progress (NAEP). They were then able to link the survey results with student results on NAEP assessments. While the data is based on a relatively small and diverse sample and must be interpreted with caution, some of the survey responses may inform questions before the Board:

Does student performance differ by charter-school oversight?

charter-granting authority	% of students tested	% at Basic or Above
school district	49	65
state board of ed	27	52
university	15	45
state charter-granting agency	6	60

On all charts, basic or above should be lower case

Does student performance differ by charter-school focus?

program focus	% of students tested	% at Basic or Above
comprehensive curriculum	59	56
specialized curriculum	24	59
specialized ed philosophy	5	53
specialized values	11	63

Foreign language immersion or math-science focus would be examples of specialized curricula; Montessori or open schools of specialized educational philosophies; religious or character-focused of specialized values.

Does student performance differ by charter-school independence?

	% of students tested	% at Basic or Above
part of a school district	55	64
stand-alone	45	52

² U.S. Dept of Education, Institute of Education Sciences (2005) *America's Charter Schools: Results from the NAEP 2003 Pilot Study*, (Washington, DC: National Center for Education Statistics) NCES 2005-456. Copies of the report can be downloaded at: <http://nces.ed.gov/nationsreportcard/studies/charter/>. Copies of the survey can be downloaded at <http://nces.ed.gov/nationsreportcard/studies/charter/results.asp>.

Testimony to House Education Committee
Robert J. Vancrum, Blue Valley Government Affairs Specialist
Monday, February 13, 2006

Re: House Bill 2652

State Approval of Charter Schools and Funding of the same by the "Local School District"

Dear Chairman Decker and Honorable Members of the Committee:

I am here representing Blue Valley USD 229 and Wichita USD 259 to oppose the bill as currently drawn. In the first place, Blue Valley's school board has had a policy for several years in opposition to charter schools being established in the district by any means other than by petition to the duly elected Board of Education of Blue Valley Unified School District 229.

On page 3 the petitioner is permitted to appeal the decision to the state board if it is denied by the local board. The statute in subsection (f) specifically allows the state board to enter an order approving the school without regard to the position of the local school board. Interestingly it is not clear whether this is a hearing de novo or a hearing on the record from below. It is also not clear whether the local board of education is given any right to be represented during that appeal, which it certainly should be.

Subsection (g) has been amended to permit the establishment of a charter school within 10 days of issuing of an order approving such school following an appeal. It is not clear whether this is still tied to April 15th of the year preceding the year in which the charter school is proposed to be established, but apparently not.

Lastly, and not least, the existing charter school legislation, which was rewritten by this committee only last year, is amended by adding new subsection (i) which requires the "local school board" to pay over an amount equal to "all base state aid for pupil plus applicable weightings and all categorical funds" to the charter school. This we oppose for several reasons. Some technical and some out of basic fairness to the other taxpayers within the district. To save the committee's time I will only summarize these objections and would be happy to visit further if anyone is wanting to do so:

1. The assumption is apparently made in this statute that the charter school will be providing all services for which weighting and categorical aid are received. That notwithstanding the fact that current state law would require the *school district* to provide special education services to such students either at the location of the charter school or provide transportation to an area served by a public school where such special education services would be provided. Furthermore, there is nothing in current law nor in this amendment that requires the charter school to provide all such services. This could be a substantial windfall for the charter school.

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2. There is also an assumption made that all students cost exactly the same to educate. The legislative post-audit study of the cost of educating the students has once again proven the fallacy of this assumption. There are vast differences between the cost of bringing certain students to proficient levels in reading and math and what is required of those already proficient. In fact, the legislative post-audit division has concluded that at risk students may require up to 1.75 weighting just to meet the constitutionally adequate standard. If the charter school is set up to primarily serve students who are ***not at risk, are not bilingual, are not in need to special education services, etc.***, clearly the local school district will be left with proportionately even lower funds to meet the needs of all such students. We have made no secret about the fact that our district, like many other districts, actually spends more money on special education and at risk students than what we receive in additional weightings. This legislation will simply make matters much worse.
3. If this charter school proposal were to pass in its current form, I think you would have a hard time distinguishing some of these charter schools from private schools. Certainly some parents that choose to send their children to private institutions have long argued that they should be able to receive vouchers for the amount of money pupils otherwise would have been funded with at the public institution. I would point out that (d)(iii) expressly says these pupils may not be charged tuition, so no doubt private school parents would say, I am paying tuition and receiving no such benefit. I don't want to open up the voucher arguments. I just want to point out that in trying to fix one alleged problem, we may be creating more discrimination.
4. Another not so small detail that hasn't been anticipated by the proponents of this bill is which school district or districts will be required to foot the bill. Charter schools may draw students from more than one district. All the legislation says is that "the local district" will pay over the dollars that this student would have received. ***Is the school district in which the charter is physically located going to be required to pay the entire bill out of its budgeted funds? If the student has never been enrolled in another district, or has been enrolled outside the state, how is this determined.***
5. In a district such as Blue Valley, which is almost entirely supported by locally raised dollars, you are really taking away dollars specifically entrusted to the local school board by its voters and their taxpayers and giving it to a group not elected by the voters and not answerable to them. This would appear to be a slap in the face of local voters and property taxpayers. ***The fact is that this could occur even though the local school board had denied the application, perhaps because it did not contain one the 16 criteria specified in subsection (c) or meet the requirements of subsection (b).*** It has already been pointed out that in the appeal to the state board they will only have the right to review if the charter serves ONE of the goals listed in such section, and is likely to succeed in doing so

In conclusion, I hope that if nothing else I have succeeded in pointing that this is a very radical change that will have long lasting and far reaching consequences, perhaps some of which we can only begin to imagine. Our citizens and the overwhelming majority of our citizens strongly support the concept of local control of schools. We also believe that government governs best that is closest to the people.

Certainly if there is a charter school concept that makes sense, that does not drain students from facilities that are already under construction and for which bond indebtedness has been incurred and which does not drain operating funds away from the school district to the disadvantage of other students, I don't know of any local school board that would not choose to innovate. To show evidence of the willingness of Kansas public schools to innovate, I would point to Blue Valley's alternative high school, the Blue Valley Academy, specifically aimed at addressing the needs of those who don't do well in a traditional setting. I would also point to the extensive list of magnet schools and special programs like the international baccalaureate program, that the Wichita district has established

To take these decisions to Topeka where they don't know the local situation because one group of disgruntled parents or another choose to pull their students out of public school and do not choose the private school route, certainly appears to be a questionable shift of power away from the local voters.

I will be happy to stand for any questions.

**Testimony by Kathy Cook, Executive Director,
Kansas Families United for Public Education
In Opposition of HB2652
Presented Feb.10, 2006**

On behalf of Kansas Families United for Public Education, I offer my thanks to the committee for this opportunity.

Our members are supportive of charter schools and the role they play in our public education system. We believe that local boards of education are the most well equipped bodies to approve or deny charters.

Local Boards of education are elected by the very people they serve and therefore have the best interests of their communities and their students in mind when making such decisions.

Article Six of the Kansas Constitution reads, "*Local public schools under the general supervision of the state board of education shall be maintained, developed and operated by locally elected boards.*" This clearly demonstrates that local boards of education should deal with the specifics that concern their districts and their patrons. It is also evident that the people of Kansas value "local control."

There has been no evidence that the current law is broken or ineffective, so we question why there is a need to amend it. It is our understanding that the majority of charters than have been applied for in this state have been granted by local boards of education.

Commissioner of Education Bob Corkins gave testimony in the Senate Education committee just a few short weeks ago that there was no "evidence" that charters were being denied excessively or that those seeking charters were discouraged from applying. In fact Mr. Corkins said that the information he was using to base his request for a change to the law was "speculation" and "anecdotal."

We don't believe that education policy and law should be based on speculation and anecdotal information, but instead should rely on evidence and research.

It seems to our organization that too much time is being spent on avoidance of the real issue which is to make our finance formula constitutional.

That is an area where we have evidence and research to support a change in policy. That should be the focus if we truly want to help students who are at-risk and students for whom English is a second language.

We respectfully request that the members of this committee vote "NO" on HB 2652 as it is simply not necessary and represents a slow erosion of local control.

Kathy Cook
Kansas Families United for Public Education
(913) 825-0099

House Education Committee
Date: 2-13-06
Attachment # 5



TOPEKA

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Testimony on HB 2712

February 9, 2006

Madame Chair, distinguished colleagues on the House Education Committee, HB 2712 will be one more step in bringing Kansas into line with the federal IDEA guidelines. This bill clarifies and makes a minor change in our current law.

After an initial IEP or annual IEP meeting, a child's parent(s) and an appropriate representative of the agency providing services could agree on changes and prepare a written document amending or modifying the child's IEP without convening an IEP meeting. That representative could be the special education teacher of the child, a child's speech therapist, social worker, etc.—whichever person is related to the change being made. Neither would it be necessary to convene an IEP meeting to make a substantial change in the student's placement or a material change in services. "Substantial change" has referred to a change in placement of 25% or more.

Agreement of the parent to changes in the IEP is still required, but an IEP meeting is not required. The required written document could be done by telephone, e-mail, or fax. Of course, any time a parent believes a face-to-face meeting or an IEP meeting is warranted, that meeting will happen.

A number of our school districts have believed they were required to have an IEP meeting or at least a face-to-face meeting with the teacher any time a change was made to the IEP, or they had a meeting just to be "on the safe side." That involves a tremendous amount of time--the teacher having to leave someone else covering a class, a therapist changing routine sessions with other students, etc.

Please bring Kansas into line with the federal guidelines. We need more time to be with children, rather than meeting and doing paperwork.

House Education Committee

Date: 2-13-06Attachment # 6

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS



1420 SW Arrowhead Road • Topeka, Kansas 66604-4024
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Testimony on **HB 2712**
before the
House Education Committee

by

Mark Tallman, Assistant Executive Director/Advocacy
Kansas Association of School Boards

February 9, 2006

Madam Chair, Members of the Committee:

Thank you for allowing us to comment on **HB 2712**. KASB appears as a proponent of this measure.

As we understand the intent of the bill, it would simply allow the parent of a special education child and the school district to agree to substantial changes in placement and services to the child without requiring a meeting of the Individual Education Plan team.

This is a simple, common-sense proposal that can make a small but meaningful difference in the time, paperwork and cost associated with special education. It protects the interests of children, parents and school personnel. It will only apply to those circumstances where all parties agree to make changes in the IEP without a meeting of the team. We support passage of this bill.

Thank you for your consideration.

House Education Committee
Date: 2-13-06
Attachment # 7



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

**Terry Forsyth, Testimony
House Education Committee
February 9, 2006**

House Bill 2712

Madame Chair, members of the committee, I would like to thank you for the opportunity to appear before you today to share our thoughts on **House Bill 2712**. I am Terry Forsyth and I represent the Kansas National Education Association.

Our understanding of the intent of this bill is to make a change that would simplify the IEP meeting process and ease the paperwork and time requirements for all professionals and parents involved in educating special education children.

To change an IEP currently requires bringing together the entire committee to alter the IEP. This change would allow parents and a representative of the education agency to make changes necessary without a scheduled meeting. As long as the process that keeps educators involved in the IEP process and those educators have had the opportunity for the rich and meaningful discussions with the parents and keeps the integrity of the IEP process in place as required by federal law we can support simplifying the process.

House Education Committee

Date: 2-13-06

Attachment # 8



Disability Rights Center of Kansas
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**Testimony to the
House Education Committee
Testimony in Opposition to HB 2712**

February 9, 2006

Chairman Decker and members of the committee, my name is Michael Donnelly. I am the Director of Policy and Outreach of the Disability Rights Center of Kansas. The Disability Rights Center of Kansas (DRC) is a public interest legal advocacy agency, part of a national network of federally mandated and funded organizations legally empowered to advocate for Kansans with disabilities. As such, DRC is the officially designated protection and advocacy system for Kansans with disabilities. DRC is a private, 501(c)(3) nonprofit corporation, organizationally independent of both state government and disability service providers. As the federally designated protection and advocacy system for Kansans with disabilities our task is to advocate for the legal and civil rights of persons with disabilities as promised by federal, state and local laws, including children receiving special education services.

DRC expresses concern with the addition of language ***including any substantial change in placement and any material change in services.***

It is a child's right to be educated in the Least Restrictive Environment and receive a Free and Appropriate Public Education and it is both the parent's and the school's responsibility to ensure those rights. Substantial change in placement can significantly negatively affect the provision of services in a student's Least Restrictive Environment and any material change in services can have a significant impact on FAPE (Free and Appropriate Public Education). Either of these changes needs to be done with the

House Education Committee
Date: 2-13-06
Attachment # 9-1

assurance that input is provided by all members of the IEP Team and with the full informed consent of the parent.

For example a change from general education classroom to self contained classroom would need the input of both the general education teacher and the special education teacher for a parent to make an informed decision. **Will parents be fully informed as to their right to a full IEP team meeting and will Prior Written Notice advise them of that right?** One concern is that they may not know that they have this option to decline to consent to informal amendment process and instead insist on a full IEP meeting where the changes can be fully discussed.

DRC agrees that the intention in providing the option of amending or modifying without full team support may be appropriate for such changes as revisiting the benchmarks for a student's goals, or the addition of a service, modification or accommodation but that a movement of an exceptional child for more than 25 percent of the school day, or a 25 percent or more reduction of services is not properly addressed by the parent and one school representative. The 25 percent reference refers to the formal definition of *substantial change in placement [KSA 72-962 (aa)] and material change in services [KSA 72-962 (dd)]*.

The purpose of establishing and convening an IEP Team is to provide informed and varied levels of expert input for major decisions regarding provision of individualized instruction. While written input can be an option, it does not allow for discussion necessary for parents to provide informed input and make effective informed decisions.

The system must be navigable by the parent. By omitting the formality of an IEP meeting, the school can too easily make changes to a student's program without the parent being aware of how those changes affect a student's rights. While DRC anticipates this would not be done intentionally, it does present an opportunity for abuse if parents do not realize the impact/importance/gravity of the decision they are making in the less formal arrangement.

The current law gives the parent the right to withhold consent to substantial change in placement or material change in services. Those decisions are given higher level of importance than other aspects of the IEP and are therefore given more procedural protection. Thus, the formality of the meeting and input from entire IEP team are required.

Although the proposed change in law seems minor, the affect, and un-intended consequences can be major. HB 2712 may result in the violation of students' rights to Free Appropriate Public Education in the Least Restrictive Environment and so DRC can not support the proposed amendment.



Shawnee Mission School District

Guiding Students to Success

SHAWNEE MISSION SCHOOL DISTRICT

Deborah Haltom, Director
Special Education Services
Shawnee Mission Schools
4401 W. 103rd Street
Shawnee Mission, KS 66207

February 7, 2006

The Honorable Sue Storm
Kansas State Capitol
300 SW 10th Street
Topeka, KS 66612

RE: This testimony is in response to HB-2712.

Federal IDEA-04 allows parents and school teams to agree to make changes to an Individual Education Program (IEP) without reconvening an IEP meeting. Kansas law needs to mirror federal law and not require more procedural requirements than is mandated under this reauthorized mandate. I am in support of HB-2712 in that parents and the school team members will be allowed to issue a change order for an IEP. This is an efficient method for assuring appropriate services can take effect immediately. School districts should have the right to design an effective way for parents and teams to address the required paperwork, without scheduling yet another meeting. This law could be the most efficient and effective method for making mid-year changes that we've had the option to utilize in the past 30 years. Please support this House Bill.

Sincerely,

Deborah Haltom

Director
Special Education Services
Shawnee Mission Schools

House Education Committee
Date: 2-13-06
Attachment # 10



Families Together, Inc.

Parent Training & Information Centers for Kansas

Home Page:
<http://www.familiestogetherinc.org>

Wichita Parent &
Administrative Center
3340 W Douglas, Suite 102
Wichita, KS 67203
Voice/TDD (316) 945-7747
1-888-815-6364
Fax (316) 945-7795
wichita@familiestogetherinc.org

Topeka Parent Center
501 Jackson, Suite 400
Topeka, KS 66603
Voice/TDD (785) 233-4777
1-800-264-6343
Fax (785) 233-4787
topeka@familiestogetherinc.org

Garden City Parent Center
111 Grant
Garden City, KS 67846
Voice/TDD (620) 276-6364
1-888-820-6364
Español (620) 276-2380
Fax (620) 276-3488
gardencity@familiestogetherinc.org

Kansas City Parent Center
6811 W 63rd St., Suite 117
Overland Park, KS 66202
Voice/TDD (913) 384-6783
1-877-499-5369
Fax (913) 384-5887
kansascity@familiestogetherinc.org

Statewide Spanish Parent Line
1-800-499-9443

House Education Committee Representative Kathe Decker, Chairperson

February 9, 2006

Testimony in regard to HB 2712

Madam Chair and members of the committee, thank you for the opportunity to provide testimony today. My name is Lesli Girard, and I represent Families Together, Inc. Families Together is the Parent Training and Information Center for Kansas. We provide services to families that include a child with a disability.

As parents and education advocates involved in the special education process, Families Together is strongly opposed to Section 1 (4)(A) of HB 2712. This proposal weakens the important role of the IEP team in making significant changes in an IEP (Individualized Education Program).

Daily we talk with parents across Kansas. Attached I have provided you with a short synopsis of contacts made by parents during the first few months of this school year. As you can see, a majority of the contacts involved school issues. Further, over a quarter of the contacts made to us by parents regarding a school matter specifically involved IEPs, Program Placements, and Related Services. When we work with parents, we strongly urge them to be active, responsible members of their child's IEP team and to respect the value and expertise of all team members. In matters involving *any substantial change in placement and any material change in services*, we believe that all members of the IEP team should be afforded the opportunity to provide input and be privy to the discussions and data used to make such decisions.

Kansas should be proud that they have continued to respect the IEP team in requiring parental consent for a substantial change in placement or a material change in services. These are **significant** issues that require the participation of the **entire** IEP team. I believe the intent of Congress in allowing a parent and representative of an LEA to amend or modify an IEP was to allow for minor changes with ease and convenience. However, a "substantial change in placement and material change in services" is by its own statement, "substantial" and "material". Please do not allow children's IEPs to be modified without the time and attention due to them, especially in these matters of significance.

Thank you for your time and consideration.

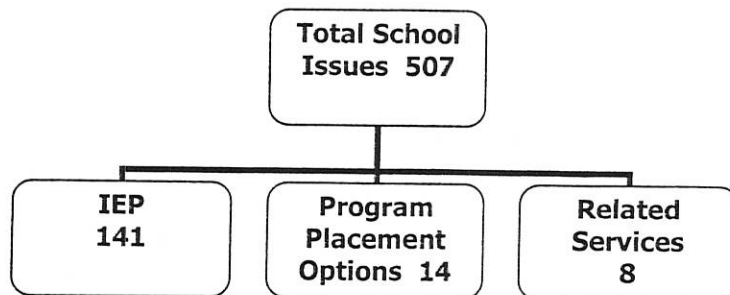
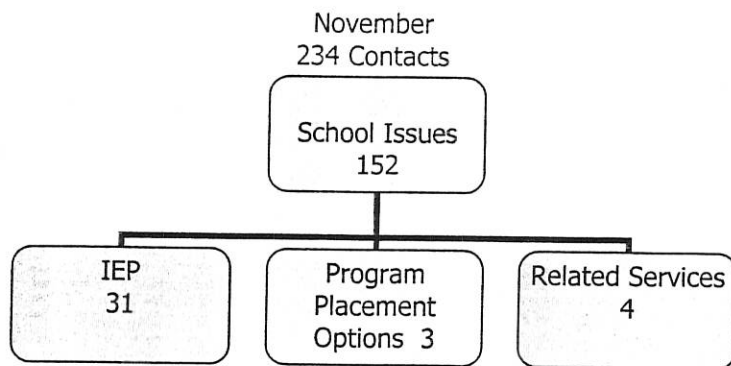
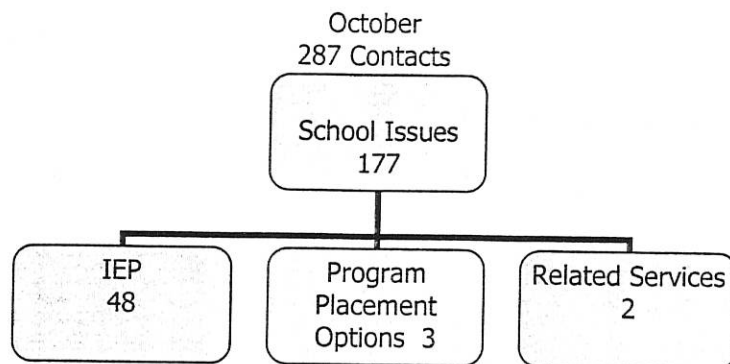
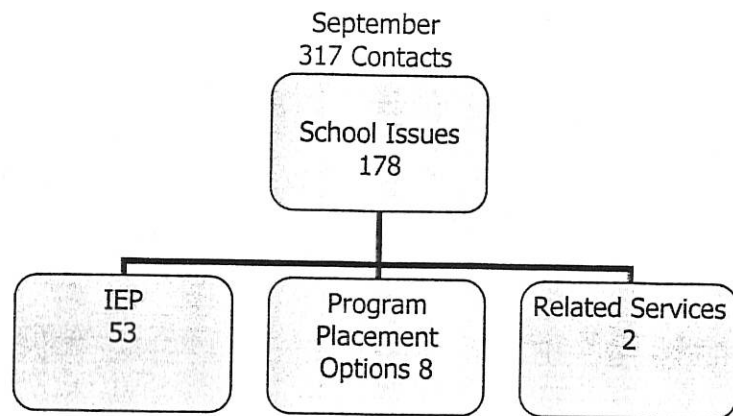
Lesli Girard
Families Together, Inc.
501 Jackson, Suite 400
Topeka, KS 66603

House Education Committee

Date: 2-13-06

Attachment # 11-1

Assisting Parents and Their Sons and Daughters





HB 2712

Testimony presented before the House Committee on Education

By
Gerald W. Henderson
United School Administrators of Kansas

Madam Chairman and Members of the Committee:

HB 2712 brings Kansas statutes into closer compliance with federal special education regulations and is in fact how business is currently done. United School Administrators which includes under our umbrella the Kansas Association of Special Education Administrators supports the provision of **HB 2712**.

Thank you for the opportunity to be heard on this issue.

House Education Committee

Date: 2-13-06

Attachment # 12

Brief on 2652 - consent calendar

STATE EDUCATION GOVERNANCE AT-A-GLANCE

Compiled by the National Association of State Boards of Education
February 2006

We are aware that there are often changes to state governance structures. Please help keep policymakers and the education community informed. When changes do occur in your state, contact David Kysilko at NASBE, 1-800-368-5023 or by e-mail at davidk@nasbe.org.

NASBE
NATIONAL ASSOCIATION OF
STATE BOARDS OF EDUCATION

House Education Committee

Date 2-13-06

Attachment # 13-1

STATE EDUCATION GOVERNANCE AT-A-GLANCE

Compiled by the National Association of State Boards of Education

(Revised February 2006)

13-2

STATE	METHOD OF SELECTION OF STATE BOARD MEMBERS	NUMBER OF VOTING STATE BOARD MEMBERS	LENGTH OF TERM	STATE BOARD ESTABLISHED IN STATUTE OR CONSTITUTION	METHOD OF SELECTION OF CHIEF STATE SCHOOL OFFICER	AUTHORITY FOR TEACHER LICENSURE	SBE ROLE IN CHARTER SCHOOL AUTHORIZATION	SPECIAL NOTES
Alabama	Partisan Ballot	8 plus Gov.	4	Constitution	Appt. by SBE	SBE	No charter law	<ul style="list-style-type: none"> • Governor sits as President of Board • SBE oversees community colleges
Alaska	Appt. by Gov; confirmed by legislature	7	5	Statute	Appt. by SBE, with approval by Gov.	SBE	<ul style="list-style-type: none"> • Chartering agent • No appeals process 	<ul style="list-style-type: none"> • Board appoints one student advisor and one military advisor; these members vote, but their votes are advisory • CSSO must have 5 yrs. experience in education; 3 in administration
Arizona	Appt. by Gov; confirmed by Senate	11, including CSSO	4	Constitution	Partisan Ballot	SBE	<ul style="list-style-type: none"> • Chartering agent • No appeals process 	<ul style="list-style-type: none"> • Sits as Vo-Tech board • Requires four lay members • Two members added in 2005: one lay member, one charter school administrator
Arkansas	Appt. by Gov.	9	7	Statute	Appt. by SBE	SBE	<ul style="list-style-type: none"> • Sole chartering agent • No appeals process 	The CSSO serves at the pleasure of the Governor. CSSO must have 10 yrs. teaching experience, including 5 in administration or supervision, and hold state teacher's certificate
California	Appt. by Gov.	11, including student	4	Constitution	Non-Partisan Ballot	Independent board	<ul style="list-style-type: none"> • Chartering agent • Appeals to SBE 	Voting student member (with 1-year term) who has full participation rights
Colorado	Partisan Ballot	8	6	Constitution	Appt. by SBE	SBE	<ul style="list-style-type: none"> • SBE makes recommendations • Appeals to SBE 	

Charter law

*appeals
2*

13-3

STATE	METHOD OF SELECTION OF STATE BOARD MEMBERS	NUMBER OF VOTING STATE BOARD MEMBERS	LENGTH OF TERM	STATE BOARD ESTABLISHED IN STATUTE OR CONSTITUTION	METHOD OF SELECTION OF CHIEF STATE SCHOOL OFFICER	AUTHORITY FOR TEACHER LICENSURE	SBE ROLE IN CHARTER SCHOOL AUTHORIZATION	SPECIAL NOTES
Connecticut	Appt. by Gov., approved by House and Senate	9	4	Statute	Appt. by SBE	SBE	<ul style="list-style-type: none"> Chartering agent No appeals process 	<ul style="list-style-type: none"> The Commissioner of Higher Education serves as an ex officio, non-voting member of the board Two student members (non-voting) serve 1-year terms on the board
Delaware	Appt. by Gov., approved by Senate. President serves at the pleasure of the Gov.	7	6	Statute	Appt. by Gov.	SBE	<ul style="list-style-type: none"> Chartering agent No appeals process 	<ul style="list-style-type: none"> 2 SBE members must have local board experience; Must be a resident for 5 yrs. in order to sit on board
Florida	Appt. by Gov.	7	4	Constitution	Appt. by SBE	SBE	<ul style="list-style-type: none"> No chartering authority Appeals to SBE 	<ul style="list-style-type: none"> Commissioner of Ed. serves on Board of Governors for the state university system SBE oversees community colleges
Georgia	Appt. by Gov.	13	7	Constitution	Elected statewide	Independent board	<ul style="list-style-type: none"> SBE approves all charters in conjunction with local board Appeals to SBE 	<ul style="list-style-type: none"> Must be a resident for 5 yrs. to sit on board
Hawaii	Non-Partisan Ballot	13	4	Constitution	Appt. by SBE	Independent board	<ul style="list-style-type: none"> Sole chartering agent Appeals to SBE 	<ul style="list-style-type: none"> Non-voting student member selected by the state student council
Idaho	Appt. by Gov.	8	5	Constitution	Non-Partisan Ballot	SBE	<ul style="list-style-type: none"> No chartering authority No appeals to SBE 	<ul style="list-style-type: none"> Must be a resident for 3 yrs. in order to sit on board; Members are also Regents of U. of Idaho SBE oversees community colleges
Illinois	Appt. by Gov.	9	6	Constitution	Appt. by SBE	SBE	<p>SBE has chartering authority through:</p> <ul style="list-style-type: none"> Charter referendum process Charter applicants' appeals to SBE Certification of all approved charters 	<ul style="list-style-type: none"> Requirements for regional and political balance on board. Chair is appointed by Governor

g-u

Appeals

STATE	METHOD OF SELECTION OF STATE BOARD MEMBERS	NUMBER OF VOTING STATE BOARD MEMBERS	LENGTH OF TERM	STATE BOARD ESTABLISHED IN STATUTE OR CONSTITUTION	METHOD OF SELECTION OF CHIEF STATE SCHOOL OFFICER	AUTHORITY FOR TEACHER LICENSURE	SBE ROLE IN CHARTER SCHOOL AUTHORIZATION	SPECIAL NOTES
Indiana	10 members appointed by Gov., plus elected State Superintendent, who serves as chair	11	4	Statute	Partisan Ballot	Licensing authority is now with Dept. of Ed.; former independent licensing board is now advisory	<ul style="list-style-type: none"> No chartering authority No appeals to SBE 	<ul style="list-style-type: none"> 4 members must be educators, Political balance is required \$2,000 per year for state board members
Iowa	Appt. by Gov.	9	6	Statute	Appt. by Gov.	Independent board	<ul style="list-style-type: none"> Schools apply first to local boards; if approved, local boards apply to SBE for final approval Applicants can appeal local board rejection to SBE 	<ul style="list-style-type: none"> One non-voting student member SBE oversees community colleges
Kansas	Partisan Ballot	10	4	Constitution	Appt. by SBE	SBE	<ul style="list-style-type: none"> No chartering authority No appeals to SBE 	
Kentucky	Appt. by Gov.	11	4	Statute	Appt. by SBE	Independent board	No charter law	<ul style="list-style-type: none"> President of Council on Postsecondary Ed. is non-voting ex officio member; Board members must be resident for 3 yrs., be at least 30 years old, and hold a 2-year Associate degree Governor appoints Secretary of Education, Arts & Humanities
Louisiana	8 elected, 3 appt. by Gov.	11	4	Constitution	Appt. by SBE	SBE	<ul style="list-style-type: none"> No chartering authority Appeals to SBE 	
Maine	Appt. by Gov.	9	5	Statute	Appt. by Gov.	SBE	No charter law	

law
1

appeals
2

STATE	METHOD OF SELECTION OF STATE BOARD MEMBERS	NUMBER OF VOTING STATE BOARD MEMBERS	LENGTH OF TERM	STATE BOARD ESTABLISHED IN STATUTE OR CONSTITUTION	METHOD OF SELECTION OF CHIEF STATE SCHOOL OFFICER	AUTHORITY FOR TEACHER LICENSURE	SBE ROLE IN CHARTER SCHOOL AUTHORIZATION	SPECIAL NOTES
Maryland	Appt. by Gov.	12 incl. student member	4	Statute	Appt. by SBE	Shared responsibility between SBE and separate licensure board	<ul style="list-style-type: none"> SBE can charter "restructured" schools if their applications are not acted on at the district level Appeals to SBE Charter schools apply to SBE for waivers on issue-by-issue basis 	<ul style="list-style-type: none"> Voting student member, which is a one-year appointment by the Gov. CSSO must have 7 yrs. teaching experience and administration exp.
Massachusetts	6 Appt. by Gov. 3 voting ex officio members	9 incl. student member	5	Statute	Appt. by SBE	SBE	<ul style="list-style-type: none"> Sole chartering agent No appeals process 	<ul style="list-style-type: none"> Chancellor of Higher Ed. Board, Commissioner of Early Childhood Ed. and Care, and Chair of State Student Advisory Council are voting ex officio members; Gov. appointees must include one labor, one business/industry, and one parent (nominated by state PTA) representative
Michigan	Partisan Ballot	8	8	Constitution	Appt. by SBE	SBE	<ul style="list-style-type: none"> No chartering authority No appeals to SBE 	<ul style="list-style-type: none"> Gov. is ex officio member of the Board State teacher of the year is a nonvoting advisor to the Board SBE oversees community colleges
Minnesota	None			None	Appt. by Gov.	Independent board		State Board existed by statute, but was abolished by legislature as of Dec. 31, 1999
Mississippi	5 appt. by Gov. 4 appt. by Leg.	9	9	Constitution	Appt. by SBE	SBE	<ul style="list-style-type: none"> Sole chartering agent with local board approval No appeals process 	<ul style="list-style-type: none"> Lt. Gov. and speaker of the house each appoint 2 members CSSO must have 5 yrs. administrative experience
Missouri	Appt. by Gov. with consent of Senate	8	8	Constitution	Appt. by SBE	SBE	<ul style="list-style-type: none"> SBE has discretionary authority if charter is denied by initial sponsor Appeals to SBE 	Authority over University and Community College system teacher education programs
Montana	Appt. by Gov.	7	7	Constitution	Partisan Ballot	SBE	Charter rules require a school to have locally elected "school board of trustees"	<ul style="list-style-type: none"> Non-voting student member has two-year term; Governor is ex officio member of SBE

now / appeals

STATE	METHOD OF SELECTION OF STATE BOARD MEMBERS	NUMBER OF VOTING STATE BOARD MEMBERS	LENGTH OF TERM	STATE BOARD ESTABLISHED IN STATUTE OR CONSTITUTION	METHOD OF SELECTION OF CHIEF STATE SCHOOL OFFICER	AUTHORITY FOR TEACHER LICENSURE	SBE ROLE IN CHARTER SCHOOL AUTHORIZATION	SPECIAL NOTES
Nebraska	Non-Partisan Ballot	8	4	Constitution	Appt. by SBE	SBE	No charter law	Teachers, state officials or candidates, and non-residents are not eligible for board membership
Nevada	Non-Partisan Ballot	10	4	Statute	Appt. by SBE	Independent board	<ul style="list-style-type: none"> No chartering authority Appeals to SBE 	Non-voting student member
New Hampshire	Appt. by Gov.	7	5	Statute	Appt. by Gov.	SBE	<ul style="list-style-type: none"> SBE approval to local boards Appeals to SBE 	Gov. and Council appoint SBE
New Jersey	Appt. by Gov.	13	6	Statute	Appt. by Gov.	SBE	<ul style="list-style-type: none"> No chartering authority Appeals to SBE 	<ul style="list-style-type: none"> 3 members of SBE must be women Resident for 5 yrs. to sit on board
New Mexico	Elected	10	4	Constitution	Appt. by Gov.	Independent board	<ul style="list-style-type: none"> No chartering authority 	2003 Constitutional amendment reconstituted State Board as the Public Education Commission, which is advisory to the Secretary of Ed.
New York	Appt. by Legislature	16	5	Constitution and Statute	Appt. by SBE	SBE	<ul style="list-style-type: none"> Chartering agent No appeals process 	Responsible for higher education, cultural institutions, and licensed professions
North Carolina	Appt. by Gov.	13 (including two voting ex officio members)	8	Constitution	Partisan Ballot	SBE	<ul style="list-style-type: none"> Chartering agent Appeals to SBE 	2 Teacher of the Year advisors; 2 student advisors; 1 Principal of the Year advisor; 1 local superintendent advisor; 1 local board member advisor; State Treasurer and Lt. Governor are voting ex officio members
North Dakota	Appt. by Gov.	7	6	Statute	Non-Partisan Ballot	Independent board	No charter law	
Ohio	11 elected by Non-Partisan Ballot; 8 Appt. by Gov.	19	4	Constitution	Appt. by SBE	SBE	<ul style="list-style-type: none"> Chartering agent No appeals process 	<ul style="list-style-type: none"> Separate board for higher education 2 ex officio members (non-voting)
Oklahoma	Appt. by Gov.	7	6	Constitution	Partisan Ballot	SBE	<ul style="list-style-type: none"> No chartering authority No appeals process 	State Board members are ex officio voting members of the State Board of Vocational and Technical Education

STATE	METHOD OF SELECTION OF STATE BOARD MEMBERS	NUMBER OF VOTING STATE BOARD MEMBERS	LENGTH OF TERM	STATE BOARD ESTABLISHED IN STATUTE OR CONSTITUTION	METHOD OF SELECTION OF CHIEF STATE SCHOOL OFFICER	AUTHORITY FOR TEACHER LICENSURE	SBE ROLE IN CHARTER SCHOOL AUTHORIZATION	SPECIAL NOTES
Oregon	Appt. by Gov.	7	4	Statute	Non-Partisan Ballot	Independent board	<ul style="list-style-type: none"> • Appeals to SBE • SBE can charter schools after appeal 	K-12 and Community College Authority
Pennsylvania	Appt. by Gov., confirmed by Senate	21	6	Statute	Appt. by Gov.	SBE	Appeals to separate Charter Schools Appeal Board	Statutory responsibility for post-secondary education.
Rhode Island	Appt. by Gov.	9	3	Statute	Appt. by SBE	SBE	<ul style="list-style-type: none"> • SBE authorizes after initial approval by local board or CSSO • No appeals process 	A Constitutional amendment on "Separation of Powers" passed in 2004 eliminated the practice of appointing one board member from the House and one from the Senate.
South Carolina	Appt. by Legislature	17	4	Constitution	Partisan Ballot	SBE	<ul style="list-style-type: none"> • No chartering authority • Appeals to SBE 	Legislative delegations elect 16 SBE members, gov. appoints 1 SBE member
South Dakota	Appt. by Gov.	9	4	Statute	Appt. by Gov.	SBE	No charter law	
Tennessee	Appt. by Gov., confirmed by General Assembly	10 incl. student member	9	Statute	Appt. by Gov.	SBE	<ul style="list-style-type: none"> • No chartering authority • Appeals to SBE 	<ul style="list-style-type: none"> • Voting student member (1-yr. term) • Board selects Executive Director • Serves as State Board for Vocational Education
Texas	Partisan Ballot	15	4	Constitution	Appt. by Gov.	Independent board	<ul style="list-style-type: none"> • Chartering agent • No appeals process 	
Utah	Non-Partisan Ballot	15	4	Constitution	Appt. by SBE	SBE	<ul style="list-style-type: none"> • No chartering authority • Appeals to SBE 	Board includes two non-voting members appointed by State Board of Regents
Vermont	Appt. by Gov. and approved by the Senate	9 incl. student member	6	Statute	Appt. by SBE and approved by Gov.	SBE	<ul style="list-style-type: none"> • No charter law 	Chair is elected by the Board for 2-year term
Virginia	Appt. by Gov.	9	4	Constitution	Appt. by Gov.	SBE	<ul style="list-style-type: none"> • No chartering authority • No appeals process 	

13-17

STATE	METHOD OF SELECTION OF STATE BOARD MEMBERS	NUMBER OF VOTING STATE BOARD MEMBERS	LENGTH OF TERM	STATE BOARD ESTABLISHED IN STATUTE OR CONSTITUTION	METHOD OF SELECTION OF CHIEF STATE SCHOOL OFFICER	AUTHORITY FOR TEACHER LICENSURE	SBE ROLE IN CHARTER SCHOOL AUTHORIZATION	SPECIAL NOTES
Washington	5 elected by local school board members; 7 appointed by Gov.; 1 elected by private schools; state supt. Also, 2 nonvoting students	14 members limited to 2, 4-year terms (CSSO excepted); students serve 2 years, beginning as junior	4	Statute	Non-Partisan Ballot	Independent board	No charter law	<ul style="list-style-type: none"> • Legislation passed in 2005 significantly altered board for 2006 • Private school rep. and CSSO now have full voting rights • For school board representatives, 3 are from western part of state, 2 from eastern part • Gubernatorial appointees are new feature of the board
West Virginia	Appt. by Gov. and approved by Senate	9	9	Constitution	Appt. by SBE	SBE	No charter law	Three nonvoting ex officio members: CSSO, chancellor of higher education, and chancellor of community and technical college education
Wisconsin	None			None	Non-Partisan Ballot			
Wyoming	Appt. by Gov.	11	6	Statute	Partisan Ballot	Independent board	<ul style="list-style-type: none"> • No chartering authority • Appeals to SBE 	Meets quarterly; reviews all school accreditation compliance for approval or disapproval
District of Columbia	5 by non-partisan ballot 4 appt. by mayor	9	4		Appt. by SBE		<ul style="list-style-type: none"> • Chartering agent • No appeals process 	Board president elected at-large
Guam	3 appt. by gov., 9 elected by district, 1 student elected by Board of Governing Students	13	2	Statute	Appt. by Gov.			Previous board was abolished in March 1999. The first election for a new Guam Education Policy Board was held in November 2002.
Northern Marianas	Elected	5	4	Constitution	Appt. by SBE			3 non-voting members (including 1 student, 1 teacher, and 1 private school representative) are appointed by the Governor
Puerto Rico	Appt. By Gov.	7	5		Appt. by Gov.		<ul style="list-style-type: none"> • No chartering authority • No appeals process 	