

Approved: 3-28-2000
Date

MINUTES OF THE SENATE EDUCATION COMMITTEE.

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

All members were present except:

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

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

Others attending: See Attached List

The Chairperson called the meeting to order and stated the agenda was a continuation of:

Senate Substitute for House Bill 2357 - charter schools

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

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

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

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

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

CONTINUATION SHEET

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

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

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

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

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

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

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

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

Several further comments were made.

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

The meeting was adjourned.