

HB

229

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 229

Revision Date: _____ Dept. Affected: EDUCATION
 Title: An act relating to the establishment and BRU: Teaching and Learning Support
operation of charter schools Component: Quality Schools
 Sponsor: Representative Vezey
 Requester: House Health, Education & Social Services COMPONENT SERIAL NO. 2147

Expenditures/Revenues: (Thousands of Dollars)

| OPERATING EXPENDITURES | FY98 | FY99 | FY00 | FY01 | FY02 | FY03 |
|------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| PERSONAL SERVICES | 71.6 | 71.6 | 71.6 | 71.6 | 71.6 | 71.6 |
| TRAVEL | 4.0 | 4.0 | 4.0 | 4.0 | 4.0 | 4.0 |
| CONTRACTUAL | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 |
| SUPPLIES | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 84.5 | 84.5 | 84.5 | 84.5 | 84.5 | 84.5 |

| | | | | | | |
|-----------------------------|----------|----------|----------|----------|----------|----------|
| CAPITAL EXPENDITURES | 0 | 0 | 0 | 0 | 0 | 0 |
|-----------------------------|----------|----------|----------|----------|----------|----------|

| | | | | | | |
|----------------------------|--|--|--|--|--|--|
| CHANGES IN REVENUES | | | | | | |
|----------------------------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|--------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 84.5 | 84.5 | 84.5 | 84.5 | 84.5 | 84.5 |
| 1005 GF Program Receipts | | | | | | |
| Other | | | | | | |
| TOTAL | 84.5 | 84.5 | 84.5 | 84.5 | 84.5 | 84.5 |

Estimate of current year (FY97) cost: \$

POSITIONS:

| | | | | | | |
|-----------|-----|--|--|--|--|--|
| FULL-TIME | 1.0 | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

The legislation establishes a 7 member state Board of Charter Schools to consider applications for preliminary approval of charter schools, and requires interaction with the state Board of Education. This legislation will require staff to work with the new Board of Charter Schools, the public and school districts and coordinate with the state Board of Education in preparing and reviewing applications, responding to questions, and assisting in appeal procedures when necessary. Costs include establishing an Education Specialist II, Range 21A; travel for one face to face meeting per year; contractual for audio conferences, phone, fax, printing and mailing; and supplies

Prepared by: Nancy Buell Phone: 465-8689
 Division: Teaching and Learning Support Date: 4/30/97
 Approved by Commissioner: Shirley J. Holloway, Ph.D. Date: 4/30/97
 Agency: Department of Education

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70743

SPONSOR: House H.E.S.S.

SUBJECT: SB 134 / HB 215 / HB 216 / HB 229

START/END TIME: 3:00 DATE: 5/1

PLEASE PRINT

| | Name/Representing | Address | Zip | Phone No. | Testify | Observe | Bill No. |
|-----|-------------------|-----------------------|-------|-----------|---------|---------|-------------|
| 1. | LARRY WILGET | 4600 DeBARR RD. | 99516 | 219-7211 | X | | 215/116/229 |
| 2. | Alana Schierhorn | 11935 Kristie Circle | 99516 | 345-5500 | X | | 229 |
| 3. | Kenneth Brewster | 201 Heintzleman Drive | 99503 | 274-0149 | X | | 229 |
| 4. | | | | | | | |
| 5. | | | | | | | |
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| 14. | | | | | | | |
| 15. | Ninda Sharp | Box 190051 Anch - | 19 | 245-5501 | X | | HB 229 |

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Alaska State Legislature

House of Representatives

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Representative Al Vezey

HB 229 CHARTER SCHOOLS Sponsor Statement

Education should be our number one priority. Parents and educators both have come to recognize that charter schools are one of the tools available for educational reform. Educational reform is sweeping most of the nation and Alaska is lagging behind.

Recognizing this, Alaska adopted a charter school law in 1995. Unfortunately the law is deficient in many areas and few charter schools have been started. After six months of meetings with charter school groups and parent and educators wanting to open new charter schools, we have come up with this proposal for strengthening our charter school program and improving our educational system.

Three key factors in educational reform are parental involvement, educational choice, and measuring student performance. House Bill 229 addresses these issues.

HB 229 strengthens existing law by clarifying that charter schools are public schools even though they may be in competition with local non-charter schools. The bill provides for establishment of local charter school boards and a state charter school board and provides for multiple ways of establishing a charter school.

HB 229 provides for educational choice, mandates student performance to be measured, extends the sunset date for the charter school law, provides for maximum on site decision making, and removes the limit on the number of charter schools that can be established.

Most importantly, HB 229 maintains a maximum of local control over education. Only if a local board rejects a charter school board application can a chartering group appeal to a statewide board. Even when a charter school is granted at the state level, the charter school remains a local school.

LEGAL SERVICES

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Juneau, Alaska 99801-2105

MEMORANDUM

April 2, 1997

SUBJECT: Legislation relating to the establishment and operation of charter schools -- sectional analysis (Work Order No. 20-LS0110(L))

TO: Representative Al Vezev
ATTN: Rynnieva Moss

FROM: Jack Chenoweth
Legislative Council

The bill proposes additions and amendments to provisions of law authorizing establishment of charter schools enacted by ch. 77, SLA 1995.

Current law prescribes one process to establish charter schools--with concurrence or approval of the school board of the affected school district. Bill section 1 revises that process. It repeals and re-enacts AS 14.03.250 to allow parties interested in establishing a charter school to obtain approval using one of the following procedures:

-- preliminary approval given by the school board of the affected school district, followed by final approval by the state Board of Education;

-- preliminary approval by a local charter school board through a process set out in municipal ordinances, followed by final approval by the state Board of Education; or

-- preliminary approval by the state Board of Charter Schools (AS 14.03.253, added by the next bill section), followed by final approval by the state Board of Education, but this approach is only available if approval was previously denied under one of the two other methods or if a municipality that is a school district does not put into effect an ordinance providing for local charter school districts.

Bill section 2: This section sets out in greater detail two of the three mechanisms for gaining concurrence or approval for a charter school --

-- Existing AS 14.03.250(b), authorizing establishment of a charter school with concurrence or approval of the school board of the affected school district, is revised and expanded and appears as a new codified bill section, AS 14.03.252

SECTIONAL ANALYSIS

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-- The provisions of AS 14.03.253 sets out a new 7-member state Board of Charter Schools and directs that the board prescribe a charter school application procedure. This section spells out the manner in which the board members shall be appointed and the nature of the board's responsibilities.

If a charter school application is rejected by the school board of the affected school district or by the local charter school board set up by municipal ordinance, AS 14.03.254 provides for appeal of the rejected application to the state Board of Education or resubmission of the application to the state Board of Charter Schools. If, on consideration of an application by the state Board of Charter Schools, the application is denied, the decision may be appealed to the state Board of Education.

Bill section 3, amending AS 14.03.255(a), makes various technical and conforming changes and adds, as a new paragraph (5), the directive that, in the event of a conflict of law, provisions of law relating to establishment and operation of charter schools and the terms of a specific charter school contract prevail over general education law.

Bill section 4 modifies various paragraphs of AS 14.03.255(c) to reflect that contracts under which charter schools are to operate are to be entered into with one of the three sources having authority to approve establishment of charter schools, and otherwise expands on the content of the charter school contract. This section also directs that the contract is between the charter school and the municipality (where approval is given by the local charter school board under authority of the municipal ordinance). Is that OK, or should the contract be with the local charter school board?

Bill section 5 adds new subsections to AS 14.03.255. Under subsection (e), the authority giving approval for establishment and operation of a charter school is prohibited from requiring that the charter school's chief school administrator hold a valid administrative certificate as a condition of obtaining and holding the chief school administrator position in the charter school. Under subsection (f), except as to the requirement that a teacher employed to teach in a charter school hold a teaching certificate, the authority giving approval for establishment and operation of a charter school is prohibited from limiting the charter school's chief school administrator from making a choice among persons to be employed as teachers in the charter school.

Bill section 6 modifies AS 14.03.265(b) to change the manner in which students who apply for admission to a new charter school program are to be accepted and accommodated into the program. A first-come, first-enrolled requirement is prescribed.

Bill section 7, amending AS 14.03.270(b), broadens the exception from an existing collective bargaining agreement between a school district and its teachers or other covered employees to extend to exceptions explicitly set out in AS 14.03.250 -14.03.290 (charter school act)

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Bill section 8 modifies AS 14.03.275 to extend the period in which charter schools may be authorized to operate under AS 14.03.250 - 14.03.290 (charter school act) by ten years.

Bill section 9, adding a new subsection to AS 14.03.275, establishes a presumption that, if at the end of a five-year charter school contract period, the charter school meets or exceeds specific levels of achievement set out in the underlying contract, the contract is to be extended for a subsequent five-year period.

Bill section 10: The addition of a second sentence to AS 14.03.280 prohibits the State Board of Education from using its authority to adopt charter school program regulations to limit the number of charter schools that may operate in the state.

Bill section 11 amends the definition of "teacher" in AS 14.03.290 to narrow the scope of the definition to classroom teaching situations.

Bill section 12 adds a definition for "charter school board," identifying it as the State Board of Charter Schools established under AS 14.03.253.

A third alternative to allow parties interested in establishing a charter school to obtain approval for a charter school is to use a mechanism that may be established by municipal ordinance. **Bill sections 13 and 14** amend the state Municipal Code (title 29) to authorize preliminary approval of charter schools through a municipal ordinance process for boroughs and for cities that are school districts.

Bill section 15: The repeal removes a provision of ch. 77, S.L.A. 1995, that terminates the existing law authorizing establishment and operation of charter schools (AS 14.03.250 - 14.03.290 (charter school act)) in 2005.

Bill section 16 repeals the law authorizing establishment and operation of charter schools (AS 14.03.250 - 14.03.290 (charter school act)) in 2015.

Bill section 17 is a temporary law providing for the staggering of the terms of the first members of the state Board of Charter Schools and requiring the appointment of the first members within 30 days of the effective date of the Act.

JBC:pl

97-087.plm

April 8, 1997

Dear Representative Vezey and Legislators,

I am happy to hear that HB-229 has been introduced. I hope you will pass it this year. I will help you any way I can.

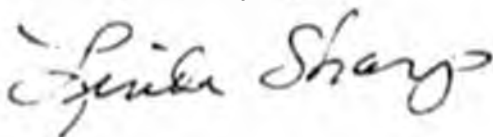
I worked to support SB-88 two years ago, because I felt that a "weak" charter school law was better than none. However, what I have seen this past year is that the approval process is fatally flawed. School Board Members who are not accustomed to "holding schools accountable for educating students" will allow charters to be approved without any goals for what students should learn, nor the tests to measure how well those goals have been achieved. In addition, School Boards unnecessarily run charter proposers around in circles on issues that SB-88 exempts, such as textbook and curriculum. This process will only generate a new variety of schools waffling in mediocrity. Items needing improving in this process include:

- 1. We need an independent Board for Charter Schools.** "GM should not be required to takes its latest design to Ford for approval", metaphorically speaking. This is the case when charter proposals must gain School Board approval to be implemented.
- 2. The funding for charter students should be the same as any District student.** Charters must serve every entitlement program; and everyone from janitors to teachers remain in the unions. Charter students should not funded as second-class students.
- 3. Housing must be provided to charter schools.** Founders and teachers should not be forced into real estate ventures, which pose financial and conflict of interest burdens.

My experience, speaking with the seven different proposal groups that officially wrote letters of intent to propose charter schools here in Anchorage in '96, and several others in the rest of Alaska, is that the approval process is the single most important change we can make. In addition to chairing one of four proposals in Anchorage that were allowed to go to a final vote, I attended School Board meetings and purchased videos of official meetings. My observations include:

- 1. Goals for educating students at every grade level every year, and the tests to measure how those goals were met,** were overlooked. In some cases, no goals at all were set. Tests don't matter if there were no goals for educating!
- 2. The dollars in the classroom versus intent to purchase, lease or rent space was not a serious concern. Keeping class size small, with dollars in the classroom will increase a student's chances of being well-educated.**

Please join Representative Vezey in getting HB-229 passed. Approximately 40% of the schools in Alaska are waffling in mediocrity, if test scores tell the story. As a substitute teacher, I see this first hand. We desperately need a more independent, objective board to review and approve or deny charter school applications which will hold charter schools accountable for educating students. Thank you.



Linda J. Sharp
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SUPPORT

HB 229 State Board of Charter Schools

The establishment of a Charter Schools State Board is important to prevent a conflict of interest at the local school board level. Since Charter Schools will be directly competing with the local school district it is not appropriate for the local school board to have the final say. Parents deserve the right to choose the most appropriate educational atmosphere for their children. My dissatisfaction with the local schools has prompted me to look into charter schools as an alternative and I am not interested in "clones" that must gain approval of the local school board. There needs to be a "neutral" board set up to review and approve or deny charter school applications.

Joy Roberts
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Written & Conf on 5/2/97