

Testimony to the House Education Committee in Opposition to HB 4091
Presented by Marshall Coba
Oregon Virtual Academy and K12, Inc.
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Good afternoon Chair Doherty and members of the House Education Committee, I am Marshall Coba representing the Oregon Virtual Academy and K12, Inc. in opposition to HB 4091. Thank you for this opportunity to testify. ORVA has nearly 2,000 students in K-12 and we have been a good partner with the North Bend School District, the state and our students and families. ORVA has a record of quality, compliance, and high accountability. We are a valuable addition to the educational options for consideration by Oregon students and families.

We have not been involved in the drafting of this bill. Until the past couple of weeks there had not been any outreach to seek our input or guidance as to goals, process or outcomes. HB 4091 as written, is being done to Oregon's virtual public charter schools, not with us.

HB 4091 has two distinct sections and I will discuss them separately. The first section is a study and the second makes a number of changes to current statute and implements additional requirements on our schools.

Sections 1-3 include the study. This study is similar to previous work done on the issue except that it introduces a third party vendor through an RFP process administered through the Oregon Department of Education. The study begins with some preconceived ideas that more needs to be done to ensure compliance and to ensure that these valuable and limited public funds are spent in the most accountable and transparent manner possible. We think the current statutes already require a very high standard of compliance and that, at least for our school, we meet and exceed that requirement. In total, virtual public charter schools are 1.5 percent of the total student population in Oregon. The repeated biannual and now annual requests for more studies and research is frustrating and takes energy away from our core mission of education those students that choose our school. As a public school we are required as well as willing and wanting to share our information with policy leaders in the legislature and at ODE. This bill is not necessary to get the information it seeks.

This bill is similar in language and intent to HB 3151 from the 2015 session. That bill as introduced began with the premise that sponsorship of virtual public charter schools can only be done properly by school districts that are large or by ODE. HB 3151 was sponsored by Oregon's largest public school district. It was amended to be a study bill with similar language to HB 4091. Another bill in 2015 required written permission from a school district before a virtual

public charter school could open a drop in center to help students in that district. Again, another attempt to regulate and limit opportunities for Oregon students and families.

As a threshold question for HB 4091 we ask why is this study needed? What problems are we fixing? How does this help Oregon's overall poor record of achievement and student outcome? We haven't heard of problems nor have we been directly contacted by anyone. In the last year our charter was renewed and North Bend and ORVA are working well together to educate our students. North Bend and other districts around the state who offer virtual public charter schools should be applauded, not regularly threatened.

The bill has a number of areas of concern. For starters, the bill only includes schools in the study with more than 50% of their students from outside the sponsoring district. This leaves out other virtual schools and more than 100 other charter schools and every other public school in Oregon. This doesn't seem fair or equitable if indeed we are working to ensure that all children in Oregon who are educated with public dollars have access to a quality education.

In sections 1-3 of HB 4091 the financial management, the services, the expenses, the revenues directly and indirectly received are all easily received from each school. A simple ask makes this section unnecessary.

The language in sections 2(C)(b) and (c) is very concerning and comes directly from HB 3151 from 2015. The evaluation of proper oversight to a virtual public charter school could be seen as a local control issue and up to the administrative professionals in each district. Those of us with an historical context of this issue over the last decade could see this as an attempt by whatever entity does the study to show that only large school districts or the state has the can provide the "proper oversight". We have seen this anti-virtual school concept before as that was the original intent of HB 3151 from the 2015 session.

Section 2(C)(d) is to determine fairness in contracts based on the size of the school. Again, the premise is small is bad and big is better even before the RFP is drafted.

Section 2(2)(e) adds any other issues identified by the Superintendent of Public Instruction. This open ended add-on statement allows for an inquisition or witch hunt by potential opponents to virtual schools who may choose to respond to the RFP process. This section ensures that whatever this committee thinks it is voting on could drastically change via issues the Governor, our Superintendent of Public Instruction, may want to add to the study.

In regards to the study budget, process and procurement. We all know that \$100,000 for a study of at least thirteen schools that is due in October 15, 2016 is very aggressive. This is a minimal budget to ensure a quality outcome. The timeframe mandates that school districts that sponsor virtual public charter schools will need to be hustling to comply with new federal regulations this late spring and summer while being timely and responsive to gather the necessary information the study contractor requests as well. If this moves forward we request to be an active participant in vetting and choosing of the vendor.

The second distinct section in HB 4091 is section 4 which adds two new annual reports a one report "each term" instead of during the first five years of the charter. I'm not sure if a "term" is each semester or annually.

In addition, section 4 moves several plans and one agreement to requirements. While this may be described as semantics, the impacts could be significant with some unintended consequences.

Chair Doherty, we again come to this committee offering our full and willing participation in activities that will help improve educational outcomes for Oregon students. We don't see this study or section 4 as helping outcomes in any practical manner. If there are questions or concerns about our school we ask that you and other policy makers to approach us to find answers and solutions. We appreciate the interest shown by Representative McLain and look forward to her strong advocacy for parent and student choice and public virtual charter schools in the coming years. Unfortunately, we do not support HB 4091 and ask that you do not move it forward.

Thank you.