

4-17-91

Jed - JMI

Rep. Becky Kelso:

Becky -- after Ember's meetings with the unions, and a follow-up session Ted, Joe and I had with Ember and Betsy Rice, she made a number of changes in her charter schools/OBE bill.

These were part of the OBE section that Senate Finance incorporated 4-16 in its omnibus bill as Section 2, which I left with you today. I think, after a quick look, that the important changes that you should know about are:

1. Drops the higher education boards as possible sponsors, but retains state board of education (as well as local school boards and the other education-related boards). (Ember has talked about keeping the state board in but giving local boards a "right of first refusal;" she didn't put that in the bill, however, because we argued this sort of an "on appeal only" approach is too restricting, and would put the state board in awkward position of having to over-rule local boards; Dahl and/or Dicklich might insist, later, that it be added.) This was a union request.
2. Makes the charter school's tort liability that of a public school district, which means some limits, as stated in statute, unless the board gets insurance for higher limits. (This provision was suggested as something we might want to consider by MSBA counsel.)
3. Requires that teachers hold licenses "to perform the particular service for which employed in the school," and deletes the provision giving the teachers the option, after one year, to have a licensed or unlicensed staff (or combination thereof). This also was a union request.
4. Makes it clear, by stating specifically, that employees may organize under 179A and, if they organize a bargaining unit, the school's board of directors is a public employer for purposes of 179A. **RETAINS**, however, the important provision that any such bargaining units are "independent," ie., not a part of the regular public-school district employees' bargaining unit. (The questions of control and flexibility are highly important here.) This also was a union request, but they wanted the unit to be part of the local union.

Pete Vanderpoel