

Educ - Charter Schools

Charter Hypocrisy

"When I became president, there was one independent public charter school in all of America. With our support, there are 1,100 today. My budget assures that early in the next century, there will be 3,000."

—PRESIDENT CLINTON,
1999 STATE OF THE UNION ADDRESS.

Another lie, it turns out. When it comes to actual treatment of the nation's fledgling charter schools, the Clinton Administration follows another policy: It tortures them.

Consider what it is doing to Louisiana's United Charter school. Back in 1995, Louisiana lawmakers surveyed their failing schools. After decades of desegregation orders, mandatory busing and so on, Louisiana school kids, half of whom are black, ranked 49th in the nation in overall achievement. Distressed, legislators passed one of the nation's more far-reaching laws for charter schools—public schools that are given autonomy to try their own educational approach without bureaucratic oversight. Among the new schools planned was United Charter, a K-8 center for 650 at-risk children in an abandoned mall in inner-city Baton Rouge. Again, bear in mind we're talking about a public school. Applications flowed in. "It's something our kids need," parent Estella Percy told the local paper.

This didn't sit well with Mr. Clinton's civil rights czar, Acting Assistant Attorney General Bill Lann Lee. To Mr. Lee and his fellow crusaders at Justice, it seems, the actual welfare of flesh-and-blood students ranks a distant second to abstract notions of "rights." Tucking a 43-year-old court desegregation decree under their collective arm, Mr. Lee's attorneys descended on Louisiana to block United Charter.

In meetings with local officials and school advocates, the Justice Department let it be known that it had concerns about the project, among them that the new school might draw too many white children from neighboring schools, upsetting those schools' racial balance. "What the parents want isn't important to me," a Justice official told Rolfe McCollister, a charter backer. "I'm interested in the law."

This struck locals as ridiculous. First of all, what matters more, skin color or education quality? Second, it wasn't clear that, after years of forced busing, there were enough whites in the community left to recruit even if United Charter sought to do so. As Roger Moser, the local system's school board president, told the Greater Baton Rouge Business Report, United Charter "has a chance of either im-

proving education dramatically for blacks and, or evolving to the point it could be desegregated. But given the location it would have, I don't see any way it would ever become a high proportion of white kids."

Nonetheless, the feds continued to pepper the fragile project with questions. Particularly frustrating to locals was that the government's lawyers never laid out their case against the school on paper. Soon thoroughly intimidated, Baton Rouge authorities halted plans to open United Charter. That's why parents, represented by the Washington-based Institute for Justice, are now turning to the courts to try to resurrect their dream.

Unfortunately, United Charter is far from the only school to find itself harassed by Justice police. When SABIS International, a private school management firm, tried to open another charter school in St. Helena Parish, near the Mississippi River, the civil rights division used yet another desegregation order to block that project. The New Vision Charter School in Monroe was luckier. Though Justice had set its sites on the school, federal Judge F.A. Little Jr. let the project proceed.

This mode of attack on charter schools, moreover, is by no means confined to Louisiana. Nineteen of the 30 states that have charter laws also have areas that are under some sort of desegregation order, all potential battlefields for Justice litigators. In a recent hearing before Congress, Deputy Assistant Attorney General Anita Hodgkiss testified that the Justice Department has opposed charter schools in three other states: Texas, Mississippi and South Carolina.

Some argue that the never-confirmed Bill Lann Lee is the exception in an otherwise centrist Administration. In fact, Mr. Lee represents more the pattern than the exception. His counterpart at the civil rights division of the Education Department, Norma Cantu, spent months harassing another infant school, New York City's Young Womens Leadership School, with the threat that its single-sex program was discriminatory. According to Kimberly Schuld of the Independent Women's Forum, Ms. Cantu backed off only after her boss at education, Richard Riley, began making repeated positive references to charter schools in speeches.

We wish we had confidence that the exposure of the Administration's ongoing hypocrisy toward charter schools would shame it into better behavior. But so long as the Democratic Party's future is tied to the teachers unions, the opposite is more likely.

Look Ma, No Hands!

MIAMI - The Airbus folks are getting ready for a plane crash, and that doesn't mean they're spreading bubble wrap on the ground. Hundreds of the European consortium's state-of-the-art jets are taking to the U.S. skyways. Sooner or later, one is bound to land in a place and at an angle not specified in the flight plan or owner's manual.

What happens next could distort consumer perceptions and public policy for years to come, given the media's history of accident hysteria.

The news cycle being what it is, journalists will be digging through their clip

Business World

By Holman W. Jenkins Jr.

files for the "cause" while investigators are still pulling their boots on. In print, the story line will be "computers were flying the plane." The evening news will simplify this as "computers crashed the plane." After all, computers crash, don't they? Does my hair look OK?

Something about this scenario doesn't appeal to Airbus. Thus we find ourselves among a group of journalists at the company training center here taking turns in an A320 simulator. The engines are idling; we're on a gentle glidepath toward a collision with a major Alp.

Our coach, Larry Rockliff of Airbus, has had the Zurich Airport punched in. As the mountains loom up on the mylar projection screen, a mechanical voice urgently announces, "Pull up, pull up!"

In simulated panic, we pull the stick back to the stops. The nose rises up. The engines surge to life. We clear the mountain with plenty of room to spare.

Had we been flying a conventional air-

craft, the mountain probably would have won. Pulling back hard on the stick would have pushed our angle of attack too high. Our airspeed would have dropped. The plane would have lost lift. We would have faced a long walk back to Zurich in the snow.

We try it again in a snowstorm, at night, with zero visibility. We still can't hit the mountain.

Let us disclose that our last experience in the cockpit was 22 years ago in a Piper Cherokee, and Capt. Rockliff is visibly disdainful of our technique, which involves much stomping on the rudder during final approach. But this actually makes us an ideal test monkey. Airline pilots don't get much practice flying at the edge of their performance envelope either.

What makes Airbus controversial is that it removes the need for competence in desperation maneuvers. All we had to do was yank back hard on the stick. The computer configured the plane for maximum lift and power. If the mountain was clearable, we would have cleared it.

You can't stall an A320. You can't bank it more than 67 degrees, or pull maneuvers that exceed 2.5G (though structurally the plane will withstand 3.8G). The computer decides not just how but whether the pilot's commands will be reflected in movements of the control surfaces of the wings and tail.

Any pilot can think up scenarios where he might want to dodge a missile, say, or another plane. Boeing has opted for "soft limits" in the 777, meaning the pilot can override by pushing against warning resistance in the stick. The difference is largely cosmetic. As a matter of statistics, both companies would privately agree you can save more lives by stopping pilots from doing something stupid than by letting them do something heroic.

Consider the crash that has given Air-

bus such headaches. You've seen the video: An Air France pilot making a low pass at a 1988 air show and then stoking gently into a stand of trees. He was supposed to be demonstrating the A320's low-speed, high-angle capabilities at 100 feet, but for some reason chose to fly at 30 feet.

Under 50 feet, a control law for landing kicks in, so the autothrottle did not engage. The pilot was slow to add power until the engines were already sucking in trees and bird's nests, but at least he wasn't able to



stall the plane. In a stall, one wing typically drops first, and the plane might have cart-wheeled instead of landing flat on its belly.

In fact, the debate over hard vs. soft limits may be a bit of a red herring. We didn't try it, but pilots gush about the remarkable similarity of flying the A320 and the A340, which can weigh four times as much on take-off. Only a computer could make two such different planes respond uniformly to pilot control inputs. That saves money on training and crew deployment, but also means long-haul pilots can easily keep current on their takeoffs and landings by doing a stint in the short-haul plane.

Computers have been implicated in air crashes. But these are the flight management computers in much wider use. The problem is "mode confusion," when the pi-

lot is trying to do one thing and the autopilot is trying to do something else.

Experts have cataloged many such accidents and incidents, including fatal wrecks of both Boeing and Airbus planes. Sure, the pilot was at fault because he didn't notice what the computer was doing. Some of these incidents come up because of controllers throwing hairballs at pilots, and a partial solution may come from reform of the traffic control system.

The FAA wants to move us to "free flight"; pilots and airline operations folks would be in charge of choosing flight path and speed, with everyone tied together in a computer network to warn of potential traffic conflicts. In the Airbus, you point the nose and go, while the computer keeps the plane in aerodynamic trim. This reduces workload so pilots can attend to office chores.

The cockpit may not yet come with a Doberman to make sure the crew doesn't touch the controls, but balancing the forces of lift, thrust and gravity is no longer the pilot's primary job description. Northwest, a big A320 customer, has reportedly noticed a difference between old flyboys and younger ones when air traffic control throws a monkey wrench into a flight plan. The old guys take over the plane and fly it manually. The young guys patiently tap the changes into the flight computer.

Sad to say, the latter is probably the right instinct. Even the "pull up, pull up" response may be taken out of the pilot's hands. The U.S. Air Force, in alliance with the Swedish military (whose pilots spend a lot of time maneuvering around mountains), is perfecting a system that would automatically guide a plane away from an encounter with terrain.

When that day comes, it'll be safe to put a journalist-monkey in the seat of the real thing.

when he comes into our meetings he is fully there," Mr. Rubin said. "He is remarkably focused on what is happening."

Whether the President is engaged or depressed, consumed with his fate or determined to turn his mind to other things, the question remains: Are there unforeseen dangers emanating from the ugliness of the past

Conventional wisdom in Washington, which has been wrong at virtually every turn in this melodrama, sides with the gridlock scenarios.

On Wall Street, at least for now, gridlock sounds fine. More than a few top executives say that a Congress consumed with impeachment is a Congress too distracted to raise taxes or think up new ways to spend

The almost-crash of '98 prompted muted talk of a global recession and fears that the near-collapse of Long-Term Capital Management, a huge hedge fund, presaged big trouble. The big question was: What was Washington going to do, and how quickly was it going to do it? It turned out that Washington acted pretty fast. Mr. Greenspan, the

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Test-Tube Babies: 1.399 Private Public Schools

By ANEMONA HARTOCOLLIS

AS New York prepares to become the 34th state to operate charter schools, the model of the future may be in Chicago. Last week, a Chicago priest proposed closing down a Catholic parochial school and reopening it as a charter school, financed by taxpayers. Religious instruction could be available before and after the regular classes, he said.

The Chicago plan came just days after an unusual coalition of black and Hispanic ministers and wealthy Wall Street businessmen proposed similar arrangements under a law passed last month allowing 100 charter schools to be set up in New York State.

The first charter school advocates had something else in mind when they sat around a conference table in a lakeside lodge near Brainerd, Minn., in 1988 and dreamed up the idea of public schools freed from the bureaucracy of public schools. Like many parents, educators and policymakers grappling with ways to improve education, especially in poor neighborhoods, their agendas were more personal than political or religious.

"A lot of us were deeply frustrated," said Joe Nathan, who now heads the Center for School Change at the University of Minnesota's Humphrey Institute. Mr. Nathan, a former public school teacher, recalled sitting with Albert Shanker, the president of the American Federation of Teachers, Seymour Fliegel, a former deputy superintendent of public schools in East Harlem in New York City, lawmakers and P.T.A. and community leaders. Several of them had started small, innovative alternative public schools that thrived by breaking rules but foundered when the local school district demanded conformity.

Ray Budde, a retired teacher and administrator, had coined the term charter in a 1988 Government-financed report, "Education by Charter," to capture the notion of teachers and districts creating innovative

programs. The Minnesota group took his idea one step further to charter schools.

"We liked the term because it talked about mutual responsibilities," Mr. Nathan said. The charter school would receive public money and be independent, but in return it would have to demonstrate that schoolchildren were learning at least as well as they were elsewhere in the system. Otherwise, its charter would be revoked and the school shut down.

In 1991 Minnesota became the first state to adopt charter school legislation, which was written by Ember Reichgott Junge, a Democratic state senator who had sat with Mr. Nathan and others three years earlier. In 1992, the first charter school opened. In less than a decade, the movement has spread to 1,128 schools across the country, enrolling about 250,000 children, according to the Center for Education Reform, an advocacy organization in Washington. About 3 percent of all charters granted have been revoked, center officials said.

SOME of these schools are little more than conventional public schools; others are radically different, with special missions and innovative, even quirky, approaches, like biofeedback to help learning disabled children.

Charter schools receive operating money — the equivalent of tuition — from the public school system. But that doesn't cover construction, renovation or in many cases equipment, and unlike public school systems, charter schools rarely have the ability to issue bonds. To help pay for buildings, desks and computers, charter schools have teamed with philanthropists, local businesses and institutions like the Henry Ford Museum in Dearborn, Mich., and the Y.M.C.A. in Boston.

The need for institutional support has also given rise to a third model — charter schools managed by profit-making companies like the Edison Project, run by the former media entrepreneur Chris Whittle, or the Advantage Schools Company. Mr.



A classroom at the Keystone E

Whittle estimates that profit-making companies run fewer than 10 percent of schools in the country. Executive companies say they have yet to ru schools to make an overall profit.

While charter schools obviously way from taking over public education in America, their proponents say thence has been disproportionate numbers.

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...tive branch could execute by them-
selves. What no one yet knows is
whether Washington's immersion in
the impeachment, the culture wars
and the positioning for supremacy at
the polls could distract it from more
politically difficult steps needed to
sustain America's boom.

History, an uncertain guide, sug-
gests that the risk is real.

Andrew Johnson's impeachment
in 1868 led to an era of weak govern-

ate out into the world, except to con-
firm the European view that Amer-
ica is a barbarous and uncouth na-
tion." Nor did the economic events
beyond America's borders require
swift or decisive action in Wash-
ington. "This time," he said, "it could be
different."

In fact, there is plenty of evidence
around the world in recent years that
political distraction in one country
can affect the wealth of other na-

Watergate had not erupted at the
same moment.

"We now know how much Nixon
was distracted — that he was spend-
ing 70 to 80 percent of his time on
Watergate," Mr. Beschloss said. "If
you need to convince Congress and
the public that the moment has come
to make a sacrifice, that's when
credibility suddenly becomes impor-
tant."

ANDY/J.B. —
I want to find a
way to help Chicago + NY
do this. —BR
(Cathy - keep a copy)



Associated Press

A classroom at the Keystone Education Center in Greenville, Pa., the state's first charter school.

Whittle estimates that profit-making com-
panies run fewer than 10 percent of charter
schools in the country. Executives of both
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Worried about losing talented teachers to
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ents in cities like Boston, Rochester, Minn.,
and Flagstaff, Ariz., have permitted innova-
tion that they blocked earlier, Mr. Nathan
said.

"I think what you absolutely get out of it,"
Mr. Whittle said, "and I've seen this in city
after city, is that competition does raise all
boats, period."

Whether clergy join parents and others in
the charter-school movement remains to be
seen. The Rev. Michael Pflieger's proposal
to turn the St. Sabina School in Chicago into
a charter school has encouragement from
the public schools chief, Paul Vallas.

In New York, legislators have warned
that groups that want to start charter
schools must meet a series of tests designed
to prove they are not trying to receive tax
dollars by converting an existing private or
parochial school. But ministers like the Rev.

Floyd Flake, a former six-term Congress-
man who is pastor of the Allen African
Methodist Episcopal Church in Queens, say
they can create secular schools that meet
the test of the law.

New York City's Roman Catholic Archdi-
ocese has expressed little interest in charter
schools. But it shares the same goals and
speaks the same language as a political
action committee that spent more than
\$100,000, much of it raised by Wall Street
businessmen, to prod lawmakers to vote for
New York's charter law. The committee
was called School Choice Now. The Catholic
Church is still pressing its plan for vouch-
ers, which it calls School Choice.



Educ -
Charter
Schools

August 19, 1999

Dear Friend:

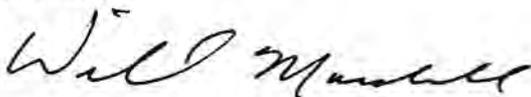
This fall, more than 300,000 students will return to charter schools in more than 36 states. A signature idea of the Progressive Policy Institute (PPI), charter schools have had a substantial impact over the last decade in reforming public education.

In *Charter Schools: Policy Success Story Begins to Emerge*, we assess the state of charter schools almost ten years after the concept was first detailed by PPI in Ted Kolderie's report, *Beyond Choice to New Public Schools: Withdrawing the Exclusive Franchise in Public Education*. The new study defines benchmarks for evaluating the success of individual schools and the charter strategy overall, and assesses how the schools and the strategy are measuring up.

Authored by Bryan Hassel, director of Public Impact, an educational consulting firm in Charlotte, N.C., the study looks at the charter school strategy in the areas of student learning, customer satisfaction, organizational viability, "public-ness (how available the schools are to the general public), and their impact on the educational system. Hassel highlights case studies from individual charter schools across the country; examples which can provide vital information for charter school novices on what works and what doesn't.

We hope you find this report useful as the debate on education reform and charter schools continues throughout the fall. For more information on this report and other PPI publications, please contact the Communications Department at (202) 547-0001.

Cordially,



Will Marshall
President

Charter Schools

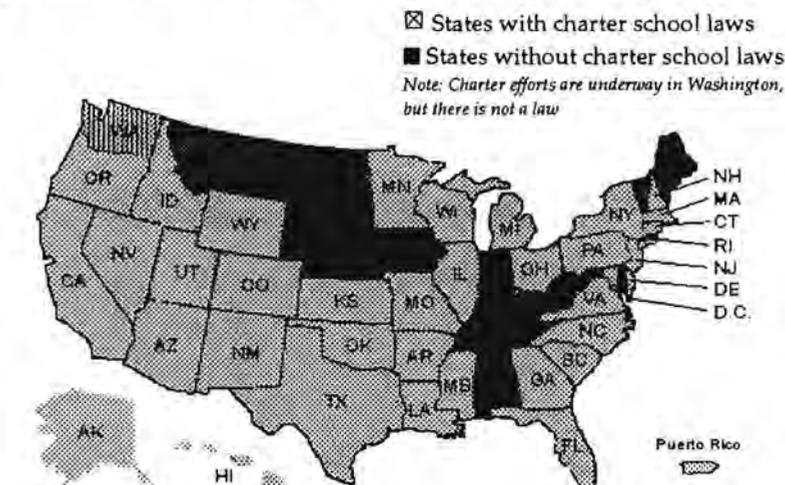
Policy Success Story Begins to Emerge

Bryan Hassel

In 1990, the Progressive Policy Institute (PPI) published Ted Kolderie's *Beyond Choice to New Public Schools: Withdrawing the Exclusive Franchise in Public Education*, a blueprint for what we now call "charter schools."¹ Kolderie mapped out a new approach to education reform in which state policymakers would invite groups of citizens to start new public schools, give those schools freedom from onerous laws and regulations, require them to attract families to survive, and hold them strictly accountable for results. In addition to serving their own students, these charter schools would spur a competitive response from traditional school districts, improving education for all students.

In the intervening years, charter school laws have swept the nation, and charter schools are now operating in over half the states. Political leaders from both parties—including President Clinton and U.S. Secretary of Education Richard Riley—have backed the concept enthusiastically. What results have these ten years produced? Are charter schools living up to the bold vision articulated by Kolderie? This brief assesses what we know about charter school programs today. It summarizes key research on charter schools, explores the benchmarks of success we ought to be charting, and looks at how well individual schools and the charter strategy are living up to these benchmarks.

Fig 1: States with Charter School Laws, June 1999

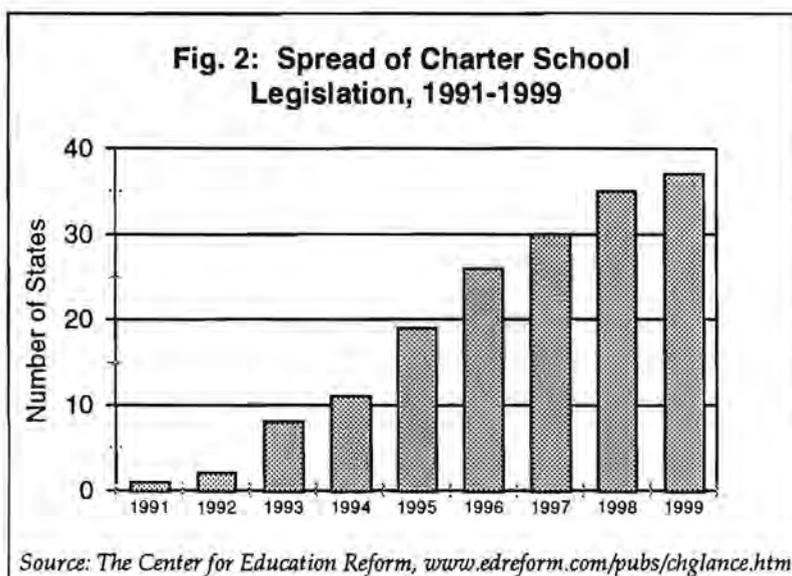


Source: U.S. Charter Schools, www.uscharterschools.org/chrt_exch/exlist.htm

What the Research Says

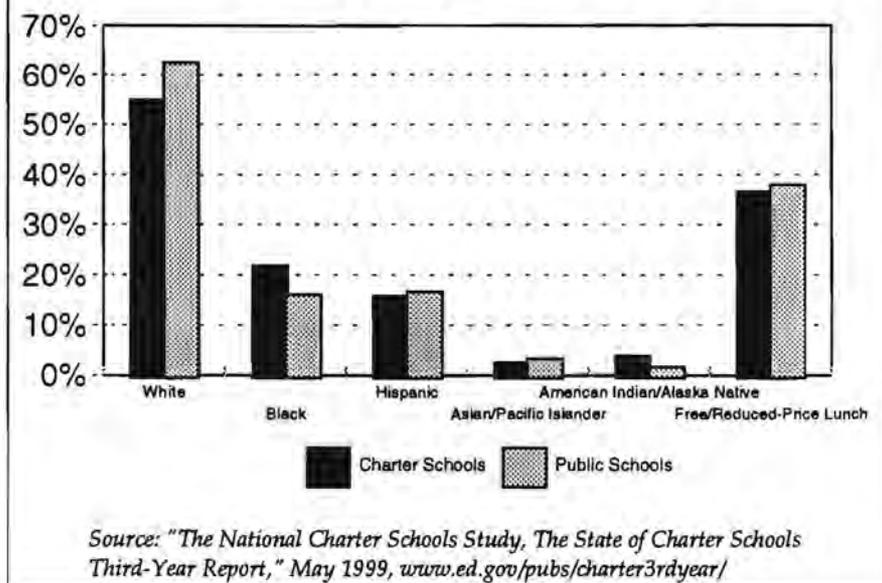
Research on charter school programs has proliferated nearly as quickly as charter schools themselves. In addition to a wide-ranging national study sponsored by the Department of Education, numerous independent analyses have been conducted, including evaluations of state and district programs and examinations of central charter school issues, like accountability and the impact of charter schools on school districts. Though there is still a great deal to learn, findings have come to the fore in six key areas:

- ▶ **Rapid growth.** Charter school programs have become the norm rather than the exception, with laws on the books in 36 states and the District of Columbia. In April 1999, 1,205 charter schools were operating in 27 states, educating more than 300,000 students.² Charter schools are operating in urban and rural districts, are serving a variety of student populations, and are often quite different from one another and existing district schools.³



- ▶ **Wide variation in laws.** Though most states now have something called a "charter school law," these laws are as different as night and day. Some come very close to the ideal Kolderie set forth in his 1990 PPI monograph; others represent little change from the status quo. For example, 15 of the first 35 charter laws allow local school boards to veto applications. Fifteen make charter schools part of their local school districts, denying them legal independence. Only 17 of the laws permit full per-pupil operating funding to follow the child from a district to a charter school; fewer than five allow capital funding to follow the child. And many laws restrict the number of charter schools that can open, the types of people and organizations that can propose charter schools, or both.⁴
- ▶ **Diverse appeal.** Contrary to fears, charter schools are not serving an exclusively elite or white student population. Some 52 percent of charter school students in

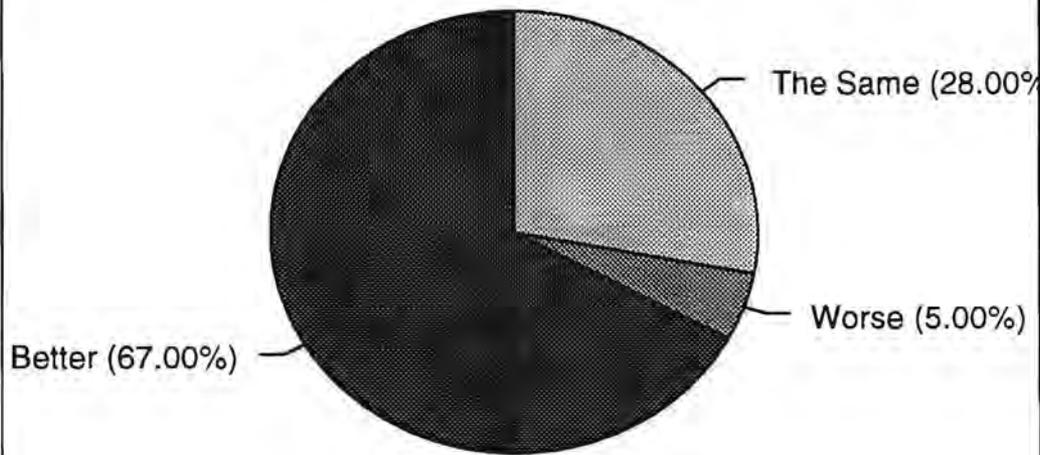
Fig. 3: Diversity in Charter and Regular Public Schools, 1997-1998



1997-98 were white, compared to 56 percent in all public schools in their states. These comparisons vary, however, from school to school, with many schools serving relatively high percentages of students of color. About 37 percent of charter students were eligible for a free or reduced-price lunch, versus 38 percent of all public school students. Though many charter schools exist to serve students with disabilities, the overall percentage of exceptional children in charter schools was somewhat below that of all public schools (8 percent vs. 11 percent).⁵

- ▶ **Start-up challenges.** Most charter schools are smaller than regular public schools, and some seven in ten started from scratch. Many studies have documented the daunting start-up challenges faced by these fledgling schools, including: inadequate facilities, inadequate per-pupil funding, inadequate planning time, local or state political opposition, difficulty establishing the administrative systems required by left-over public school laws that apply to charter schools, and turnover and turmoil among boards and staffs.⁶ Charter schools have responded to these challenges with creativity and resolve, but the obstacles to starting a charter school remain daunting.
- ▶ **Emergent impacts.** Though the impact of charter schools will be years in the making, experience to date allows some conclusions about how charter schools are working. Information has begun to emerge about three topics:
 - **Parent satisfaction.** Parent surveys have found high levels of support among charter school parents. In one national survey, for example, 65 percent of parents rated their children's charter schools better than their former public schools; less than 6 percent rated them worse.⁷ Fully seven in ten charter schools report a waiting list.⁸

Fig. 4: How Parents Compare Charter and Regular Public Schools



Source: Gregg Vanourek, Bruno V. Manno, Chester E. Finn Jr., and Louann A. Berlin, "Charter Schools as Seen by Students, Teachers and Parents," in Paul E. Peterson and Bryan Cassel, eds., *Learning from School Choice* (Washington: Brookings, 1998), p. 189.

— *Innovative approaches.* Charter schools are pioneering unique approaches to educating students and managing schools. One of the most striking differences between charter schools and conventional public schools is their size: the typical charter school in 1997-98 enrolled 132 students, compared to 486 in a typical public school.⁹

— *Academic achievement.* Data on student achievement in charter schools is still limited, and well-structured comparisons with district schools are rare. Though state evaluations of charter schools are beginning to include achievement data and the national study will as well, most information has been anecdotal, describing particular schools' achievements. Some of this information is previewed below.¹⁰

— *Impact on school districts and their responses.* The most comprehensive study on this question found that while many districts have not felt a large impact from charter schools or responded to their presence with new educational initiatives, a large minority (one-quarter) have "responded energetically to the advent of charters and significantly altered their educational programs."¹¹

► *Accountability a work-in-progress.* In theory, when charter schools fail to attract students, to meet their academic goals, or to live up to the terms of their charter,

they can be shut down. How well is charter school accountability functioning in practice? At one level, accountability systems appear to be working. The Center for Education Reform reports that charter-granting agencies have revoked or refused to renew 27 charters for reasons including inadequate educational programs, mismanagement, inadequate enrollment, and facility problems.¹² The willingness of authorizers to shut down schools indicates that charter schools' autonomy has been coupled with substantial scrutiny. According to one national study of charter school accountability, charter schools are also quite accountable to families, their "customers," who have proven willing to withdraw students when dissatisfied.¹³ Critics and supporters of charter schools alike, however, have also suggested that charter school accountability systems need to be strengthened, particularly with regard to accountability for academic results.¹⁴ Though some charter-granting agencies have developed exemplary systems, charter schools in other places are operating without a clear understanding of the goals they will have to achieve in order to gain renewal.

Benchmarks of Success

As more information about charter schools flows in, how will policymakers know whether charter school policies are working? As Ted Kolderie and others have suggested, the question has two dimensions. First, are *individual charter schools* working as schools? Second, is the charter school *strategy* working as an instrument of education reform?¹⁵

The table below sets out benchmarks for assessing charter school policies on both dimensions. The left-hand column lists five types of benchmarks that are important. What contributions are charter schools making to *student learning*? Are families and students *satisfied customers*? Are charter schools *viable as organizations*? Are charter schools *truly public schools*? And finally, are charter schools having a *positive impact on the educational system*? The first four of these categories imply benchmarks at the level of both individual schools and the charter strategy as a whole—examples of these benchmarks are listed in the next two columns. The fifth area—impact on the broader system—only implies benchmarks for the charter strategy; we do not expect any particular charter school to have an identifiable impact on other public schools.

Benchmarks of Success		
	Individual Schools	The Charter Strategy
<i>Student Learning</i>	-Demonstrate progress toward goals	-Overall progress toward goals is sufficient
<i>Customer Satisfaction</i>	-Attract sufficient enrollment	-Overall demand for charter schools is high
<i>Organizational Viability</i>	-Create viable systems of management and governance	-Schools receive fair share of resources -Schools face minimal regulatory burdens - Support systems exist for schools
<i>Public-ness</i>	-Are truly open to all students - Comply with applicable laws and regulations	- Diverse mix of students attend charter schools - Clear accountability systems exist for charter schools
<i>Impact on Educational System</i>	(not applicable)	-Significant number of schools form -Schools have a substantial impact on districts - Public school sector responds with improved educational/governance systems

Individual Schools Meeting the Benchmarks

Many charter schools are meeting the benchmarks set forth in the table. The schools described briefly below have all attracted large numbers of interested families, established workable management and governance arrangements, and lived up to their obligations under the law. The information below, drawn directly from two recent studies of exemplary charter schools, focuses on two of the most important benchmarks: the *learning* their students have achieved and their *openness* to a diverse mix of students.¹⁶

- ▶ ***Bowling Green Elementary School (Sacramento, CA)***. As a district public school, Bowling Green ranked third from the bottom among schools in Sacramento. Since converting to charter status in 1993, the school has risen to the top half of the district's elementary schools on the Iowa Tests of Basic Skills. Gains on local tests have outpaced all other schools in the district. More than eight in ten students are children of color, and four in ten are limited in their English proficiency.
- ▶ ***City Academy (St. Paul, MN)***. Targeting high school dropouts, City Academy was the nation's first charter school. In its first three years, 90 percent of its graduates qualified for postsecondary education, and all of the school's 1995 graduates were accepted into college. During 1996-97, students on average made *at least three years academic gain* in reading and math.
- ▶ ***City on a Hill Charter School (Boston, MA)***. When the school opened, less than four in ten of its students could do math on grade level; after one year almost six in ten could. Over half were more than two years behind grade level in reading; a year later, less than four in ten trailed the norm by that much. Over 70 percent of this school's high school students are children of color, and nearly half are eligible for free or reduced-price lunch.
- ▶ ***Pueblo School for the Arts and Sciences (Pueblo, CO)***. PSAS's high school students participate in the ACT Portfolio program, in which their work is rated by national scorers. More than nine in ten students with two years of data have made "highly significant improvement" in science; nearly six in ten have made "highly significant" or "significant improvement" in language arts. Half of PSAS's K-12 students are children of color, and nearly as many are eligible for free or reduced-price lunch.
- ▶ ***SABIS International Charter School (Springfield, MA)***. One of the lowest performing public schools in Springfield, six in ten of this school's students scored below level when the school converted to charter status. During the 1996-97 school year, students averaged a gain of 1.64 years on the Iowa Tests of Basic Skills, and six in ten students were *above* grade level. Six in ten students are children of color, and more than half are eligible for free and reduced-price lunch.
- ▶ ***Vaughn Next Century Learning Center (Los Angeles, CA)***. Serving a population in which more than nine in ten students are Hispanic and most are limited in their

English proficiency, Vaughn increased its language arts scores from the 9th to the 39th percentile and its math scores from the 14th to the 57th percentile in its first two years of operation. The number of students proficient enough to receive instruction in English tripled over five years. In 1997, the U.S. Department of Education named the school one of the 34 Blue Ribbon Schools nationwide.

- ▶ **Wesley Elementary Charter School (Houston, TX).** Nearly all of Wesley's students are children of color, and more than 80 percent qualify for a free lunch. In 1998, more than 90 percent of the school's students passed state tests in reading, writing, and math.

Is the Charter Strategy Working?

The benchmarks for the charter strategy fall into three categories. First, on a few benchmarks, the charter strategy is clearly a success. *Demand* for charter schools is high, evidenced by their proliferation across the country, families' willingness to enroll some 300,000 children, and waiting lists at seven in ten charter schools. Though diversity varies from school to school, charter schools are attracting a *diverse mix* of students. There is no evidence that charter schools are serving a disproportionate share of white or upper-income students. And *support systems* are beginning to emerge for charter schools, ranging from nonprofit "charter school resource centers" and associations to for-profit service-providers.

Second, on several benchmarks, action is needed by state and federal policymakers to fulfill the full promise of charter schools. In particular:

- ▶ Charter school finance policies in many states do not provide charter schools with a *full share* of school resources, particularly with regard to capital funds. Charter schools often receive no funding for lease or mortgage costs—they are forced to dig into classroom dollars to make these payments. And state laws often make it difficult for charter schools to tap tax-exempt debt markets.
- ▶ Many *regulatory systems*, in both state and federal domains, are ill-suited to autonomous public schools. Charter schools, most with enrollments below 200, are often unable to fulfill economic reporting and procedural requirements that were designed with large multi-school districts in mind.
- ▶ States too often *re-impose constraints* on charter schools. A bill under consideration in California that would subject charter schools to local collective bargaining agreements is a recent high-profile example, but many other restrictions are already on the books.
- ▶ Accountability systems need to be clarified in most charter states. What goals must charter schools achieve in order to obtain renewal? How will progress be measured? What steps will be taken when performance lags? A set of national standards and benchmarks in reading and math would make it easier for charter-

granting agencies to design these systems while leaving schools wide flexibility to pursue innovative approaches across the curriculum.

- ▶ Many state charter laws make it so difficult to start a charter school (through caps on numbers or veto power granted to local boards) that it is difficult to envision charter schools having the *hoped-for impact* in those states.

Finally, on two of the most critical benchmarks—*overall progress* toward goals for student learning and positive *system responses*—we continue to await evidence. It is important to realize at this early stage that the evidence that does come in on these points will be mixed. As the examples above indicate, some charter schools will do quite well relative to comparable schools and their own goals; but others will not. Some districts will respond with constructive improvement; others will not.

Policymakers will need to strive to make sense of a complicated picture, sorting through individual anecdotes to arrive at broad policy judgments. Neither the extraordinary success of a small number of celebrated schools nor the spectacular failure of a small number of vilified schools should color this judgment too much. Instead, policymakers should keep the focus on the bigger picture—whether the charter school *strategy* is working as a means to improve education.

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For further information about PPI publications, please call the publications department at 202-544-6172, write: Progressive Policy Institute, 518 C Street, NE, Washington, DC 20002, or visit PPI's site on the World Wide Web at: <http://www.dlcppi.org/>.

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Public Charter Schools Program
Non-Regulatory Guidance
For-Profit Entities, Private School Conversions, Admissions, and Lotteries

*Educ -
Charter
Schools*

The Public Charter Schools Program (PCSP) was originally enacted in October 1994, and reauthorized in October 1998, by the Charter School Expansion Act of 1998 (Act), Title X, Part C of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, 20 U.S.C. 8061-8067. The program, which provides support for the planning, program design, and initial implementation of charter schools, is intended to enhance parent and student choices among public schools and give more students the opportunity to learn to challenging standards. However, enhancement of parent and student choices will result in higher student achievement only if sufficiently diverse and high-quality choices, and genuine opportunities to take advantage of such choices, are available to all students. Every student should have an equal opportunity to attend a public charter school.

This non-regulatory guidance applies only to charter schools receiving Federal start-up grants under the PCSP. It addresses questions the Department has received regarding various provisions of the PCSP statute, including those related to student admissions to public charter schools, the use of lotteries, private school conversions, and the involvement of for-profit organizations in charter schools. These guidelines do not contain all of the information you will need to comply with PCSP requirements, but are intended merely to provide guidance on the PCSP and on examples of ways to implement it. For additional information about the PCSP, please contact the PCSP Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 3E122, Washington, D.C. 20202-6140. Telephone (202) 260-2671.

What is the purpose of the PCSP?

The purpose of the PCSP is to expand the number of high-quality charter schools available to students across the Nation by providing financial assistance for their planning, design, and initial implementation; and evaluating the effects of charter schools, including the effects on students (in particular, student achievement), staff, and parents.

In addition to Title X, Part C of the ESEA, what other Federal statutory and regulatory authorities apply to the PCSP?

Recipients of funds under this program should be aware of the following statutory requirements in addition to Title X, Part C of the ESEA: the definitions set out in Title XIV of the ESEA, which establishes general provisions for all programs authorized under the ESEA; Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, and national origin; Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex; Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability; the Age Discrimination Act of 1975, which prohibits discrimination on the basis of age; Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability by public entities, including public charter schools and public school districts, regardless of whether they receive Federal financial assistance; and Part B of the Individuals with Disabilities Education Act. The Education Department General Administrative Regulations (EDGAR), Parts 75, 77, 79, 80, 81, 82, 85, and 86 also apply to this program.

Who is eligible to apply for a PCSP grant?

State educational agencies (SEAs) in States with a specific State statute authorizing the establishment of charter schools are eligible to apply for PCSP grants. An "eligible applicant," defined as an authorized public chartering agency in partnership with a charter school developer, in such States may apply to the SEA for a subgrant. If a State elects not to participate in the PCSP or is denied funding, an eligible applicant may apply

directly to the Department for a grant.

How may PCSP planning and implementation grant funds be used?

SEAs may use PCSP funds to award subgrants to charter schools in the State, and charter schools may use the funds only for post-award planning and design of the educational program, and initial implementation of a charter school. SEAs may also reserve up to 5 percent of PCSP grant funds for administrative expenses related to operating the charter school grant program, and up to 10 percent of the PCSP grant funds to support dissemination activities. These dissemination activities are carried out through separate dissemination grants to charter schools

What are dissemination grants?

Dissemination grants are awarded to charter schools to support activities that help open new public schools (including public charter schools) or share the lessons learned by charter schools with other public schools. The following activities may qualify as dissemination activities: (a) assisting other individuals with the planning and start-up of one or more new public schools, including charter schools, that are independent of the assisting charter school and its developers, and that agree to be held to at least as high a level of accountability as the assisting charter school; (b) developing partnerships with other public schools designed to improve student performance; (c) developing curriculum materials, assessments, and other materials that promote increased student achievement and are based on successful practices within the assisting charter school; and (d) conducting evaluations and developing materials that document the successful practices of the assisting charter school that are designed to improve student performance in other schools.

A charter school may not use dissemination grant funds, either directly or through a contractor, for marketing or recruitment activities designed to promote itself or the programs offered by it or by a contractor to parents or the community. In particular, grant funds may be used to develop materials documenting successful practices of the charter school for the educational purpose of assisting other schools in improving student achievement, but not for the purpose of recruiting students or promoting the program of the school or its contractor.

Who is eligible to apply for a dissemination grant?

A charter school may apply for a dissemination grant, regardless of whether it has applied for or received a planning or implementation grant under the PCSP, if the charter school has been in operation for at least three (3) consecutive years and has demonstrated overall success, including (a) substantial progress in improving student achievement; (b) high levels of parent satisfaction; and (c) the management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school. For more information about dissemination grants, see section 10304(6) of the Act, 20 U.S.C. 8064(6).

Is a for-profit entity that holds a legal charter eligible to apply for a PCSP grant or subgrant?

No. A for-profit entity does not qualify as an eligible applicant for purposes of the PCSP. Only charter schools that meet the ESEA definition of a "charter school" may qualify for a grant or subgrant under the PCSP. Section 10310(1)(B) of the ESEA defines a "charter school" as a "public school . . . operated under public supervision and direction." Also, section 10310(3) defines an "eligible applicant" for purposes of the PCSP as "an authorized public chartering agency participating in a partnership with a developer to establish a charter school . . ." Similarly, section 14101 of Title XIV of the ESEA defines "elementary school" and "secondary school" as "nonprofit institutional day or residential school[s], including . . . public charter school[s] . . ." See ESEA §§ 10310(1)(B), (2), and (3); and 14101(14) and (25), 20 U.S.C. §§ 8066(1)(B), (2), and (3); and 8801(14) and (25).

However, a charter school receiving PCSP funds may enter into a contract with a for-profit entity to have the for-profit entity manage the charter school on a day-to-day basis. It should be emphasized that if the charter school enters into such a contract, the charter school must be held by the State and the cognizant chartering

authority to the same standards of public accountability and requirements that apply to all public charter schools, including State student performance standards and assessments that apply to all public schools; and the charter school must supervise the administration of the PCSP grant and is directly responsible for ensuring that grant funds are used in accordance with statutory and regulatory requirements (See The Education Department General Administrative Regulations (EDGAR), Part 75, Subpart F).

Is a private school eligible to receive PCSP funds?

No. Only charter schools that meet the definition of a charter school under the Act are eligible to receive PCSP funds. Section 10310 of the Act defines a charter school as, among other things, a "public school" that is created by a developer as a public school, or adapted by a developer from an existing public school, and operated under public supervision and direction. See ESEA § 10310(1) for the definition of a charter school for purposes of the PCSP.

Can a private school be converted into a public charter school?

No. As stated above, the Act defines a charter school as a newly created public school or one adapted from an existing public school. There is no provision or mechanism in the law for converting private schools into public charter schools. The Act does not foreclose a newly created public school from using resources previously used by a closed private school or from involving parents and teachers who may have been involved in the closed private school. However, any newly created public school must be just that; it cannot be a continuation of a private school under a different guise. The public charter school must be separate and apart from any private school. It must be established as a public school, and comply with applicable State and federal laws regarding public schools.

In its creation, development, and operation, the charter school cannot have any affiliation with a sectarian school or religious institution. Because a newly created public school would not have any "previously enrolled" students, all students would need to apply for admission and would have to be selected by lottery if there are more applicants than spaces available. Similarly, the charter school must inform the community of its public school status and have a fair and open admissions process. Outreach and recruitment efforts, such as radio advertisements or community meetings, should be designed to reach all segments of the parent community. The charter school must recruit in a manner that does not discriminate against students of a particular race, color, national origin, or sex, or students with disabilities. It may not discriminate on the basis of race, color, national origin, sex, or disability in its programs or activities.

Can a public charter school be religious in nature or be affiliated with a religious institution?

No. To be eligible for federal start-up funds, a charter school must be nonsectarian in its programs, admissions policies, employment practices and all other operations, and must not be affiliated with a sectarian school or religious institution. Further, section 75.532 of EDGAR prohibits any grantee from using its grant funds to pay for religious worship, instruction, or proselytization; construction, remodeling, repair, operation, or maintenance of any facility to be used for any of those activities; or an activity of a school or department of divinity.

The Secretary has issued guidelines on religious expression in public schools (including public charter schools). These guidelines reflect two basic and equally important obligations imposed on public school officials by the First Amendment. First, schools may not forbid students acting on their own from expressing their personal religious views or beliefs solely because they are of a religious nature. Schools may not discriminate against private religious expression by students, but must instead give students the same right to engage in religious activity and discussion as they have to engage in other comparable activity. Generally, this means that students may pray in a non-disruptive manner during the school day when they are not engaged in school activities and instruction, subject to the same rules of order that apply to other student speech. Second, schools may not endorse religious activity or doctrine, nor may they coerce participation in religious activity. Among other things, school administrators

Bruce

Shalala tobacco
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CHANGE is what ~~is the~~
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Act does not foreclose ^{a new school} people
from involving parents & teachers
who may ^{that previously} have been involved in
a ~~closed~~ religious school ~~or from~~ ^{from a school}
~~or ~~in~~ - or relig. leaders from~~ ^{or school}
~~starting nonsectarian schools.~~

and teachers may not organize or encourage prayer exercises in the classroom. Teachers, coaches, and other school officials who act as advisors to student groups must remain mindful that they cannot engage in or lead the religious activities of students. See the Secretary's guidelines on Religious Expression in Public Schools at [i HYPERLINK http://www.ed.gov/speeches/08-1995/religion.html](http://www.ed.gov/speeches/08-1995/religion.html) [ñwww.ed.gov/speeches/08-1995/religion.html](http://www.ed.gov/speeches/08-1995/religion.html).

What is a lottery for purposes of the PCSP?

A lottery is a random selection process by which applicants for admission to a public charter school are admitted to the charter school.

Under what circumstances must a charter school use a lottery?

A charter school receiving PCSP funds must use a lottery if more students apply for admission to the charter school than can be accommodated. A charter school with fewer applicants than spaces available does not need to conduct a lottery.

Are weighted lotteries permissible?

Weighted lotteries are permitted only when they are necessary to comply with Title VI of the Civil Rights Act, Title IX of the Education Amendments of 1972, the Equal Protection Clause of the Constitution, or a State law requiring desegregation.

May a charter school exempt certain categories of applicants from the lottery and admit them automatically?

A charter school that is oversubscribed and, consequently, must use a lottery, generally must include in that lottery all eligible applicants for admission. A charter school may exempt from the lottery only those students who are deemed to have been admitted to the charter school already and, therefore, do not need to reapply. Specifically, the following categories of applicants may be exempted from the lottery: (1) students who are enrolled in a public school at the time it is converted into a public charter school; (2) siblings of students already admitted to or attending the same charter school; and (3) children of a charter school's founders (as long as the total number of students allowed under this exemption constitutes only a small percentage of the school's total enrollment). Once a student has been admitted to the charter school through an appropriate process, he or she may remain in attendance through subsequent grades. A new applicant for admission to the charter school, however, would be subject to the lottery if, as of the application closing date, the total number of applicants exceeds the number of spaces available at the charter school.

To be eligible for Federal start-up grants, a charter school's admissions practices must comply with State law and applicable Federal laws. Accordingly, the exemptions discussed above are permissible only to the extent that they are consistent with State law, the school's charter, and any applicable Title VI desegregation plans or court orders requiring desegregation. A charter school's admissions practices must also comply with Part B of the Individuals with Disabilities Education Act and Federal civil rights laws, including, but not limited to, Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; and Title II of the Americans with Disabilities Act of 1990, as applicable.

May a charter school receiving PCSP funds set minimum eligibility criteria for admission to the charter school?

The Act does not specifically prohibit charter schools from setting minimum qualifications for determining who is eligible to enroll in a charter school and, thus, to be included in the lottery. Charter schools receiving PCSP funds are required, however, to inform students in the community about the charter school and give them an "equal opportunity to attend the charter school." Thus, a charter school may set minimum qualifications for

admission only to the extent that such qualifications are (a) consistent with the statutory purposes of the PCSP; (b) reasonably necessary to achieve the educational mission of the charter school; and (c) consistent with civil rights laws. A major purpose of the PCSP, for example, is to assist "educationally disadvantaged" and other students to achieve to challenging State content and performance standards.

In light of this purpose, it is unlikely that an elementary charter school could justify establishing minimum qualifications for admission, regardless of the school's mission or purpose. On the other hand, a secondary charter school might be able to justify admission requirements consistent with the above-described purposes. For example, a secondary school for the performing arts might require that applicants for admission be able to demonstrate a minimum level of competence in the performing arts. Such a requirement might measure the capacity of the student to benefit from and contribute to the purpose of the school.

In establishing any such admissions criteria, a secondary charter school should consider multiple measures of a student's ability to benefit from the educational program, and must ensure – consistent with Federal civil rights laws and Part B of the Individuals with Disabilities Education Act -- that such factors are not used in a manner that inappropriately restricts access to the charter school. It should not, for example, use a test as a sole criterion to determine a student's ability to benefit from the school's program. The secondary charter school should target all segments of the parent community in its outreach efforts, and should recruit in a manner that does not discriminate against students of a particular race, color, national origin, or sex, or against students with disabilities.

What effect does a desegregation plan for a school district have on the establishment or operation of a public charter school in that district?

Charter schools should be designed to promote equal educational opportunity and are not, by their nature, at odds with the purpose of desegregation. Chartering authorities and developers are encouraged to develop charter schools in districts that may be subject to a desegregation plan (as well as in other districts), and should not assume that it is problematic to establish a charter school in such a district. However, steps need to be taken to ensure that the charter school is consistent with the desegregation plan, or if not, that appropriate modifications to the plan are approved.

Specifically, when a public charter school is being established in a jurisdiction that is under a Title VI desegregation plan approved by OCR, a court order requiring desegregation, or a desegregation plan approved by any other administrative body of competent jurisdiction under State law, the charter school must be established and operated in a manner that is consistent with the desegregation plan or order. Regardless of whether a charter school receives funds under the PCSP, before it may be established in a jurisdiction required to desegregate under an OCR-approved plan – consistent with existing OCR requirements relating to the establishment of any new public school in the district -- OCR must approve the establishment of the charter school as being consistent with the plan, which may involve approving amendments to the desegregation plan. OCR is prepared to review these requests expeditiously and in a manner sensitive to the positive educational goals served by charter schools.

In order to receive planning funds under the PCSP, an application must indicate if the proposed charter school will be located in a jurisdiction that is subject to a desegregation order or plan and, if so, assure that, during the planning period under the PCSP grant, the charter school will develop an application for approval under the desegregation order or plan. The Secretary urges charter schools seeking approval under a desegregation plan or court order to submit their applications to the cognizant court or administrative body in sufficient time to ensure approval prior to the date the charter school is scheduled to open. Although a charter school may use planning funds to develop its application for approval under a desegregation plan or court order requiring desegregation, it needs to obtain such approval before it may use funds under the PCSP for implementation costs, in order to ensure that establishment of the federally funded charter school does not violate a desegregation plan or court order.

For information about the application of Federal civil rights laws to charter schools, see Questions and Answers about the Application of Federal Civil Rights Laws to Public Charter Schools. This is an area where

it may be particularly useful for a chartering authority or developer to obtain assistance from agencies or counsel with experience in desegregation matters. OCR is prepared to work with chartering authorities and developers in addressing these issues.

Draft guidance: admissions, lotteries, private schools, for-profits



QUESTIONS AND ANSWERS

Application of Federal
Civil Rights Law to
Public Charitable Schools

U.S. Department of Health, Education and Welfare
Office for Civil Rights



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QUESTIONS AND ANSWERS ON THE APPLICATION OF FEDERAL CIVIL RIGHTS LAWS TO PUBLIC CHARTER SCHOOLS

One of the fastest growing areas of public school reform is the charter schools movement. President Clinton has called for the creation of 3,000 charter schools by early in the next century as a vehicle for promoting choice and innovation within public school systems. Charter schools are public schools under contract -- or charter -- between a public agency and groups of parents, teachers, community leaders or others who want to create alternatives and choice within the public school system. In exchange for greater accountability for student achievement, charter schools are given expanded flexibility with respect to statutory and regulatory requirements. However, charter schools remain subject to federal civil rights laws.

This "Questions and Answers" Handout has been prepared by the Office for Civil Rights (OCR) in the U.S. Department of Education to assist charter schools in meeting their obligations under federal civil rights laws in the areas of recruitment and admissions, provision of appropriate services to limited English proficient (LEP) students, and provision of a free appropriate public education and program accessibility to students with disabilities. OCR is responsible for enforcing civil rights laws that protect students and other participants from discrimination on the basis of race, color, national origin, sex, disability, and age in programs and activities that receive federal financial assistance. These laws are: 1) Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, and national origin; 2) Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex; 3) Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability; and 4) the Age Discrimination Act of 1975, which prohibits discrimination on the basis of age. OCR also is responsible for enforcing Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability by public entities, including public charter schools and public school districts, regardless of whether they receive federal financial assistance.

These Questions and Answers are not intended to provide all of the information that may be needed to ensure compliance with civil rights laws. Rather, our intent is to highlight key requirements. Details of these requirements are described in OCR regulations and policy documents and applicable court decisions. For more detailed information about the civil rights requirements addressed in these Questions and Answers, as well as other requirements under the federal civil rights laws, please contact the OCR enforcement office that serves your state. A list of the addresses and telephone numbers of the OCR enforcement offices is attached.

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Entity Responsible for Civil Rights Compliance

Q: Which legal entity is responsible for ensuring that a public charter school is complying with federal civil rights laws?

A: The recipient of federal financial assistance is responsible for ensuring that a public charter school is complying with federal civil rights laws. Where a charter school is part of a local educational agency (LEA), the LEA is responsible for ensuring that the charter school is complying with the requirements of the federal civil rights laws. Where the charter school is considered a "local educational agency" under the state charter schools law, then the charter school itself is responsible for ensuring compliance with the federal civil rights laws. It should be noted that where a charter school receives funds under the federal Public Charter Schools Program, the state education agency and any other authorized chartering agency also would be responsible for ensuring that the public charter school is complying with federal civil rights laws. In addition, the state educational agency (SEA) is responsible in all cases for having methods of administration that ensure nondiscrimination.

Effect of Existing Desegregation Plans on Public Charter Schools

Q: What effect does an existing desegregation plan for a school district have on the establishment or operation of a public charter school in that district?

A: When a public charter school is being established in a jurisdiction that is under a Title VI desegregation plan approved by OCR, a court order requiring desegregation, or a desegregation plan approved by any other administrative body of competent jurisdiction under state law, the charter school must be established and operate in a manner that is consistent with the desegregation plan or order. Generally, the establishment of a public charter school in a jurisdiction that is required to desegregate may not substantially impede or retard the extent of required desegregation. In jurisdictions required to desegregate, the establishment of a public charter school would be treated the same as the establishment of any other public school.

Before a charter school may be established in a jurisdiction that is under a Title VI desegregation plan approved by OCR, OCR must approve the establishment of the charter school as being consistent with the applicable OCR-approved desegregation plan, which may involve amending the Title VI desegregation plan. Where a charter school is being established in a jurisdiction with court-ordered desegregation or where desegregation is required pursuant to state law by an administrative agency of competent jurisdiction, the LEA or the charter school's governing board, if the charter school is governed by a board that is independent of the LEA, should review the required desegregation plan to determine whether establishment of the charter school is consistent with the desegregation plan and whether approval by the entity requiring desegregation is needed.

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In order to receive planning funds under the federal Public Charter Schools Program, an applicant for funds must certify either that the proposed charter school will not be located in a jurisdiction that is required to desegregate or that the charter school will take steps during the period of its planning grant to develop an application for approval under any applicable desegregation plan or order. The Secretary of Education urges charter schools seeking approval under a desegregation plan or order to submit their applications in sufficient time to ensure approval prior to the date the charter school is scheduled to open. A charter school is precluded from receiving implementation funds under the federal Public Charter Schools Program until it has actually received approval under the desegregation plan or order.

Recruitment and Admissions

Q: What steps should a public charter school take in order to be in compliance with federal civil rights laws with respect to the recruitment of students?

A: Consistent with Title VI, Title IX, Section 504, and Title II, a public charter school must not recruit in a manner that discriminates against students of a particular race, color, national origin, or sex, or students with disabilities. However, charter schools may make additional efforts to encourage applications from underrepresented groups.

Examples of ways that charter schools may recruit minority and LEP students are as follows: 1) conduct presentations or meetings with parent teacher associations or organizations at schools with a large number of minority students; 2) schedule meetings or consultations with minority community groups; 3) indicate in promotional materials that alternative language services will be provided for LEP students; 4) indicate in such materials that a free or low cost lunch program is available for eligible students; 5) disseminate information about the charter school in newspapers and other publications and on radio stations that serve minority communities; 6) promote the charter school in shopping malls and go door to door with promotional literature in minority communities; and 7) emphasize in meetings and promotional materials that students from all segments of the community will be welcome at the charter school.

Q: What steps does a public charter school have to take in its recruitment efforts with respect to parents who are limited English proficient?

A: A public charter school must ensure that parents who are not proficient in English are provided with appropriate and sufficient information about the charter school. This information must be effectively communicated to parents who are not proficient in English. For example, in those communities that have significant numbers of LEP parents, if outreach materials are made available to parents, these materials may have to be available in languages other than English

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to ensure effective communication with LEP parents. If the charter school conducts informational meetings with parents or community groups in local communities that include significant numbers of individuals who have limited English proficiency, then translation services should be available in order to ensure effective communication.

Q: What steps does a public charter school have to take in its recruitment efforts with respect to parents with disabilities?

A: A public charter school must ensure that information about the charter school is communicated as effectively to parents with disabilities as to other parents. Appropriate auxiliary aids and services must be made available whenever they are necessary to ensure effective communication for parents with disabilities. For example, if outreach materials are made available on request to parents, these materials should be made available in such alternative formats as Braille or large print for parents with visual disabilities. If the charter school conducts informational meetings with parents or community groups, qualified interpreters should be provided on request for individuals with hearing disabilities.

Q: What steps should a public charter school take in order to ensure that all students, regardless of race, color, and national origin, are treated in a nondiscriminatory manner in admissions?

A: Public charter schools may not discriminate on the basis of race, color, or national origin in determining whether the applicant satisfies any admissions requirement. Charter schools receiving federal Public Charter Schools Program funds may set minimum eligibility criteria for admission to the charter school, and thus for inclusion in the lottery, only to the extent that such criteria: (1) further the statutory purposes of the Public Charter Schools Program; (2) are directly related to the educational mission of the charter school; and (3) are consistent with federal civil rights laws. Regardless of whether charter schools receive federal Public Charter Schools Program funds, any admissions criteria must be permitted by state law and the school's charter and must be nondiscriminatory on their face and applied in a nondiscriminatory manner. If these criteria have a disparate impact on the basis of race, color, or national origin, the criteria must be necessary to meet the school's educational objectives and there must be no feasible alternative admissions criteria that have less disparate impact and meet the school's educational objectives. For more detailed information about the circumstances under which charter schools receiving federal Public Charter Schools Program funds may set minimum eligibility criteria for admission, see Public Charter Schools Program: Non-Regulatory Guidance.

Many state charter school laws also have specific provisions that are designed to ensure that charter schools are open to all students. For example, consistent with the federal Public Charter Schools Program, a significant number of states specifically require that public charter schools use a lottery system for admissions

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purposes where there are more applicants than spaces available. A few state charter school laws contain provisions designed to ensure that transportation services are provided to low-income students attending such schools.

Q: Under Section 504 and Title II, what steps should a public charter school take in order to ensure that students with disabilities are treated in a nondiscriminatory manner in admissions?

A: Students with disabilities may not be excluded from admission to a public charter school solely on the basis of their disability. In applying admissions criteria to students with disabilities, individualized determinations must be made as to whether a particular student meets the criteria, and those determinations must be made on a nondiscriminatory basis. For example, if students must take a written examination as part of the admissions process to a public charter school, a student who is blind would have to be provided appropriate accommodations in order to take the test.

Civil Rights Funding Requirements

Q: What civil rights requirements apply to the funding of charter schools?

A: States have broad discretion in determining how and from what revenue sources to fund charter schools. However, SEAs are responsible under civil rights regulations to ensure that their methods of administration for overseeing and supervising the provision of education under state law do not result in discrimination based on race, national origin, or sex. Part of that obligation is to ensure that state laws and procedures for financing public education do not have the effect of racial or sex discrimination based on the student composition by race and sex of LEAs. This obligation extends to the method of funding charter schools that are considered LEAs under state charter school laws. Thus, if charter schools enroll student bodies that vary significantly in terms of their race, national origin, or sex from that of other LEAs in the State, and the State's methods of funding charter schools result in disparate educational resources for charter schools compared to other LEAs, there would be a possible claim that the State is in violation of Title VI or Title IX. For example, some charter schools that are considered LEAs under a state charter school law enroll a higher proportion of minority students than other LEAs; if these charter school LEAs receive significantly lower levels of public financing per student than other LEAs in the State with corresponding deficiencies in educational resources for students, that could be a basis for a claim against the State for violating Title VI. The State could defend against such a claim by showing that any such disparities are educationally justified. If it succeeded in doing so, there would be a question regarding whether there is a less discriminatory alternative funding method that would satisfactorily meet the State's educational objectives. These issues would need to be examined on a case by case basis.

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The above-described standards do not assume any intent on the part of the State to discriminate, but rather apply a disparate impact analysis of discrimination provided for in Title VI and Title IX regulations. In addition, if it were shown that the State foresaw these disparate impacts and continued to under-fund charter schools, there would also be a question of possible intentional discrimination under these laws.

These principles would apply as well to methods used by LEAs to allocate public funds among charter schools and other public schools within their districts.

Discrimination on the Basis of Sex

Q: Are single sex charter schools permissible?

A: The Title IX regulation does not prohibit non-vocational elementary and secondary single sex schools. Under Title IX, where there is a public school for one sex, the other sex must be provided with comparable courses, services, and facilities pursuant to the same policies and criteria for admission. Therefore, if there is a single sex charter school for students of one sex, students of the other sex must be provided a comparable educational opportunity.

Provision of Appropriate Services to Students with Limited English Proficiency

Q: May a public charter school exclude from admission students who have limited English language proficiency?

A: A public charter school may not categorically exclude students based on their national origin from participating in a public charter school's program. If there are questions about the legality of the specific requirements of a program being offered by a charter school that may affect LEP students, please contact the OCR enforcement office that serves your state.

Q: Do the requirements to provide appropriate services to LEP students that apply when the LEP student attends any other public school also apply when the LEP student attends a public charter school?

A: Yes. Title VI prohibits the denial of equal access to education for a national origin minority child. Where the inability to speak and understand the English language excludes a national origin minority group child from effective participation in the educational program offered by a public school, the school must take affirmative steps to rectify the language deficiency in order to open its instructional program.

Public schools must implement procedures that ensure that all LEP students are identified, evaluated, and provided necessary alternative language services by

needed to succeed.

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properly trained staff and that the educational program is periodically evaluated to ensure that it is effective in meeting the educational needs of LEP students. These legal requirements are explained in OCR policy documents and technical assistance materials. Public charter schools need to become familiar with the details of these legal requirements.

There are, of course, many different kinds of programs offered by public charter schools. For technical assistance regarding how the program being offered by a charter school can comply with Federal civil rights requirements to serve LEP students, you should contact the OCR enforcement office that serves your state.

- Q:** Under Title VI, what must a public charter school do to ensure that parents who are not proficient in English are provided with appropriate and sufficient information about school activities?
- A:** As with other public schools, charter schools must effectively notify parents who are not proficient in English of school activities that are called to the attention of other parents. Such a notice, to be effective, may have to be provided in a language other than English.
- Q:** How may charter schools pay for the provision of appropriate educational services to LEP students?
- A:** The entity responsible for the operation of the public charter school may want to consider applying for Title VII funds from ED's Office of Bilingual Education and Minority Languages Affairs. However, if an independent governing board is responsible for the operation of a public charter school, the charter school must constitute an LEA under the Elementary and Secondary Education Act of 1965 in order for the charter school to receive Title VII funds as an LEA.

Many public charter schools receive Title I funding from ED's Office of Elementary and Secondary Education. Qualifying charter schools would receive Title I funds directly from the SEA if the charter school is treated as an LEA or from the school district if the charter school is treated as a public school within an LEA. Title I funds also may be used to meet the educational needs of LEP students. In addition, a public charter school could be assisted in meeting its obligations through such means as joining with other charter schools or working with LEAs to share qualified staff. It is important to note that a public charter school, like other public schools, cannot excuse its failure to provide appropriate educational services to LEP students because of inadequate financial resources.

Site Selection

- Q:** When selecting the location of facilities that will house public charter schools, what are the applicable federal civil rights requirements?

DRAFT

- A:** The site or location of a public charter school should not result in excluding or limiting enrollment on the basis of race, color, or national origin.

With respect to individuals with disabilities, recipients are prohibited from selecting a site facility that is not readily accessible. The duty not to select an inaccessible site also imposes a duty on an applicant for federal financial assistance, or a recipient of such assistance, to evaluate accessibility when selecting a site. The term "readily accessible" is not the equivalent of an absolute barrier-free standard; the phrase incorporates a level of reasonableness. The "readily accessible" standard also does not foreclose flexibility in application. For example, a recipient may make an inaccessible facility readily accessible, but this must be accomplished within a reasonable period of time of acquisition.

Program Accessibility for Individuals with Disabilities

- Q:** Are public charter schools responsible for ensuring that their programs and activities are accessible to persons with disabilities?

- A:** Yes. Public charter schools are subject to the same program accessibility requirements as other public schools. Program accessibility requirements often involve complex issues. For assistance in understanding program accessibility requirements, you may want to review OCR technical assistance materials, which are available from the OCR enforcement office that serves your state.

- Q:** Are there different legal requirements that apply to public charter schools located in older facilities as compared to newer facilities?

- A:** Yes, the legal requirements are different. Under the federal civil rights laws, for older facilities (which are referred to as "existing facilities" in the Section 504 and Title II regulations), the legal standard is that programs and activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. Both the Section 504 and Title II regulations permit considerable flexibility in how the legal standard for older facilities can be met. Structural changes are not required in older facilities if nonstructural methods are effective in achieving program accessibility.

For new construction and alterations, under Section 504 and Title II, the legal standard is that a new or altered facility (or the part that is new or altered) must be readily accessible to and usable by individuals with disabilities. The new construction and alterations requirements focus on providing physical access to buildings and facilities rather than on providing access to programs and services.

Section 504 and Title II have different time frames regarding what constitutes existing facilities and new construction and alterations. Under Section 504, an

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existing facility is one that was in existence or in the process of construction before June 3, 1977, the effective date of the regulation. Under Section 504, new construction means ground-breaking took place on or after June 3, 1977. Under Title II, an existing facility is one that was in existence or construction was commenced after January 26, 1992, the effective date of the regulation. Under Title II, new construction refers to any building where construction commenced after January 26, 1992.

It is important to note that, under Section 504, where a facility (constructed or altered post-1977) is acquired by a recipient after design and construction or alterations have been made, the requirements for new construction and alterations are not applicable unless the facility was constructed or altered by or for the recipient. Likewise, under Title II, where a facility (constructed or altered post-1992) is acquired by a public entity after design and construction or alterations have been made, the requirements for new construction and alterations are not applicable unless the facility was constructed or altered by or for the recipient.

Q: What are the program accessibility requirements that apply if the public charter school leases its space from another entity?

A: Leased facilities are subject to the program accessibility requirements for existing facilities or new construction and alterations, depending on the date that the buildings were constructed or altered. The requirements for existing facilities and new construction and alterations are discussed above.

Provision of a Free Appropriate Public Education to Students with Disabilities

Q: Must students with disabilities have an opportunity to participate in public school choice programs?

A: Yes. A state or local government agency must provide students with disabilities, consistent with their individual educational needs, a range of choice in educational programs and activities that is comparable to that offered to students without disabilities. This includes charter schools, magnet schools, and other schools offering different curricula or instructional techniques.

Q: What is the relationship of Section 504 and Title II to the Individuals with Disabilities Education Act (IDEA)?

A: Section 504, Title II, and IDEA are related federal laws but are different in many important ways. Section 504 and Title II are civil rights laws that protect persons with disabilities from discrimination on the basis of disability. Section 504 and Title II are enforced by OCR. The IDEA is a federal statute that provides funds to SEAs and LEAs to help educate children with disabilities and is administered by the Office of Special Education and Rehabilitative Services (OSERS) of the U.S.

DRAFT

Department of Education. The IDEA has its own separate requirements that are not discussed in this publication; this publication focuses only on Section 504 and Title II. For information on IDEA and its requirements, contact OSERS' Office of Special Education Programs.

Q: What are the requirements for the education of students with disabilities who are protected by Section 504 and Title II?

A: Under Section 504 and its regulations, children with disabilities in public elementary and secondary education programs operated by recipients of federal financial assistance are entitled to a free appropriate public education (FAPE). Under Title II, children with disabilities in a public charter school, regardless of whether the school is a recipient of federal assistance, are also entitled to FAPE. OCR interprets Title II and its prohibition against discrimination on the basis of disability in programs and activities of State and local governmental entities as consistent with Section 504 and its regulations.

Under the Section 504 regulations, the provision of FAPE encompasses several substantive and procedural requirements. Among these requirements is that a student with a disability receive appropriate regular or special education and related aids or services that are designed to meet the individual needs of the student as adequately as the needs of nondisabled students are met.

In general, one method that satisfies the FAPE obligation under Section 504 and Title II is compliance with the requirements of IDEA. As noted above, the Office of Special Education Programs has information on IDEA's requirements.

Q: Is a student with a disability required to be educated with students without disabilities?

A: The education of students with disabilities must be designed to meet their individual needs. Thus, classroom assignments of students with disabilities are governed by the general principle that a student with a disability must be educated with nondisabled students to the maximum extent appropriate to the needs of that student. A student with a disability may be placed in another setting only if educating the child in the regular educational environment, even with the use of supplementary aids and services, cannot be achieved satisfactorily. The student's placement team is responsible for selecting the setting that satisfies these requirements.

Q: Is there flexibility in meeting the Section 504 and Title II requirements for children with disabilities attending public charter schools?

A: Yes. As noted above, one way to meet the FAPE requirements of Section 504 and Title II is to comply with the FAPE requirements of the IDEA. Among other things, the IDEA allows a State to designate some other entity as the agency

DRAFT

responsible for meeting the IDEA requirements for children with disabilities attending a public charter school. This flexibility is also available for meeting the Section 504 and Title II FAPE requirements. It should be noted that, if a State designates another entity as being responsible for providing FAPE to children with disabilities attending the charter school, that entity's duties include the obligation to provide FAPE in the charter school as long as the charter school is an appropriate placement for the student. As described above, a student with a disability must be educated in the placement that is appropriate to meet his or her individual needs and constitutes the least restrictive environment.

Q: What action should be taken with regard to a student who is suspected of having a disability?

A: Under Section 504 and Title II, an individual with a disability is an individual who either (i) has a physical or mental impairment that substantially limits one or more major life activities (such as learning), (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

Under Section 504 and Title II, a student with a disability who needs or is believed to need special education or related services because of a disability must be evaluated according to prescribed procedures. A child must be evaluated before initial placement as well as before any subsequent significant change in placement. Further, students with disabilities must be reevaluated on a periodic basis. As noted above, compliance with the relevant IDEA requirements would constitute compliance with these Section 504 and Title II requirements.

Q: What other rights and responsibilities are included with the provision of FAPE?

A: Under Section 504 and Title II, students with disabilities and their parents or guardians are entitled to due process rights concerning identification, evaluation, and placement. Due process includes notice and the right to request an impartial hearing. In addition, a student with a disability must have an equal opportunity to participate in nonacademic and extracurricular services and activities. In general, compliance with the relevant IDEA requirements would constitute compliance with these Section 504 and Title II requirements.

Q: Could a child be covered under Section 504 and Title II but not be eligible to receive services under Part B of the IDEA?

A: Yes. Although this is a rare occurrence, there are students with disabilities who are covered only by Section 504 and Title II, but who are not eligible to receive services under Part B of the IDEA. For example, a child with juvenile rheumatoid arthritis who requires the periodic administration of medication during the school day, but does not need any special education services, may be covered by Section 504 and Title II, even though the child is not eligible for services under Part B of the IDEA.

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As noted above, the IDEA is administered by the Department's Office of Special Education, while Section 504 and Title II are enforced by OCR. Under certain circumstances, public charter schools may be eligible for IDEA funds. For further information about IDEA requirements, contact the Office of Special Education Programs.

Q: How can I learn more about the FAPE requirements of Section 504 and Title II?

A: These answers are intended only as a general introduction to the FAPE requirements. The FAPE requirements cover many specific issues in more detail; you may become familiar with them by reviewing the Section 504 and Title II regulations and OCR technical assistance resources available through the OCR enforcement office that serves your state.

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STATEMENT BY THE PRESIDENT

*Edue -
Charter
Schools*

Today, I am pleased to sign into law H.R. 2616, the "Charter School Expansion Act of 1998." This bill will help foster the development of high-quality charter schools, consistent with my goal of having 3,000 charter schools operating by early in the next century, and will help lead to improvements in public education more generally. I am particularly gratified by the bipartisan manner in which this bill moved through the House and Senate.

I have long championed charter schools -- public schools started by parents, teachers, and communities, open to all student regardless of background or ability, and given great flexibility in exchange for high levels of accountability. When I was elected President, there was only one charter school in the Nation, and now there are more than 1,000 across the Nation serving more than 200,000 students. This bill will help strengthen our efforts to support charter schools, providing parents and students with better schools, more choice, and higher levels of accountability in public education.

As the charter school movement spreads throughout the country, it is important that these schools have clear and measurable educational performance objectives and are held accountable to the same high standards expected of all public schools. To further this goal, H.R. 2616 requires the Department of Education to focus its grants on States in which the performance of every charter school is reviewed at least once every five years to ensure the school is fulfilling the terms of its charter and students are meeting achievement requirements and goals. It also will reward States that have made progress in increasing the number of high-quality, accountable charter schools. Finally, it makes clear that any charter school receiving funding under this program must be measured by the same State assessments as other public schools. These important quality-control measures will

help charter schools fulfill their potential to become models of accountability for public education.

I am also pleased that H.R. 2616 emphasizes the need to help high-performing charter schools share lessons learned and support improvements in other public schools. The bill provides new authority for successful charter schools to serve as models, not just for other charter schools, but for public schools generally. At a relatively low cost, such model schools will provide in-depth advice, materials, and other information on various aspects of their programs -- helping to start up new public schools and helping existing schools learn from their successes. By drawing on the experience of high-performing charter schools throughout our Nation, this legislation will help bring the benefits of innovation and creativity to hundreds of thousands of additional children.

I am confident that this legislation will augment the ability of parents, teachers, and others to strengthen public education in their communities. H.R. 2616 represents an integral part of our effort to improve public schools and help all of our students get the high-quality public education they need and deserve.

Edue - Charter Schools

Charter schools bring new hope

OUR VIEW Fears for public education ease as success, popularity grow.

When the City Academy in St. Paul, Minn., opened as the nation's first charter school in 1992, critics predicted the new brand of school would hasten the end of public education.

Six years later, more than 200,000 students in 33 states are starting the school year at charter schools. And the 1,200 schools operating with charters don't begin to satisfy the public's demand. Federal studies show 70% of charter schools are forced to turn away students.

So much for killing off public education.

Typically, charter schools promise public schooling in a smaller, more focused setting. The schools are freed from bureaucratic regulations if they attain goals set in short-term contracts with public school authorities.

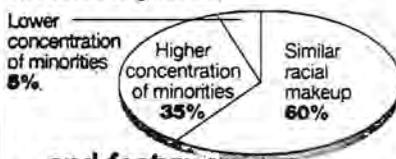
Yet it's performance, not promise, that explains the growing popularity of charter schools. Mounting evidence lays to rest many critics' worst fears. Among them:

► That charter schools are elitist. A July study by the federal Department of Education confirms that charter schools aren't the exclusive enclaves critics had predicted. Nationally, charter schools have the same racial and economic mix as other public schools. Because charter schools attract families dissatisfied with neighborhood schools, 33% serve minority and low-income students from poor-performing districts.

► That they'll kill public education. True, students enrolling in charter schools take their public education funding with them. But increased competition for students is making other schools more responsive. In Duluth, Minn., educators are competing with charter schools by offering innovative elementary programs. In Flagstaff, Ariz., kindergarten has been expanded to a full day. And Rochester, Minn., schools now offer Montessori classes.

Charter school faces ...

A 1996-97 federal study shows that most charter schools have racial makeups similar to that of their surrounding districts.



... and features

Top reasons parents and students are attracted to charter schools:

- Nurturing environment
- Safe environment
- Value system
- Quality of academic program
- High standards for achievement
- Small class sizes

Source: U.S. Department of Education

USA TODAY

► That they remove accountability. Charter schools can sidestep many of the bureaucratic ties binding other public schools — as long as they meet standards outlined in their charters for achievement, attendance and parental involvement. Not all do. Among the 19 charter schools that have folded since 1992, four had their charters revoked, and 10 voluntarily gave up their charters. That's a level of accountability lacking at many traditional schools.

Charter schools still face legitimate questions about student performance. Many are reporting impressive academic gains, particularly at schools where performance goals are clearly identified. But a definitive federal study comparing the achievement of charter students to their traditionally educated counterparts is at least a year away. Such a study will help determine whether charter schools can provide a high-quality alternative to public schools.

Without national achievement data, the charter movement still qualifies as an education reform experiment. Yet it is an experiment that is already reinvigorating public education.

And that shows charter schools are moving in the right direction.

Too soon to hail experiment

OPPOSING VIEW Behind initial glowing reports are sobering realities.

By Alex Molnar

Charter school reform seems to offer something to everyone.

The idea fits nicely with the deregulatory preferences and market orientation of conservatives. Some progressives view charters as a way of renewing public education and arresting the political momentum of educational vouchers. For-profit firms, such as the Edison Project and Advantage Schools, use charter school legislation as a framework for promoting their educational product.

Unfortunately, the enthusiasm obscures some uncomfortable realities:

► Claims of charter school successes rest largely on glowing testimonials about individual schools that would be dismissed if they were used to "prove" the success of public education. There is little systematic evidence that charter schools promote achievement and little likelihood any will be forthcoming soon.

► Charter schools exact a high price. The Milwaukee public schools estimate that if 800 Milwaukee students attended charter schools, the district would lose almost \$5 million.

Large districts that can't reduce fixed costs are thus left with less money for internal reforms.

► Total charter school enrollment mirrors the demographics of the U.S. student population. Yet researchers at Arizona State University this year drew the sobering conclusion that Arizona's charter schools are significantly more segregated than other public schools and that minority students are concentrated in schools with noncollege prep programs.

► Poorly written contracts and slack oversight coupled with the fact that in many states almost anyone can establish, administer or teach at a charter school, virtually guarantee that, over time, an increasing number of charter schools will be ill-conceived, poorly run and unaccountable for sub-par performance.

Charter schools may benefit a small number of students. However, any benefit is more than offset by the damage done.

America's millions of poor children are in crisis. They need wholesome schools, small classes and well-trained teachers. A politically appealing but educationally empty reform such as charter schools is no substitute for the serious investment our children deserve.

Alex Molnar is director of the Center for Education Research, Analysis and Innovation at the University of Wisconsin-Milwaukee.

Greenspan rally raises hopes, but Fed's reach is limited

Bespectacled and obtuse, Federal Reserve Chairman Alan Greenspan neither looks nor sounds like a rousing market cheerleader.

Yet a few soft-spoken words Friday just hinting at a Fed interest rate cut had investors rallying around the globe — pushing up Tokyo's Nikkei stock index 6% over two days and Wall Street's Dow up a record 380.53 points Tuesday.

Such rallies are common any time Greenspan provides hope for interest rate ease. In July 1997, for instance, the Dow jumped a then-record 155 points in one day when Greenspan merely remarked about "the exceptional" low-inflation, high-growth U.S. economy.

But investors take note. For all Greenspan's influence, the nation's central bank can do little about the underlying problems that have sent world markets tumbling.

It can't reform corrupt Russian tax and banking systems that have squandered billions in foreign loans. It can't keep Southeast Asia's one-time tigers on the path of economic reform. Most of all, it can't force Japan to reinvigorate its economy.

Greenspan and Treasury Secretary Robert Rubin jawboned Japan's finance minister, 78-year-old Kiichi Miyazawa, at a special meeting over the weekend in San Francisco. With its

banks burdened by \$1 trillion in bad loans and its consumers depressed, the world's No. 2 economy and one of America's biggest export markets is the lodestone pulling Asia and the rest of the global economy into recession.



By Paul Sakuma, AP

Alan Greenspan: America's central banker.

The two U.S. financial leaders have tried diligently to persuade the Japanese that closing bankrupt banks and cutting taxes now would boost Japanese economic activity and improve prospects for regional and global growth. But despite reports of a further 15% decline in profits for Japanese business and Japan's own economic planning agency describing conditions as "extremely severe," Miyazawa rejects any blame for the world's soured climate. He demands patience as Japan works out its problems.

Patience, though, is one commodity the world economy is running low on.

Greenspan can help ease recessionary pressures with a rate cut. But if the world's other major economic players continue to hide below decks, you can bet that even the "exceptional" U.S. economy will encounter stormy seas, as Greenspan himself suggested Friday. If so, investors who finally got some relief Tuesday may again find themselves searching for a lifeboat.

Charter Schools Said to Raise Pupils' Performance on Tests

By RANDAL C. ARCHIBOLD

A report to be released today by a group that supports charter schools says that most of the best such schools it surveyed met, and sometimes surpassed, their promises to raise academic achievement.

The Center for School Change at the University of Minnesota Hubert H. Humphrey Institute of Public Affairs examined 31 top charter schools, which are public institutions typically run by community groups or teachers and given the freedom to tailor curriculum outside the control of a local school district.

The schools selected in the report, "Making a Difference? Charter Schools, Evaluation and Student Performance," were nominated by eight states chosen for their geographic representation. Most of the schools, he said, had high populations of low-income students or students with limited English-language ability.

The report found that 21 of the schools reported gains on standardized tests, like the Stanford 9 and the California Achievement Test of Basic Skills.

The 10 others either did not submit year-to-year results or any data at all, said Joe Nathan, director of the center and co-author of the report. All of the schools reported they were using standardized tests to assess achievement and most were also using other measures such as oral presentations by students.

The center relied on information provided by the schools in response to a questionnaire and follow-up telephone interviews, but the center had no way of knowing if negative data was withheld, Mr. Nathan said. In addition, he said, most schools had only one or two years of data.

He acknowledged the report was "not definitive" but asserted it nevertheless could be used as a guidebook for groups interested in replicating practices and traits that reportedly have yielded good results.

Critics of charter schools said the report provided little worthwhile information on their effectiveness because it was not done by a neutral group, lacked independent analysis of the schools' claims and was based on a limited sample.

"All you can conclude from this is that good schools that people nominate as good schools report they are doing good," said Gary Orfield, a professor of education at Harvard University.

Most research on charter schools has been partisan, although the United States Department of Education expects to complete a comprehensive report next year measuring the performance of students at charter schools.

Interest in the schools has exploded since the first one opened in Min-

nesota almost six years ago. There are now 784, with 200 more approved to open this fall, according to the Center for Education Reform, a Washington advocacy group. At least four have closed or been taken over by state agencies because of fiscal mismanagement or other problems, according to the Education Commission of the States, a Denver-based policy group.

New Jersey has 13 charter schools with 22 set to open this fall, although some districts have filed challenges to those schools because they believe the state and not the district should fully pay for them, a spokesman for the State Department of Education said. Connecticut has 12 charter schools, with five more scheduled to open in September. New York does not have a charter school law, although interest in adopting one has been growing.

Mr. Nathan said most of the schools in the survey were small, with generally 500 or fewer pupils. Most had aggressively sought to involve families, often setting up meetings between student, their parent or

Critics say a report on schools provided little neutral data.

guardian and teachers before the school year began. And most send students into the community — some have students intern at local businesses or use parks for ambitious science projects — to enhance or supplement classroom instruction.

Mr. Nathan said all the schools also set up concrete, realistic goals that could be measured by tests and other yardsticks, an important finding because many other schools he has visited across the country had fuzzy objectives like simply turning out "self-actualized" people or good citizens.

"Those are wonderful goals but if you are not sure where you are going, any road will take you there," Mr. Nathan said.

Officials at the schools cited in the study said they were heartened at the results but at least one conceded the schools were simply too young to gauge overall success.

"I would be cautious," said Sarah Kass, principal of the 3-year-old City on the Hill Charter School in Boston, a high school that has seen its students improve their reading and math ability by about a grade level. She added that a more definitive accounting of the school's performance would require about five years.

Ed -
Charter
Schools

Alzheimer's Disease Strikes Ex-Senator

MILWAUKEE, March 15 (AP) — William Proxmire, the former Senate gadfly who handed out Golden Fleece awards to spotlight what he considered bad uses of taxpayer money, has Alzheimer's disease.

The 82-year-old former Democratic Senator, who retired in 1989 after 31 years in office, told The Milwaukee Journal Sentinel last week that he has been losing his memory. The report was published today.

"I suppose what I have can be called Alzheimer's disease, although I'm not as bad as that sounds," said Mr. Proxmire, whose birthday is in November.

His relatives said the disease, the same degenerative disorder of the brain that former President Ronald Reagan has, was diagnosed about three years ago. Mr. Proxmire's son, Ted, a stockbroker in Washington, said his father still recognized and remembered members of the family.

Mr. Proxmire said he still read but could no longer go on the lecture circuit. "Because I've lost my memory, I can't do anything serious or charge money for anything I do, like I used to," he told the Journal Sentinel. His wife, Ellen, said he was under the care of a geriatric psychiatrist and took the antidepressant Zoloft and a cognitive enhancer, Aricept.

Mrs. Proxmire said the disease was hard on families, adding, "But the thing is, it's gradual. So, subtly, your life changes. These things occur, and you adapt to them."

The New York Times

MONDAY, MARCH 16, 1998

Political Briefing

Battle Over Abortion Fought in the States

While Congress struggles over what to do about abortions — when they should be authorized, what procedures should be allowed, what role a mother's health should play — out in the states abortion opponents continue their efforts to persuade legislatures to chip away at abortion rights. And defenders of those rights are pushing back with equal vigor.

Just last week, there was significant action, usually by lopsided votes, on abortion legislation in four states.

In Florida, the Senate, following similar House action the week before, voted to override Gov. Lawton Chiles's veto of a ban on a type of late-term abortion that opponents call a partial-birth abortion. Abortion rights advocates vowed to challenge the ban in court.

One measure of the political heat in the abortion issue out in the states: The Florida override was the first for Mr. Chiles, a Democrat, in his seven-plus years in office and, for that matter, the first veto override of any Florida governor since 1986.

In Virginia and West Virginia, the legislatures completed final action on bills that would ban the late-term procedure. And in both states the governors indicated they would go along, and abortion rights supporters vowed to go to court.

The Oklahoma House also passed a ban on the procedure. There was doubt in that state, however, that the Senate would vote the same way.

At least 20 state legislatures have now passed abortion bans of some type, and most of those laws are under court attack as unconstitutional, too sweeping, too deliberately vague, or all three.

Betsy Cavendish, the legal director of the National Abortion and Reproductive Rights Action League, a leading abortion rights group, contends that "there's a grand strategy out in the states to chip away at all we've fought for."

But Randy Tate, the executive director of the Christian Coalition, a major opponent of abortion rights, sees the fight beyond the Beltway as "a principled stand on behalf of the unborn."

From Stars and Bars To Straights and Pairs

Facing re-election this year, Gov. David Beasley of South Carolina figures his most pressing need is to heal the political divisions that linger from his widely noted but unsuccessful 1996 crusade to remove the Confederate flag flying atop the capitol in Columbia. So he has embarked on a new crusade.

He wants to ban video poker, the electronic game of chance that has recently spread like a fever in South Carolina and many other states. For every big hand won, he says, there are a dozen tales of pay checks squandered, families sundered and children's milk money missing.

The way the Governor, a Republican, sees it, if he can get the State Legislature to approve a ban on video poker, he will not only do right by South Carolinians, but his supporters, who split over his proposal to haul down the Stars and Bars, will bond together again, especially the fundamentalist Christians who are his main voter base.

It is a risky election gamble on gambling.

The State House of Representatives has passed a bill banning video poker. But in the Senate, where the bill comes up this week, a bipartisan group of legislators is threatening to call the Governor's hand with a filibuster — and the group appears to have both the stamina and the votes for a long haul, not to mention the generous, energized backing of the video poker industry, which takes in \$2 billion a year in the state.

Most Democrats would prefer to see the bill die in the Senate because that would clear the way to have the issue decided next Election Day by a statewide referendum. Polls indicate that more South Carolinians support than oppose video poker, and Democratic leaders believe that voters who pull the lever for video poker will also pull the lever for Democratic candidates, not the least being Governor Beasley's challenger, former State Representative Jim Hodges.

Assessing the Length Of a Texan's Reach

With Gov. George W. Bush of Texas seemingly assured of re-election this fall — he won last week's Republican primary with 97 percent of the vote and has a 3-to-1 lead in the polls over the Democrat's nominee, Garry Mauro, the land commissioner — speculation is again centering on the more intriguing question of the Presidential prospects of the former President's son.

Predictably, some Texas political professionals, analysts and pundits are already musing that should Mr. Bush actually beat Mr. Mauro by a 3-to-1 ratio in the fall, he probably would lead a big Republican sweep in Texas, and his Presidential prospects would brighten considerably. Conversely, that line of reasoning continues, should Mr. Mauro close the gap, then Mr. Bush might be seen as not so invincible.

In fact, a poll conducted two weeks ago by the University of Texas and the Scripps Howard news organization uncovered what some watchers of politics took to be hints of Bush weakness. When likely voters were asked which candidate for lieutenant governor they favored, 41 percent chose the Democrat, State Comptroller John Sharp, while only 35 percent chose the Republican, State Agriculture Commissioner Rick Perry.

"If the Governor had those coattails that people talk about," said Ty Meighan, the poll director, "then Rick Perry's numbers would be higher."

A Biting Battle On Paramilitary Groups

Roughly half the states now have laws governing the private paramilitary groups that have proliferated in recent years, sometimes violently. But not Colorado.

When Mike Feeley, the minority leader of the Colorado Senate and a candidate for governor, proposed the other day that his state begin regulating paramilitary organizations, on the grounds that they not only are popping up everywhere but that they promote "hate and paranoia," he immediately found himself in a verbal fire fight, taking shots from every direction.

The American Civil Liberties Union said that it had little fondness for paramilitary groups but that such groups had a constitutional right to free assembly.

Paul Graham, who identified himself as an officer in the Colorado State Defense Force Reserve, said that "if this law were in effect in 1775, we'd all still be British subjects."

The bill died in the Senate State Affairs Committee, 4 to 2.

B. DRUMMOND AYRES JR.

Books of The Times: Weekdays

The New York Times

MONDAY, MARCH 16, 1998

Cal - Charter Schools

THE WHITE HOUSE

Office of the Press Secretary
(San Francisco, California)

For Immediate Release

September 20, 1997

OPENING AND CLOSING REMARKS BY THE PRESIDENT
IN ROUNDTABLE DISCUSSION ON CHARTER SCHOOLS

San Carlos Charter Learning Center
San Carlos, California

11:19 A.M. PDT

THE PRESIDENT: Thank you very much. First, thank all of you for coming here today and sharing your Saturday morning. I thank the Superintendent for his really marvelous remarks. He talked about all the things that we have in common -- I saw a living symbol of his dedication to education above all else, and one thing that we have in common that he didn't mention -- if you look closely at his tie you will see it is a pattern of golf balls and tees. (Laughter.) And on this beautiful Saturday morning he's here with us. (Laughter.)

Let me thank your instructional coordinator, too, for being here, leaving her 11-day-old baby. I would like to see the 11-day-old baby, but I think it's -- where's the baby? A wise mother leaves the baby outside. (Laughter.)

Hillary and I are delighted to be here. And I want to spend most of my time just at this panel today. But I thank all of you for coming because I believe in charter schools and I believe they are an important part of helping us to lift our standards and renew our schools and achieve the kind of educational excellence that all of our children need as we move into the 21st century.

I congratulate the San Carlos Learning Center for being the first of its kind in California, which obviously makes it among the very first in the United States.

Let me just give you a little, brief personal history here. When I was governor of my state for 12 years, I spent a great deal of time working on school reform -- and so did Hillary -- spent lots of time in the schools, talking to teachers, talking to parents, talking to students, dealing with issues of curriculum development and teacher training and all those things. And when we were active in the 1980s, the state of Minnesota became the first state in the country to pass a public

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school choice law, to give parents and their children more choice among the public schools their children attended. I think we were the second state to pass that law. And we used it quite a lot.

Then when I began to run for President in 1991, Minnesota became the first state in the country again to pass a charter school law, recognizing that sometimes it wasn't enough just to give the parents and the students choices, but that we needed to give the educators and the parents and the students with whom they worked options to create schools that fit the mission needed by the children in the area; and that if you gave them options and held them accountable, we might be able to do something really spectacular. Then five years ago today, I think, California became the second state in the country to adopt a charter school law, and then you became the first of those schools.

In 1994, I passed legislation in Congress to help us support more charter schools. By the end of 1995 there were about 300 charter schools in the country. Today there are 700 charter schools in the country. Many of them have been helped by the program we passed in Washington in 1994.

The historic balanced budget agreement that we just passed into law includes the largest commitment to new investment in education since 1965 -- among other things, expansion of Head Start programs, more funds to support computers in the schools -- I'll say more about that in a moment -- our America Reads initiative to help make sure every 8-year-old can read independently, and the biggest increased investment in helping people go to college since the G.I. Bill passed 50 years ago, tax credits for the first two years of college, credits for the remainder of college, IRAs, Pell Grants, work-study positions. All these together mean that for the first time ever we can really say, if you're responsible enough to work for it, no matter what your income or your difficulties, college is now a real option for you in America -- for every single American. And I'm very proud of all of that.

But one of the things that was in this balanced budget that didn't get a lot of notice is enough money for us to help to set up literally thousands more charter schools in America. Because excellence in education is more than money. And from my point of view, having spent years and years and years working on this, we need two things -- we need a set of national standards of academic excellence that will be internationally competitive in basic subjects. And then we need grass-roots, school-based reform, because education is the magic that takes place in every classroom, and indeed in every student's mind, involving every teacher, every student, and also, hopefully, support from home.

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So that's why these charter schools are so important to me. And that's why we've tried to help a lot more schools like San Carlos get started on the path that you've been on now for some years.

For people who don't know exactly what they are, let me say that charter schools are public schools that make a simple agreement: in exchange for public funding, they get fewer regulations and less red tape, but they have to meet high expectations, and they keep their charter only so long as their customers are satisfied they're doing a good job.

As I said, we've gone from -- the day I took office, there was only one charter school in America, January of '93. Then a couple years ago we were up to 300; now there are 700. And what started as a movement in Minnesota and California now encompasses 29 states; 27 more states have passed charter school laws.

These funds in our budget, as I said, should allow us to set up several thousand more over the next four years. Today I am pleased to announce that we're going to release \$40 million in grants to help charter schools open. Start-up costs are often the biggest obstacle. And in states that can't afford to help, it's a terrible problem. I see a lot of people nodding their heads out there who have had experience with this.

So we have curriculum development costs, teacher training costs, new technology costs -- all these things can help. The \$40 million we're releasing today, of which about \$3.4 million will come to California, will help us to establish another 500 charter schools in 21 states. So we'll go from 700 to 500 in one pop here.

And as I said, pretty soon -- and if all the states will join in, we obviously can help all of them -- we'll have well over 3,000, perhaps even over 4,000 by the year 2000, which is enough to have a seismic echo effect in all the public school systems of America. So that's what we are trying to do.

Let me say that there are a couple of problems that we're going to face. Last week, the U.S. Senate, by a very narrow margin, supported an amendment that would make these charter schools funding that I just announced the last such announcement that would ever be made, because it would lump all the education funds together and arbitrarily distribute them to the state without regard to whether these programs were continued or not. And in the process, it would abolish very specific and highly successful education reform programs like the charter schools, where we work with local communities and school districts. It would abolish our highly successful effort to put computers in the classrooms -- I'll tell you how much movement has happened on there in just two years -- and to create safe and drug-free schools. I think that would be a mistake.

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The House of Representatives recently passed, although the Senate opposed them, an amendment that would prohibit us to pay for -- not to develop, but to pay for -- a non-political, private organization to develop voluntary national tests of excellence in mathematics and reading. I think that would be a mistake. This is the first time, last year, in history that our students in elementary schools scored above the international average in math and science. We're doing much better in America, but we don't test all of our kids, we just test a representative sample. I think we need to know how we're doing based on a common standard.

So we have these problems in the Congress, and if either one of these provisions makes it into the final bill I will have to veto it. So I hope that we can continue to work on moving forward in the right direction. And in that connection, I'd like to say a special word of appreciation to Congresswoman Anna Eshoo, who I think is one of the -- absolutely -- even I would say this if I were in Washington -- she really is one of the finest, most forward-looking members of the United States Congress, and she's made a big difference in our country today. (Applause.)

Now, running these charter schools, as we are about to hear, is not easy. It's not self-evident how to do all this. It sounds great to say we'll cut you free of red tape and bureaucracy; you have to perform at a higher level, you've got to get the parents involved. There are all kinds of practical problems, and we'll hear about some of them.

The Secretary of Education, Dick Riley, is going to convene a national conference on charter schools in Washington this November to bring together teachers, administrators, parents, others who are interested in this to share best practices and look to the road ahead. But just think about where we can go with this. If we go -- we've gone from one to 700, to 500 more, with a budget that calls for funds for 3,000 more -- just this year's budget alone that will be funded starting October 1st, if we get the funds for it, will give us enough funds for another 700 -- or 900 to 1,000 schools.

So this movement can sweep the country and can literally revolutionize both community control and standards of excellence in education if we do it right. That's what the panel is about.

And before we start, let me just thank some of the business leaders who are here today for their commitment to educational excellence -- Regis McKenna, David Ellington, Brook Byers, Terry Yang, Paul Lippe. And I'd like to say a special word of thanks to Larry Ellison who is up here on the platform. He's the chairman and CEO of Oracle Corporation.

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Two years ago this week, I met with Larry and a number of other high-tech executives to talk about another one of my passions, which is to connect every classroom and library in every school in America to the Internet by the year 2000. And that, like everything else, it turned out to be more complicated. It sounded great, but we not only had to connect them, we had to make sure we had the hardware, the software, and the trained teachers to do the job.

So we got this group of business people who knew about all this, who are working very hard to try to make sure that we can do that, give all the support services to every school. We got the Federal Communications Commission to give what amounts to a \$2.25 billion a year subsidy to schools, to lower the rates they have to pay to hook on to the Internet. But to give you an example of what we can do when we work together, since we made that announcement two years ago, California has 65 percent of the schools connected, which is twice the percentage you had two years ago, and four times as many classrooms connected as just two years ago. That shows you how quickly we can move.

And Larry has not only sponsored the San Carlos Learning Center, but yesterday he announced Oracle's promise to spend \$100 million in a foundation to help schools across America who need support to get the kind of connection to the future through telecommunications technology that we all want. So thank you, Larry, for doing that. (Applause.)

So this is a good news day. but what I want to do now is to turn it over to the panel and let's get into the facts of the charter school movement and see -- hopefully, by being here today, this will encourage the 21 states who do not have charter school legislation to adopt it. It will encourage the Congress to fully fund the charter schools program for the next four years. And it will help us to take what you have done here and spread it all across America in a way that will guarantee international standards of excellence in the education of all of our children.

Thank you very much.

* * * * *

extent of the law," Gore said.

Kate Michelman, NARAL's president, thanked Clinton, Gore and his wife, Tipper, who was also in attendance, for support of abortion rights causes. She said that if Clinton hadn't been elected in 1992, "There'd be no Roe vs. Wade today."

Gore has not always been an ally, however. As a congressman in the late 1970s and early 1980s, he voted against federal funding for abortions and for an amendment declaring "an unborn child" a "person" at conception. He switched his position on abortion issues shortly after being elected to the Senate.

Michelman said his prior positions on the issue no longer bothered her. "He has been a champion of choice for many years," she said.

Mrs. Clinton urged abortion foes to work with the administration to increase the availability of family planning services and to make more educational opportunities available to teens as encouragement to postpone pregnancy.

"I hope that we will be able to find ways of increasing dialogue and working together with people of good faith who do not share extremism as their rallying cry," she said.

"I have no illusions about the difficulty of that," she added. "But I have no illusions that there is any other route to take."

On Capitol Hill, Republicans said they plan to reintroduce legislation that would outlaw a type of late-term abortion referred to as partial-birth abortion by opponents. President Clinton vetoed such a bill last year, and Congress upheld the veto in one of the most emotionally pitched political battles of 1996.

"I'm hopeful that the president will change his mind on this bill and wind up supporting it," said Rep. Charles Canady, R-Fla.

At the NARAL luncheon, Sen. Chuck Robb, D-Va., said that, under pressure by anti-abortion lobbyists back home, a number of Democrats who voted against the bill last year were attempting to work out a compromise with the GOP.

Such a compromise would allow women to undergo the late-term procedure in order to protect their life or health. Republican leaders rejected such a compromise last year.

Robb predicted that Congress might not be able to sustain another White House veto this year because there are fewer abortion rights advocates in the Senate. "It could, indeed, be closer," he said.

Lid on inflation bodes well for interest rates; But wage pressures cause some unease **By William Gruber Chicago Tribune (KRT)**

CHICAGO The economy grew at a moderate pace with little inflationary pressure in December and early January, a Federal Reserve report said Wednesday, an indication the Fed will hold the line on interest rates in the near future.

"The beige book report echoed Alan Greenspan's comments the day before that we don't have too much to be concerned about," said Diane Swonk, deputy chief economist of First Chicago NBD Corp.

On Tuesday, the Fed chairman told a Senate committee that he saw few signs of imbalances or inflationary tensions in the economy. But he warned that price pressures might increase in the year ahead.

Swonk and two other Chicago bank economists predicted Wednesday that the policy-setting Federal Open Market Committee once again will pass on changing short-term interest rates when it meets Feb. 4-5. The FOMC's last move took place a year ago, when it cut key bank rates by 0.25 of a percentage point.

"I think the outlook for the year still looks pretty good, and I wouldn't expect the FOMC to act in the first half of the year," said Carl Tannenbaum of LaSalle National Bank.

"What struck me was a mention of a growing shortage of qualified labor," said Paul Kasriel of Northern Trust Co. "A number of districts said wages were starting to go up.

"But the Fed is saying it's willing to give it the benefit of the doubt at this point because core inflation, except for energy, hasn't risen much yet. I think it's fearful of the wrath it might bring on itself if the stock market has a setback."

The Federal Reserve Bank of Chicago said labor markets in its five-state district "continued to tighten amid more widespread reports of increasing wage pressures."

But the overall economy in the district "continued to increase moderately," it said. Holiday retail sales "came in above last year's lackluster results, but fell short of many retailers' expectations."

Housing and construction activity picked up at the end of 1996, it added, but manufacturing rose at a slower pace from earlier in the year. Steelmakers, though, said their order bookings were "solid into the second quarter" of this year.

In another report Wednesday, the Commerce Department said

housing starts nationally plunged 12.2 percent in December because of bad weather. But starts for the full year were the highest in eight years, up 8.8 percent from 1995.

Public charter schools making a positive difference in educational system **By Carol Jouzaitis** **Chicago Tribune (KRT)**

SCOTTSDALE, Ariz. When a principal ordered him to find an art teacher who could also coach the high school's wrestling team, Ronald Caya was ready to quit the public school system.

Look for a cross between Vincent Van Gogh and Hulk Hogan? No way, declared Caya, who had been hired to rejuvenate the arts program in a small Arizona school district.

Caya didn't give up on public education, though. Instead, he used Arizona's charter school law to create his dream high school from scratch, with a curriculum tailored for talented young painters, dancers and composers.

Charter schools are the hottest trend in American education reform. Caya's New School for the Arts, located in this upscale community, is taxpayer-funded but freed from many state and local regulations governing budget and hiring decisions. That's allowed Caya to abandon the cookie-cutter model followed by most high schools and fill classrooms with professional art exhibitions, potter's wheels, easels and high-tech music synthesizers.

"There are no pom-pom squads or pep rallies here," said Caya, the new school's dean, whose office is decorated with student art projects. "Being a charter school allows us to work outside the box (of traditional education) and challenge students who were under-challenged in other schools."

Though they were non-existent five years ago, the number of public charter schools is rising rapidly. According to the U.S. Education Department, almost 500 charter schools are operating in the 25 states that allow them.

On Wednesday, as President Clinton proclaimed himself a "great champion" of charter schools during a Chicago visit to highlight his education goals, school board officials approved eight applications from community groups and educators seeking to open Chicago's first charter schools this fall.

Charter schools have provided a rare point of agreement between Democrats and Republicans eager to accelerate the pace of change in the nation's moribund public schools. Federal funding for the startup schools will grow to \$51 million this year, almost triple the amount in 1996.

For more than a decade, educators have tried to reinvigorate public education with a multitude of approaches, such as giving parents or the private sector more control over decision-making.

"People are deeply frustrated by how little difference it all has made," said Ted Kolderie, an associate with the Center for Policy Studies in St. Paul, Minn. The lack of improvement has emboldened the conservative movement for publicly funded vouchers to help parents send their children to private schools.

"But many people aren't comfortable putting public money into private schools. And now, with charter schools, they have an alternative way of breaking" the public school monopoly, Kolderie said.

Charter laws allow teachers or community leaders to ask states or school districts for permission to open a new school or convert an existing one. If approved, they receive the same amount of operating funds per student paid to other local, public schools.

The schools operate under charters, which are public contracts spelling out their educational goals. They are generally exempt from the bureaucratic red-tape and union contracts binding other public schools, although they must follow health, safety and non-discrimination laws. In return for the exemption, they must prove they have lived up to their charters, or risk having them revoked.

Though the charter movement has gained widespread support, not everyone likes it. Some administrators and labor groups have resisted, threatened by the potential loss of control over charter campuses.

After problems cropped up at Marcus Garvey Public Charter School in Washington, D.C., where the principal was indicted for assaulting a journalist amid questions about the school's Afrocentric curriculum, some critics railed against the charter school movement.

"A pluralistic society cannot sustain a scheme in which the citizenry pays for a school but has no influence over how the school is run," said Michael Kelly, columnist for the New Republic, a political and cultural weekly.

Many parents, however, seem to disagree, as evidenced by long waiting lists of students at many charter schools, including Caya's and

President Clinton plugs national standards on Chicago schools tour By William Neikirk Chicago Tribune (KRT)

CHICAGO President Clinton was on the stump for his education agenda in the Chicago area on Wednesday, declaring that opponents of national standards are "selling our kids down the drain" and using local control of schools as an excuse.

In his first trip since his second term began, Clinton hailed the academic performance of 8th-grade students in a consortium of 20 suburban school districts. The students scored in the top tier of 41 countries in science and in the second tier in math.

Clinton highlighted the consortium's efforts as he urged school districts across America to adopt the national standards and testing under the Goals 2000 program.

"We can no longer hide behind our love of local control of the schools and use that as an excuse not to hold ourselves to high standards," he said in a speech before several thousand people at Glenbrook North High School in Northbrook, Ill. "It has nothing to do with local control. There's no school board in America that controls the content of algebra."

During his visit to Northbrook, Clinton also witnessed a science project in an 8th-grade class at Field Middle School.

Later, before the Chicago School Board, he pushed his plan to expand the number of charter schools nationwide, announcing a near-doubling of federal funds to \$100 million from \$51 million to set up such independent schools in his new budget to be presented Feb. 6. The funds will help increase the number of charter schools from about 500 to 1,500 next year.

The president told the Chicago board that there will be a tenfold increase in charter schools during his administration.

The White House also said that Clinton will pump an additional 26 percent into the Goals 2000 standards program to \$620 million in an effort to expand the national standards program to more school districts.

Clinton explained in his speech at Glenbrook North that the 20 school districts that decided to administer the international test to a random group of 8th-graders did not relinquish local control.

The school districts decided to participate in the Third International Mathematics and Science Study last year. In the same way that the tests were conducted for the U.S. as a whole, a random sample of students in the districts was selected to take the tests.

The Chicago-area students scored in the top group of countries in science, along with such countries as Singapore, Japan, Korea and the Czech Republic.

Holding up national standards as a threat to local control of schools "is just an excuse to avoid being held accountable because we're afraid we can't make it," Clinton said. "It's selling our kids down the drain, and it's wrong."

Improving education in America is one of the president's prime second-term goals and, he believes, the way to prosperity in the next century. With Republicans in control of Congress, he is taking to the road to build a case for his program.

"We have delayed too long; we shouldn't delay anymore," he said. "By the time we start the new century we ought to have these standards adopted, embraced and evaluated in every school district in the United States."

Senate hearing on Daley's nomination to be commerce secretary goes smoothly

By David S. Cloud Chicago Tribune (KRT)

WASHINGTON William Daley eased through a Senate hearing Wednesday on his nomination to be commerce secretary, promising to promote trade and to end alleged favoritism for political donors at the Commerce Department.

Daley repeatedly stressed that "politics has no place" at the department, addressing Republican concerns that during the Clinton administration the agency has rewarded business executives who contribute to Democrats with trips on trade missions and other favors.

Daley faced little skepticism about whether he, a well-connected Chicago lawyer and Democratic Party fund-raiser, was the right choice to clean up a department accused of being rife with politics.

If confirmed by the Senate, Daley said he would issue guidelines within 30 days designed to ensure that donors did not receive special preference for coveted spots on trade missions, where U.S. officials help companies win overseas contracts.

The 40 trade missions planned for the next month would be suspended until the rules are in place, department officials said.

To address GOP charges that the agency is a dumping ground for campaign aides, Daley said that by the end of this year, he would eliminate 100 of the 256 positions at the Commerce Department that now go to political appointees.

Press reports and conservative critics have raised questions about whether former Commerce Secretary Ron Brown and his aides favored Democratic donors in choosing members of trade missions. Brown died in April 1996 while on a trade mission in Bosnia.

It was Brown who hired John Huang, who left his mid-level Commerce position in early 1996 to become a senior fund-raiser for the Democratic National Committee and was later the central figure in the fund-raising scandal that surfaced during the 1996 presidential campaign.

Congressional hearings are expected to explore whether Huang raised money from donors whom he helped while at Commerce.

Senators from both parties voiced support for Daley's nomination, hailing his business savvy and barely mentioning his background in politics.

Although his government experience is limited to one temporary stint in the White House as President Clinton's point man on the North American Free Trade Agreement, Daley demonstrated an insider's understanding of how to get through a confirmation hearing: Say nothing controversial.

Pressed by Sen. Sam Brownback, R-Kan., about which programs in Commerce's \$3.9 billion budget constituted "corporate welfare," Daley sidestepped. He defended a program that gives research grants to profitable corporations, saying, "We view our programs as investments in the future, not corporate welfare."

Although Daley is expected to be confirmed, the Senate Commerce Committee delayed sending his nomination to the floor for a vote. A spokesman said the committee wanted to act on Daley and Federal Highway Administrator Rodney Slater at the same time, probably within the next two weeks.

The hearing was notable for the near-absence of discussion of eliminating the Commerce Department, a priority of House Republicans as recently as last year, which they proved unable to accomplish.

Instead Daley found himself listening to lectures from senators in both parties about why particular Commerce programs are vital to their states, from weather forecasting in North Dakota to fish habitat protection in Maine and Alaska, and should not be cut.

Daley received only one question about his dealings as a lawyer with Fannie Mae, the federally chartered corporation that buys mortgages and packages them into investment securities.

In May 1993, Daley approached Fannie Mae executives he knew as a member of the corporation's advisory panel and asked them to consider hiring his firm, Chicago-based Mayer, Brown & Platt, which has a large practice devoted to legal work on securities.

Fannie Mae became a client of Daley's firm in the summer of 1993, a lawyer with Mayer, Brown & Platt said. Clinton named Daley to the Fannie Mae board of directors in October, although associates said the discussions about joining the board began before that.

"Whether I was on the board or whether I knew somebody," Daley said, Fannie Mae would not have hired Mayer, Brown & Platt unless the firm was competent in securities matters.

Abortion debate makes annual pilgrimage to Washington By Carol Jouzaitis Chicago Tribune (KRT)

WASHINGTON Both sides in the contentious abortion debate rallied in the nation's capital on Wednesday, marking the 24th anniversary of the landmark Roe vs. Wade Supreme Court decision and setting the stage for more bitter feuding over the issue in Congress.

During a march on Capitol Hill, thousands of anti-abortion forces vowed to continue their fight against the 1973 Supreme Court decision that legalized abortion.

Randall Terry, leader of the Operation Rescue group, told marchers their job was to "carry the banner of resistance and replace evil politicians."

Meanwhile, first lady Hillary Rodham Clinton and Vice President Al Gore, speaking at a luncheon hosted by the National Abortion Rights Action League, declared their unity with the ruling's supporters.

Gore condemned recent bombings at or near abortion clinics in Tulsa, Okla., and Atlanta, calling them "assaults against America's deepest principles."

"Let there be no doubt we will find the terrorists who committed these horrible acts of the past week and we will punish them to the full

the NFL YET Academy in a drug-infested section of south Phoenix. The school, originally the YET (Youth Education Town) Academy, added NFL to its title after the National Football League gave the school \$1 million during last year's Super Bowl in Phoenix.

Before opening the academy next door to his home on the site of a former junkyard, businessman Fernando Ruiz held meetings on his lawn with hundreds of neighbors, who aired their dissatisfaction with city schools.

"More than 50 percent of Hispanic kids in Phoenix drop out and never finish school," Ruiz complained. "There's something wrong with the system."

In September, 1995, Ruiz helped open the Montessori-style school, emphasizing small classes, bilingual education and a strict discipline code. The school's tidy white classroom buildings were a labor of love by Ruiz's family and neighbors, who built them by hand.

"People thought that charter schools would cream the best students out of the system, but that hasn't happened," said Ruiz, the school's principal. "Most of our students were two or three grade levels behind. They were the school system's throwaways."

While the NFL YET is still too new to judge its educational progress, students' friendly demeanor suggests something different is happening there. So does its waiting list of 200 pupils.

Walking across campus recently, Ruiz was repeatedly hugged by uniform-clad students who passed him on the asphalt playground. "It's real family-oriented here," said 12th grader Micaela Torrez. "Everybody knows everybody. You don't have to worry about gangs."

When the school opened, pupils eyed Ruiz with a cold, street look. "But you just keep telling them over and over that you love them, and pretty soon they believe it," Ruiz said.

Things haven't gone so smoothly for another charter school, EcoTech Agricultural Charter School, which was started by reading teacher Jameela Mutab.

Mutab said she believes students learn better participating in hands-on projects. So she proposed building a school on a rural site in Chandler, a Phoenix suburb, that with pupils' help could be turned into a working farm.

Charter schools typically receive about \$20,000 in federal or state seed money to plan their programs and obtain equipment and facilities. Mutab quickly learned that her academic background didn't prepare her for such an undertaking.

Mutab ran out of money before getting a \$50,000 sewer hook-up for the school's newly constructed, terra cotta-colored building. While trying to solve such financial problems, the school is renting space at a local high school, where Eco-Tech's 58 students sit on the floor in nearly empty classrooms during their lessons.

Some dismayed parents pulled their children out of EcoTech, filing complaints with the state about the lack of instructional materials. But other parents have stuck with the effort.

"I realize it's a leap of faith, but it feels so right," said Suzy Lucier, of Chandler, whose four children attend EcoTech. "Walls don't make a school. And every day my kids come home smiling and happy and willing to do their homework."

Arizona has 113 charter schools more than any other state, thanks to a flexible law allowing sponsors to obtain charters from local school officials, a state education board or a special citizens' panel.

Critics say Arizona is granting too many charters too fast without enough oversight. Lisa Keegan, Arizona's superintendent of public instruction, revoked one school's charter because of financial irregularities. And the state has warned several others, including one where students were found watching Arnold Schwarzenegger videos, to shape up or shut down.

Charter school advocates insist they aren't discouraged by such controversies.

"We need to be cognizant of accountability issues," Keegan said. "But if you limit charter schools, you'll never know what the possibilities are."

Union efforts to reverse membership slide may hinge on ruling in Teamsters' fight with trucking firm

By Merrill Goozner Chicago Tribune

RICHMOND, Va. The International Brotherhood of Teamsters' two-year drive to organize Overnite Transportation Co. the largest non-union trucking firm in the nation has led the National Labor Relations Board to file the most far-reaching labor law violations case in recent history.

With a rejuvenated labor movement promising to make organizing its top priority for several years, a lot rides on the outcome of the case.

Union organizers had high hopes that President Clinton's appointees to the NLRB would improve the legal environment for organizing, where employers have held the upper hand in recent years. But if Overnite Transportation is not sanctioned for what NLRB investigators call wholesale violations of the nation's labor laws, then union hopes of reversing the long-term decline in membership may prove illusory.

Attorneys for the two sides presented their arguments before administrative law judge Benjamin Schlesinger this month in Richmond, in a courtroom just across the James River from the company's headquarters. A ruling is not expected for several months.

"This is a watershed case in terms of what a company willing to spend huge amounts of money to defeat a union can get away with," said NLRB staff attorney James Fox, who is prosecuting the case. "This company has done things that are unprecedented."

The NLRB, following up on Teamster complaints, has accused Overnite of firing and harassing union supporters at many of the company's 160 terminals around the nation. The government also charges Overnite with denying unionized employees pay raises and benefits that it offered to the firm's other employees, and with implementing a so-called productivity package a year ago specifically designed to thwart the union's organizing drive.

All the charges allege violations of the nation's labor laws, which theoretically give workers the right to organize unions free from employer intimidation.

The government's latest case against Overnite an earlier settlement resulted in a slap on the wrist for the firm hinges on the company's reasons for implementing the productivity package.

Under the plan, terminals that had not voted for the union received raises and overtime pay. Because the terminals were non-union, management was free to change schedules, reassign work and close unprofitable facilities to improve productivity.

But at the terminals that had voted to join the union, workers were told they wouldn't receive the raise unless the union agreed to the productivity package.

"Why should unionized employees get the wage increase that the non-unionized employees got without having to pay the price for it?" said Kenneth T. Lopatka, attorney from Chicago-based Matkov Salzman Madoff and Gunn, which is defending Overnite. "It simply wouldn't be fair."

The organizing campaign, a bitter terminal-by-terminal affair, has been marred by scattered violence. In the worst incident, Donna Stapp, an Overnite driver and outspoken union supporter at her home terminal in Memphis, was severely beaten in September in the women's restroom at the company's Salt Lake City terminal.

No one has been arrested in the attack, which is being investigated by the FBI. The Teamsters have offered a \$25,000 reward for information in the case.

Since launching its nationally coordinated campaign at Overnite in the fall of 1994, the Teamsters have won 23 of 59 elections. The 23 terminals employ 2,441 of Overnite's estimated 11,500 employees.

At 14 terminals with 1,074 employees where the Teamsters lost elections, the NLRB ruled that systematic labor law violations by Overnite had made fair elections impossible, and awarded bargaining rights to the union.

The company, in denying the allegations, said its productivity moves were made in response to its deteriorating financial situation. Though it pays several dollars less than the \$18 an hour typically paid by unionized firms in the industry, the \$1 billion unit of Union Pacific Corp. lost money in each of the past two years. It has recently returned to profitability, however, after cutting about 3,000 of its 14,500 workers.

Union officials charge the parent company with using political pressure to persuade the NLRB to back away from earlier charges filed by the union.

Until he retired this month, Union Pacific had been run by Drew Lewis, a former transportation secretary under President Reagan who had primary responsibility for breaking the air traffic controllers union when it went on strike in 1981.

The Teamsters' initial forays at Overnite terminals led to a slew of unfair labor practice charges. After an NLRB investigation found allegations of widespread intimidation against union supporters, the agency threatened Overnite with a so-called 10(j) injunction, which would have given it the right to counter future violations with criminal contempt charges against company officials. Within weeks, letters from powerful Republican congressmen protesting the move poured into NLRB Chairman William B. Gould's office. Some even threatened the NLRB with sharp reductions in funding. The agency subsequently dropped the injunction threat. A settlement agreement required Overnite to post notices at all its terminals for several months.

The notices outlined what behavior was permitted and prohibited during a union organizing campaign.

That settlement "was a sellout," said Bob Muehlenkamp, director of organizing for the Teamsters. "This is not a Teamster case or a trucking case. This is a human rights case that demonstrates that workers in this country do not have the right."

Israeli Foreign Minister calls for meeting with Syrian leaders to restart peace process

By Storer H. Rowley Chicago Tribune (KRT)

JERUSALEM With the Clinton administration pushing to restart U.S.-mediated peace talks between Jerusalem and Damascus, Israeli Foreign Minister David Levy on Wednesday called on his Syrian counterpart to meet him "anywhere, at any hour" to revive negotiations.

A week after Israel clinched a deal with the Palestinians to pull back Israeli forces from Hebron and other West Bank areas, U.S. officials are arguing that Israel's Likud-led government is now fully engaged in the peace process.

Therefore, U.S. officials argue, it is time to resume the stalemated and ultimately indispensable Israel-Syria talks.

Without those negotiations, there is virtually no hope of stopping Israel's last "hot" border war, the one against Islamic guerrillas in southern Lebanon, or of achieving a comprehensive peace in the region.

On Wednesday, Levy revealed he already is exchanging messages indirectly with Damascus; the Israeli press subsequently reported that a European foreign minister is acting as intermediary.

Moreover, Danny Yatom, head of Israel's Mossad intelligence agency, warned Israeli Prime Minister Benjamin Netanyahu that Syria, with its potent missile capabilities, has become in 1997 the primary threat to the nation's security, Israeli media reported.

If negotiations were to resume, the prospect of war with Syria would drop significantly, the Mossad chief has argued, according to a report in Wednesday's editions of the Israeli daily Yediot Ahranot. If not, then a military confrontation is likely to occur that could turn into an all-out war in 1997, the paper reported.

"There are signs that at this time, with the inauguration of the new U.S. administration, increased efforts will be made to resume talks between Israel and Syria," Netanyahu said earlier this week. But he added that the Syrians have so far failed to answer his call for a resumption.

The U.S.-brokered talks between Syria and the previous Labor-led Israeli government broke off last February, as Israel was rocked by four suicide bombings by Islamic extremists opposed to the peace process, killing 59 people.

Syria argues that there already are oral understandings reached in talks with the previous government that Israel was considering returning the disputed Golan Heights, captured by Israel in the 1967 Six Day War, to Syria in exchange for full peace and normalized relations.

But when Netanyahu came to power in June, his government guidelines flatly opposed returning the strategic heights to Syria, mindful that Damascus once used them to rain artillery shells down on Israel's fertile Galilee region.

While Netanyahu has at times called the Golan "not negotiable," his official position is that there should be no conditions for resuming the talks. Syrian President Hafez Assad has demanded that Netanyahu commit himself to the previous government's formula of returning land for peace.

Levy's comments on Wednesday raised the possibility of territorial compromise when he declared that Israel considers United Nations Security Council Resolution 242 to be the basis for negotiations with Syria.

That UN resolution, which ended the Six Day War, calls for "withdrawal of Israeli armed forces from territories occupied in the

recent conflict." It also calls for the respect and acknowledgement of the sovereignty and territorial integrity of all states in the region and their right to live in peace within recognized borders "free from threats or acts of force."

It is the recognized formula for bringing a Mideast peace for Israel and front-line states, and Levy's invoking of Resolution 242 seemed to send a signal to Syria that Israel was ready to bargain.

In a meeting in Jerusalem with a group of foreign ambassadors, Levy said he believes his statement will lead to resuming peace talks with Damascus, though he noted that neither side was likely to achieve all its goals in those talks.

Appealing directly to Syrian Foreign Minister Farouq Al-Shara, Levy declared, "Please, sir, as representatives of two countries that want peace ... please, please, anywhere, at any hour, I am ready to meet you."

"Together we'll prepare for the meeting of our leaders, of teams from the two sides," Levy added. "We'll sit, and we will deserve the responsibility that falls on our shoulders in this generation."

Questions persist over what will happen to Croatia after Tudjman departs

By Tom Hundley Chicago Tribune (KRT)

ZAGREB, Croatia President Franjo Tudjman is not expected to live many more months and, as his final act on this planet, he would like to physically remove Croatia from the rough-and-tumble Balkans and transplant it to some quiet patch of Western Europe.

Unable, of course, to perform such terrestrial magic, Tudjman has opted simply to ignore geographical reality and pretend his nation is, politically at least, no longer a neighbor or blood relative of war-ravaged former Yugoslavia.

Ironically, if hard-liners in his own party take over Tudjman's Croatian Democratic Union (HDZ) after the ailing president's death, Croatia is likely to be drawn deeper into the Balkan vortex.

Tudjman, who addressed the nation Wednesday, had nothing to say about Croatia after his passing, so these questions remain:

Will the passing of the 74-year-old nationalist mean the end of one-party rule in Croatia and a move toward genuine democracy? Or will hard-line HDZ nationalists, not known for their commitment to democracy, make a strong bid to extend the party's dominance of Croatia's political life?

Officially, Tudjman has a bad stomach ache. But after undergoing treatment at Walter Reed Hospital in Washington, D.C., last November, it is widely believed that Tudjman is suffering from terminal stomach cancer.

There was speculation that Tudjman might use the occasion of Wednesday's speech to announce that he would not be a candidate in this summer's presidential elections, or to propose amendments to the constitution that would reduce the power of the presidency in favor of a more parliamentary style of government.

Neither happened.

Looking pale and considerably thinner, but speaking in a strong voice, Tudjman said that presidential elections would take place as scheduled but made no mention of whether he would be a candidate.

He ruled out any substantial changes in the constitution but said, "We should add a new article a constitutional ban on attempts to merge Croatia with any Yugoslav or Balkan state or federation."

This comes in reaction to a European Union warning that its invitation to Croatia to join the EU club is contingent upon good relations with all its neighbors.

The hard-line party faction waiting in the wings includes ardent nationalists who openly disdain the Dayton Agreement and the American-brokered Muslim-Croat Federation in Bosnia. Instead they call for the annexation of the Croat-held areas they refer to as Herzeg-Bosna.

The most prominent of the hard-liners is Gojko Susak, a former Canadian businessman who is now Croatia's defense minister. Susak, however, is being treated for lung cancer and says he will not be a candidate for president.

The preferred choice of the U.S. and its European allies is Foreign Minister Mate Granic, an articulate moderate who has helped smooth over some of Tudjman's rougher edges.

But in a party that consists mainly of ex-communists at one end of the spectrum and flame-throwing nationalists at the other, there is no natural power base for a man of the middle like Granic.

Tudjman has not groomed a successor. "His tendency is to cut down people before they get too high," said one Western diplomat. As a result, HDZ could perish along with its founder.

Some of Tudjman's behavior of late has raised eyebrows.

10² BR, RE (Educ-Charter Schools)

Loss of mandate rare among charter schools

Let's discuss.
Don

Supporters fear impact of bad apples

By Carol Innerst
THE WASHINGTON TIMES

A1

With more than 500 public charter schools in operation across the country, only a few have lost their charters or risk losing them.

Charters have been revoked for three schools in California and one in Arizona.

Citizen 2000, a Phoenix charter school that encouraged pupils to be multilingual and study human diversity, lost its charter last month because school officials exaggerated enrollment to get

\$250,000 more in public funding than they were entitled to receive.

"Four out of 481 isn't bad, considering that the small-business failure rate is 10 percent," said Jeanne Allen, the president of the Center for Education Reform, which tracks the national growth of charter schools and school-choice efforts.

But some supporters of the charter school movement worry that the few bad apples will sour the public on the idea.

Questions about charter schools

see CHARTER, page A12

CHARTER

From page A1

have been raised locally since a Dec. 3 incident at Garvey in which a reporter for The Washington Times was roughed up by the principal and some students when she refused to surrender her notes for a story on the school.

Charter supporters fear that the incident, coupled with the D.C. Board of Education's position that it has no authority over Garvey even though it granted the charter, will derail a promising school-reform movement in the District.

Charter schools are free of many regulations so they can offer innovative curriculums. Their charters can be revoked if their administrators violate agreements with a school district, break the law or fail to deliver on educational promises.

"That is the theory of charter schools," said Chester E. Finn Jr., who is studying them for the Hudson Institute.

"They are freed from education regulations, but they are not freed from civil society or conventional ethics and the sort of general statutes pertaining to health, safety and civil rights," said Mr. Finn, an assistant secretary of education in the Reagan administration who was recently named president of the Fordham Foundation.

"Both the state Board of Education and the Arizona Charter Board learned a lesson from Citizen 2000," said Nancy Helm, director of charter schools for the Arizona Board of Education. "In the future, we will take swifter and stronger action."

A bill has been drafted for the Arizona Legislature to eliminate a 90-day hearing period before the school board or Charter Board can move against a problem charter school, Miss Helm said.

But "those entities sponsoring charter schools need to do their work on the front end," she said. "It's easier to prevent a problem than to fix it once the school is open."

"When you free up the process, obviously you are going to get some bad apples, but the point is to weed them out and keep going," said Michael Peabody, co-chairman of the Washington-based Friends of Choice in Urban Schools.

"Charter schools have to be open," he said. "This is one of the primary differences between public and charter schools. They are held accountable. The reason they

"There will always be mistakes as long as it's this young."

— Jeanne Allen,

Center for Education Reform

exist is that public schools weren't accountable. When you've got one that doesn't choose to be accountable, the ax needs to fall in some way."

The principal drafter of the District's charter school law rejects suggestions that loopholes render the city school board powerless to revoke the Garvey charter.

An absence of will, not a lack of authority, is responsible for the board's inertia, said Theodor Rebarber, vice president of Boston-based Advantage Schools, a charter school management firm.

"The school board has the responsibility for oversight, and it has grounds for revocation within ... the charter itself," said Mr. Rebarber, who as legislative director for Rep. Steve Gunderson, Wisconsin Republican, served on House Speaker Newt Gingrich's task force on D.C. education reform and was the senior staff member drafting the District's charter law.

"The school board also has the power to investigate schools where a violation of the charter may have occurred," he said. "The big question is, is the D.C. Board of Education up to the sole task left to it or can it not even do that? [The Garvey trouble] is a positive if it shows that charter schools are in fact held accountable."

"Charter schools have their detractors, who look for any ounce of bad news to claim the movement is a failure, so let's go back to business as usual," Mrs. Allen said.

"There will always be mistakes as long as it's this young, and there will always be a couple of bad apples, but this should not scar the concept of charter schools," she said. "People need to know that starting a school is a hard thing. It requires a tremendous amount of business savvy among members of the board."

Since the first charter school opened in Minnesota in 1992, 510 have sprung up in 16 states and the District, with well over 100,000 pupils. Thirty-two more are approved to open in 1997 or later.

Seventy percent of the charter schools are in three states: Arizona, California and Michigan. Several allow multiple sponsoring groups and agencies including universities, state boards of education, special charter boards and local school boards.

Those who start charter schools include teachers, unions, parents, community groups, businesses and universities.

Locally, only the District has a charter law. Charter authority rests with the Board of Education and a newly named but not functioning charter board.

Charter legislation is pending in Maryland, and the state Board of Education is holding hearings on the issue. There is no such activity in Virginia, although some legislators are interested, Mrs. Allen said.

Handwritten scribbles and signatures at the bottom right of the page.

MEMORANDUM

TO: TOM FREEDMAN
FROM: JULIE MIKUTA
RE: CHARTER SCHOOLS
DATE: NOVEMBER 3, 1997

Education - Charter Schools
Bruce - Mike has been involved in starting charter schools. I asked for his ideas for promoting them.
Tom

SUMMARY

Here is an overview of the major obstacles to charter school development. Charter schools certainly need more capital, and the plan you discussed would address this point. You mentioned that the allocation of funds would be based on demand for the schools (or did I misunderstand this point?). Even where a charter school group is able to establish that the demand exists, there are other barriers which may prevent its opening a school. These are described below.

I. START-UP PROBLEMS OF CHARTER SCHOOLS

This information is drawn from the Charter Schools in Action report published by the Hudson Institute, and the recent study done by the Department of Education (*A Study of Charter Schools: First-Year Report*).

A. *Political and bureaucratic opposition to the school's establishment.* The Department of Education study found that 46% of charter schools report that political resistance from the school board, district and union opposition, bargaining agreement arrangements, etc. created a "difficult" or "very difficult" barrier to the school's creation. The Hudson Institute found the problem to be even worse, as it looked at would-be charters that never got started while the Department of Education did not. Some of these problems are created at the state level, and others at the local level. State issues include bad charter school laws, inadequate funding formulae, and onerous application procedures. The locally created problems often force charters to "run a fearsome political gauntlet" before opening involving controlling superintendents, jealous school boards, and opposing unions. A lot of would-be schools don't get past these barriers.

I mention this issue because it is a big reason why more schools haven't opened, although it is difficult to see how the federal government can directly help to solve it. This point also includes the artificial "caps" that some states place on the number of schools that can be opened, and quotas that dictate that certain numbers of schools must locate in particular areas or serve specified categories of students.

B. *Facility woes.* Facility problems top the list of fiscal difficulties. Charter schools have problems finding a site, obtaining use of it, paying for it, renovating it, getting all the requisite approvals and permits, etc. In Massachusetts, the state Financial Development Agency has helped at least 2 charter schools gain access to former state (or federal) facilities that were unused. Other states do not have similar loan facilities in place, making it very difficult for the start-up schools.

This could be a need that the federal government addresses.

- C. *A late, rushed frantic start* Many charters open without enough planning, especially when the charter is approved only months before the school is to open. I mention this point because some charter schools build a year of planning into their timeline. The schools that take the year certainly need start-up funding to stay alive during that year. But, schools that receive federal support may not open for a year after they receive it.
- D. *Lack of business acumen and managerial competence.* Is there any way that the federal government can encourage persons with expertise in these areas to help out charter schools?

II. FEDERAL POLICY ISSUES

A. *Federal Funds*

Charter schools routinely do not get their share of federal money from programs such as Title I and the Individuals with Disabilities Act (IDEA) due to the complexity of the process of obtaining these funds. The schools are missing out on significant funds that they are entitled to receive.

Why charter schools do not receive these funds

1. The allocation formulas are geographically based. What is needed is a way to determine how many "census poverty" students attend charter schools, and which schools those children left (so that their funding levels are reduced accordingly). Alternatively, many charter school proponents would like to see the funding formulas changed so that the money follows the child. The Congressional Research Service has written a memo which suggests a statutory fix for the allocation formulas.

Additionally, Title I funds are distributed based on the previous year's population of disadvantaged students. This means that most charter schools are ineligible for the funds until their second year. Massachusetts has negotiated an exception that allows it to base Title I funding on anticipated enrollments.

2. Charter schools receive federal categorical funds through the state, and often, also the local education authorities. Sometimes the funds don't find their ways to the charter schools due to hostility or incompetence at either or both of these levels.
3. Charter schools often do not have an in-house expert on how to fill out all the forms.

Activity at the Federal Level

According to the Hudson Institute Report, there has been some activity at the federal level. The House Committee on Education and the Workforce has recently held hearings that probed this issue. The Congressional Research Service has written a memo on how the programs could be amended to correct the problem. The GAO is doing a study on the issues of program participation and funding equity.

Federal funding of start-up expenses

The Public Charter Schools Program was included in the Improving Schools Act of 1994. It was funded at \$51 million for FY'97. The average grant size is \$35,000. President Clinton requested a doubling of the budget for FY'98. If approved, the grant size is anticipate to increase to \$80,000.

Small Programs

Charter schools also often do not have the expertise-- or the director's time-- to apply for small federal programs such as the Eisenhower math/science program.

B. Regulatory Concerns

Based on the interviews conducted for its report, the Hudson Institute disagrees with the Department of Education's claim that federal regulations are not a major barrier to the launch of charter schools. Some of the federal regulations can be waived-- however, again the lack of staff time and expertise has created a situation in which the paperwork never gets done.



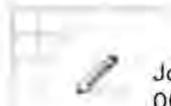
Michael Cohen
06/13/97 10:33:22 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP
cc: Elena Kagan/OPD/EOP
Subject: PA legislature passes charter school law

Should we even think about getting POTUS up for the bill signing? I don't know if Ridge would want him, but if we could work it, we could also do some retail sales on the testing initiative. Could certainly make things more difficult for Goodling if we succeed.

----- Forwarded by Michael Cohen/OPD/EOP on 06/13/97 10:33 AM -----



Jonathan H. Schnur @ OVP
06/13/97 10:22:54 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: PA legislature passes charter school law

FYI: The PA legislature passed a charter school law the day before yesterday. Governor Ridge is expected to sign the bill next week. There have been quite sympathetic articles in the Philadelphia inquirer today and yesterday.

It is apparently a pretty centrist bill, but I have not seen the text yet. For example, only local school boards can approve schools for first two years. After first two years, there will be an appeals process to a state body.

-- Jon Schnur

Message Sent To:

Michael Cohen/OPD/EOP
William R. Kincaid/OPD/EOP
Gerry_Tirozzi @ ed.gov @ inet
Terry_Peterson @ ed.gov @ inet
Mike_Smith @ ed.gov @ inet

AMERICAN SURVEY

Educ. - Charter Schools



Schools at the top of the hill

BOSTON

THREE schools in Boston tell the truth about Bill Clinton's education policy: why his proposals point in the right direction, and why they are timid to a fault. One is a primary school, two are high schools; one has a thousand pupils, two are relatively small. Yet all three share an important feature. They are charter schools, paid for with public money but managed independently. And they are proving that, freed from the dead hands of teachers' unions and local school boards, inner-city schools need not let children down.

Start at City on a Hill, a high school with a modest 100 students. Each Friday teachers and teenagers cram into a spartan meeting-room, lined with grey metal lockers and furnished with rows of plastic chairs. The headmistress sits in the middle of the crowd, next to a girl with mauve fingernails; more children arrive chattering and swaggering; then, at the command of a young teacher, the room turns serious and quiet. Next begins a town-hall meeting: it is part training in civic engagement, part lesson in getting up before a crowd to talk.

Some weeks these children of 15 and 16 debate Bosnia or euthanasia, but on February 14th they gathered to discuss the internships that they had just completed. A boy

had spent the past two weeks on a consumer survey for a restaurant chain; a girl had spent the time in a newspaper's editorial office; another, who had visited a stockbroker, declared that Nike shares were "doing good". Two boys had put together a report on high-school teaching methods: classes are too short, they said, and students' individual needs not properly assessed. At the end of this ten-minute presentation, a teacher on a visit from another school was awestruck. "At no normal public school", she said, "would you get this age group to do something like that."

Ten minutes' drive away, the Renaissance charter school has another sort of innovation. There are no town-hall meetings, but pupils work on home computers, linked into the school's network. This homework complements a programme of classroom teaching far more rigorous than that of most other public high schools. Rather than teach for 180 days a year, the usual practice in Massachusetts, the Renais-

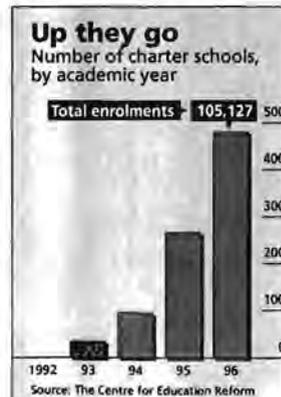
sance school teaches for 205 days. It boasts that, by the time its students graduate, they will, taking everything into account, have had the equivalent of five more years of schooling than most other children.

The Renaissance school is also proud of its "integrated teaching"; a dance class, for example, may be conducted in French. The same idea is popular at the Neighbourhood House, a charter school for younger children. In the first grade, pupils mix lessons in writing with lessons in recycling; each is presented with a piece of garbage, and invited to write down how it could be given a fresh life. The headmaster, Kevin Andrews, glows as he shows his visitor the "kidlab", a room that mixes science and art and the sheer joy of invention. A pupil has made a walk-in model of a nostril, to show his classmates how the nose works.

In all of these schools, innovation seems to improve learning. They have each been open less than two years, but test scores are already better. At City on a Hill, for example, only 38% of pupils were able to do the maths expected of their age group when they arrived; a year later, 58% could. On arrival, 55% were more than two years behind in reading; a year later, 39% were. At the Neighbourhood House, the test scores are starting to look less like the results of a city school, and more like those from an affluent suburb.

This success comes in the face of two big handicaps. First, charter schools have less money than ordinary government schools. They receive a grant per pupil that matches the average operating cost of public schools; but, unlike normal public schools, they get no help with school construction, maintenance, and other extraordinary costs. To get started, City on a Hill had to raise \$500,000 from charities and business sponsors. Other charter schools have failed to manage this, and so have never opened. This month Boston Renaissance threatened to abandon expansion plans because it has difficulty raising funds.

Second, these three schools are all dealing with tough children. As a condition of their charters, they are not allowed to select students by ability. Anybody may apply; places are distributed by lot. The result is that charter schools have pupils worse off even than the average public-school child. At City on a Hill, 52% of the children



qualify for free or subsidised meals, which means that their families are at or near the poverty level. At Boston Renaissance, 63% come from this background; at the Neighbourhood House, 66% do. As a whole, the 22 charter schools in Massachusetts have children who are poorer than the state average, and less likely to have English as a first language. Yet they thrive.

Independence, it seems, makes up for lack of money and tough pupils. Teachers can run their classrooms as they choose to; principals are free to experiment with town-hall meetings and kidlabs. Some of the innovation comes from teachers who are not formally qualified, and so would not be allowed into a conventional classroom; the rest comes from teachers who choose not to work at ordinary state schools, because rules imposed by trade unions and local bureaucrats would stifle their ideas.

Not surprisingly, charter schools are multiplying, and not only in Massachusetts. Other parts of the country have caught on. In 1991 Minnesota became the first state to pass a law allowing charter schools; now 25 states have done so, and nearly 500 charter schools have opened their doors. The Clinton administration, and the Republicans in Congress, have both been sympathetic. In 1995 the federal government gave a mere \$6m to the charter movement, but Mr Clinton's budget requests \$100m for next year. In his recent state-of-the-union speech, Mr Clinton said America should open 3,000 charter schools by the time the new century begins.

Afraid of a spanking

Yet the question is why Mr Clinton will not go further. Even 3,000 charter schools could educate only a fraction of the children in the public-school system. A sum of \$100m in grants, though a big increase on past spending, would still be less than 1% of the federal education budget. And, though Mr Clinton has spoken warmly of charter schools, he has not made them the focus of his recent education campaign. His state-of-the-union address offered a ten-point plan for the reform of education; charter schools represented only one of those points. On February 18th, when Mr Clinton's education secretary gave his annual speech on the state of American schooling, charter schools were again mentioned, but they were not the main theme.

It would be nice to report that Mr Clinton has spotted other priorities in the field of education. But this is not the case: educationalists agree that increasing college attendance, which the president champions, matters far less than improving the performance of schools. Alternatively, it would be comforting to suppose that charter schools will multiply even without more determined backing from the president. But this

may not be true, either: lack of start-up capital, together with opposition from vested interests in the trade unions and local education boards, could frustrate the charter movement's growth.

The truth is that Mr Clinton does not want to offend the teachers' unions, which contribute generously to his party's campaigns. He understands charter schools' potential, and is willing to annoy unions a lit-

tle bit by saying so. But he is not willing to cause union outrage by saying so too loud. His policy points in the right direction, but it is sadly timid. "The enemy of our time is inaction," thundered the president in his state-of-the-union address; and then, a bit later, "my number one priority for the next four years is to ensure that all Americans have the best education in the world." If only his policies matched his fine words.

Family life

Holding together, better than most

THE American family is going to hell in a handbasket, as everyone knows, with high rates of divorce, rotten kids and neglected old folks. True, the American family unit breaks up and reassembles itself with unfortunate velocity, but in other ways the picture is positively heartwarming. Here are a few examples.

• **Babies.** Americans like them more than other rich folks. America is one of only two industrialised countries (Sweden is the other) to have seen its birth rate go up since 1975. Over her lifetime, the average American woman will bear 2.1 children, compared with 1.67 in the rest of the rich world.

• **Education.** Children start school earlier now—more than half go to pre-school training, compared with 37.5% in 1970—and they are staying on longer. In 1982, a survey of high-school seniors found that almost a quarter expected to end their education at secondary level; 36.6% expected to get a two-year degree or vocational qualification; 21.2% thought they would go on to a four-year degree; and 17.5% expected to do post-graduate studies. A decade later, only one in 20 expected education to finish with high school; 36.3% expected to get a four-

year degree and an ambitious third expected to do post-graduate studies.

• **Staying together.** When these youngsters finish school, they are increasingly likely to settle back with their folks. In 1980, 48% of 18-to-24-year-olds lived at home; by 1995, that had risen to 53%. Among 25-to-34-year-olds, the percentage increased from 9% to 12%. Economic reasons play a part in these decisions, of course; it is clear, however, that for young Americans home remains the place where, when you have to go there, they have to take you in.

• **Attitudes.** Contrary to conventional wisdom, teenagers see eye-to-eye with their parents on most things. According to a Department of Education survey, 73% agree with their parents on what to do with their lives; 87% agree on the value of education; 73% on women's roles; 70% on religion; 66% on racial issues; and 63% on how to dress. The one area without much sign of youthful dutifulness—what is permitted on a date—has probably been a matter of dispute since the days of cave families.

• **Kidney transplants.** In 1988, says the National Kidney Foundation, 1,811 Americans gave a kidney to help a relative; by the end



Not just a snapshot of times past

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Charter School

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PENDING SCHEDULING REQUESTS:

HEALTH CARE

Ready	Medicare Fraud Package Announcement (could hold till May Anniversary of Restore Trust)
3/25-4/15	Human Radiation Experiments Report-- Directive, Changes to Radiation Exposure Act, Remaining Settlement of Plutonium cases.
April	Businesses CEOs Endorse our Child Health Proposal
4/1	Kennedy-Kassabaum Implementation Event
4/28	Release of Annual Medicare Trustees Report

CRIME

3/21	Phone Call to FOP Meeting in St. Louis
3/24-28	Issue Megan's Law Guidelines (Radio Address?)
3/24-	POTUS letter to the FCC on Liquor Ads
April	President's Drug Policy Council Meeting
4/13-19	Rosegarden Ceremony for National Crime Victims Rights Week -- Announce Sex Offender Registry, Presidential Directive to include Federal prisoners, Receive DOJ Report on Victims.

WELFARE

Ready	Child Support Enforcement Announcement
4/16-?	Eli Segal's Business Group Announcement

EDUCATION

3/22	California Endorsement of Testing Plan -- (possible High Tech CEO and Los Angeles endorsements as well.)
4/1-?	Issue Charter School Guidelines

SERVICE

3/27	Kick-Off Scholar's Program - Invite High School nominees and sponsors to White House for Rosegarden Ceremony. President would launch this initiative by awarding first five scholarships personally and encouraging other schools to apply.
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-DOD Service? 3/29 radio address
 -> % of kids covered by tests
 -DOT 4/3
 -WR Cab 4/10
 -Tobacco 4/15

DPC SCHEDULED UPCOMING EVENTS:

3/26	Quality Commission Announcement
3/27	Service Summit Event
3/31	FYI: Anniversary of Goals 2000
4/15	Kick Butts Day
4/16	Recall Event
4/17	Early Learning Conference
4/18	Teacher of the Year
4/28-29	Service Summit

MANDATES:

- Roll out of Service Summit
- Roll out of Early Learning Conference Events.
- Commencement Strategy (by Friday)
- Announcement for meeting with Big 3 CEOs. (4/4)

Educ - Charter Schools
←



William R. Kincaid
04/04/97 09:42:00 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Michael Cohen/OPD/EOP

cc:

Subject: charter schools

Jon Schnur got more info on Washington State and Mississippi legislative sessions today:

Washington:

House almost definitely passed C.S. bill gov has agreed to today; serious possibility that **could pass as early as next week in Senate**, but could take longer.

if **pass** before 4/20, governor has 5 days to sign. If passed in last week of session, governor has 20 days to sign.

Last day of session is 4/27

Bill could be signed as early as 4/17, or as late as mid-May

Looks like a good bill; unions and local boards not enthusiastic, but not fighting it. **Looks like has a good accountability component; is tied to WA state standards and assessments.** Still could be derailed; POTUS show of support could help. Considering Riley op-ed for papers out there,

Mississippi

Final bill passed **yesterday**; governor likely to sign next week. Only authorizes 6 schools, although Governor will likely make a big deal out of it.

It sounds like there may be some activity in Oregon, too--need to get more details on that.

Charter School Laws: Do They Measure Up?

American
Federation of
Teachers



Executive Summary

Public education is in ferment. There is much dissatisfaction with the current system. Many people believe that the school system is a moribund and highly bureaucratic monopoly—indifferent to criticism, captive to union interests, unwilling to change, and unaccountable to the public. Cries for reform, greater accountability, and more parental choice are everywhere.

One reform strategy that has received considerable attention, since Albert Shanker first mentioned it in a press club speech in 1988, is “charter schools.” Today 25 states have authorized charter schools, and 226 schools, serving upwards to 28,000 students, are operating around the country.

Advocates of charter school reform assume that these schools will:

1. encourage innovation;
2. be more accountable and focus on results;
3. expand public school choices for all;
4. provide new and increased professional opportunities for teachers;
5. require little or no additional money to implement or sustain; and
6. act as a catalyst for improvement of the public system.

Foes of charter schools, not surprisingly, hold a different set of assumptions. They believe that charter schools will:

1. cream off the more affluent students and those with higher academic skills, leaving the public schools bereft of resources and with the responsibility of educating the high-risk, high-cost students;
2. be no more innovative than existing schools, which taken as a whole are not particularly innovative;
3. rely on cheap labor and exploit teachers and other personnel;
4. reduce resources available to public schools; and
5. be no more accountable, or even less accountable, than public schools.

All of these assumptions can be put to empirical test as the charter school movement develops over the next several years; however, it is too early to tell what the results will be. Given the newness of their operations, at present there are no data to confirm or deny the assumptions, but there is legislation that determines the characteristics of charter schools, including the extent of their autonomy and accountability, that can shed some light on these assumptions.

This report examines the charter legislation in 25 states in reference to the AFT criteria. Those criteria evaluate the legislation in regard to the likelihood that it will produce quality schools and/or serve as examples of how the larger system of public schools should operate. "Good" charter legislation includes features that ensure quality schooling within a system that protects the public interest and the integrity of public education. "Bad" legislation encourages charter schools to become the basis of an alternative school system created for a few, but operating at the expense of many.

Our analysis indicates:

- Not all states require that charter schools develop programs that are consonant with state and/or local standards. Nor do they all require that the schools participate in the state accountability system. Without such participation it will be difficult to hold the school accountable for results that are not already achievable in the existing schools; and students who move from charter schools back into the public school system or to other charter schools may have significantly different curriculum, making adjustment very difficult.
- All states prohibit charter schools from charging tuition, but they are less clear regarding fees and donations, a practice that needs careful monitoring to ensure that such monies do not become a proxy for tuition and therefore make charter schools inaccessible to some students.
- There is great variety in the governance structures of charter states, which results in an opportunity for a stronger teacher voice in charter schools in some states, and "business as usual" in charter schools in other states.
- The manner in which collective bargaining rights are abrogated and participation in teacher retirement systems denied may in some instances diminish the interest of teachers to participate (especially if the governance structure also restricts their policy development and decision-making roles).

- Provisions in some state laws release charter schools from employing fully certificated teachers.
- The reporting systems required in legislation in virtually all states are insufficient to determine whether students in charter schools perform as well or better than their counterparts who remain in the other public schools.
- Some schools are chartered by the state or another entity not directly connected to the local district. This is troublesome because the likelihood of those schools influencing school district policies and providing models for change at the district level is remote.

Given our review, the AFT recommends that as policymakers consider new charter legislation or amend existing law, the following features be included:

Charter schools must be based on high academic standards.

States are redefining the academic standards for all students. Charter school laws must require that charter school students be held to the same standards as the children in other public schools. Charter schools should be free to design curriculum and programs that will ensure the success of their students in meeting those common standards.

Charter school students must take the same tests as other students in the state and district.

Although state achievement tests are imperfect, comparisons of charter school performance must be made to other public schools. If charter schools do not have to conform to state and district testing requirements, valid comparisons will be impossible.

Measuring what works and what does not work is part and parcel of accountability. Other performance measures should also be employed, for both the charter school and school district schools. But it remains essential that students are measured by the same instruments.

Charter school employees should be covered by the collective bargaining agreement.

An important component of teacher professionalism and representation is the collective bargaining process. Unions throughout the country are engaged in education reform efforts that have redefined the traditional contracts and have created opportunities for waivers from specific provisions of the contract that do not meet the needs of individual schools and programs.

Charter school laws that are designed to destroy the collective bargaining rights of teachers and other school employees do not serve an educational purpose; they serve a political purpose. Collective bargaining assures the rights of teachers. Unions should not agree to any wholesale diminution of the rights of public employees; provisions allowing for the waiver of contract provisions, however, should be included in the law.

Charter schools should be required to hire certified teachers.

Teacher professionalization is not enhanced by charter school laws that encourage the hiring of uncertified people to teach. Although certification in itself, does not guarantee that an individual will be a good teacher, it does ensure that a minimum level of competency has been demonstrated. States have found a variety of ways to provide alternative routes to certification that can be applied to charter schools.

At a minimum, charter school laws should require that teachers employed in charter schools either already have certification or be in the process of obtaining alternative certification. Knowledge and skill in subject area are critical ingredients in the make-up of a competent teacher, but knowledge and skill in transmitting information, evaluating student performance, and designing strategies for student learning are equally important.

Charter schools should have the approval of local school districts.

If charter schools are to have a positive impact on other public schools, there must be a connec-

tion to the local district. Isolated schools that operate like private schools will not have the desired effect on the local school system. When charter schools try new approaches, utilize technology in unique ways, involve parents in the critical process of educating their children, or design new ways of using time and space, the innovations tested can spread to other schools with similar student bodies. An appeals process to the state should be available for charter school applicants to ensure a fair hearing to applicants and a strong connection of charter schools to the local education agency.

Charter schools should be required to make information available to the public.

Reporting requirements in charter school laws should be specific as to the type of information that charter schools must provide to the public. While the intent of every charter school law is to have schools that are more accountable than the regular public schools, few require the types of information needed to determine the success and impact of charter schools on student achievement and systemic reform. To meet the AFT's criteria on reporting requirements, charter school laws must state specifically that charter schools report demographic information on students and staff, the number of special needs students served, the annual financial audit, the results of achievement tests, attendance rates for students and staff, mobility rates of students, teacher and staff turnover, parental outreach efforts, and graduation rates, where appropriate.

Charter schools can provide a real opportunity for reform. If these schools are indeed laboratories where new ideas are tested, new methods pioneered, and governance structures refined, they deserve to be supported. The AFT will continue to support charter schools that are "public and properly structured, that are designed to improve public education, and that support the notion that teachers are professionals who are capable of designing and implementing innovative educational programs."

As states move toward adopting higher standards and assessments, charter schools must ensure that their students meet the standards as measured by the state assessments.

While the opportunity for charter schools to “do their own thing” appears on the surface to be very attractive, a “system” of charter schools involving each school marching to a different (albeit effective on someone’s criteria) drummer is, in the

words of Albert Shanker, “a recipe for chaos.” As he reminds us:

We live in a society where families are very mobile, and kids are likely to go to several different schools before they graduate. ... With a system of charter schools, commonalities would disappear. Some schools might base their program of study on community service and internships while others might use local museums and libraries and computer labs as their classrooms. We would see schools centered around gender or ethnic studies—there would undoubtedly be

Table 1
Comparison of State Standard Development and Charter School Law Requirements

States	Progress toward standards¹	Charter school laws
Alaska	Adopted standards in English, math, and science: not specific enough to establish a core curriculum.	Charter schools do not have to meet state standards.
Arizona	Current drafts meet common core criteria, but are considered “borderline” ² and will need to be improved.	Charter schools must meet state standards.
Arkansas	None of the curriculum frameworks, except science, is detailed enough to meet the criteria.	Charter schools must meet state standards.
California	Frameworks are not clear and detailed enough at the K-8 level, thus, do not meet the criteria. New standards called Challenge standards are being developed and look more promising.	Charter schools must meet state standards.
Colorado	Adopted standards meet AFT criteria.	Charter schools must meet standards, but are not required to take state assessments.
Connecticut	Guides available in core subjects. Math and science are the only subjects that meet AFT criteria.	Charter schools do not have to meet state standards.
Delaware	Standards developed in core subjects meet AFT criteria.	Charter schools must meet state standards.
Florida	New frameworks meet common core criteria.	Charter schools do not have to meet state standards.
Georgia	Standards in core subjects meet AFT criteria.	Charter schools must meet state standards.
Hawaii	Content and performance standards in core subjects. Two areas are borderline but meet the AFT criteria.	Charter schools must meet state standards.
Illinois	Currently revising academic standards. Draft document is considered borderline, but meets AFT criteria.	Charter schools must meet state standards.
Kansas	Standards in core subjects emphasize skill over content. Do not meet AFT criteria.	Focus on outcome and results. Do not have to meet state standards.

Afrocentric charters, for example—but there would also be charters with traditional, book-centered curriculums. What would happen when a student transferred from one to another? ... What we really need—at the very least—are statewide curriculum frameworks and statewide assessment systems [applicable for all schools, charter or not]. Then, students and teachers in every school will know what kids are responsible for learning and whether or not they have learned it (Shanker, December 11, 1994).

In 1996, the AFT issued a report on the

progress that states were making in setting standards for their students. Table 1 shows how the 25 states are progressing in developing standards that are clear and specific, and notes which of the states exclude charter schools from meeting or exceeding these standards. Only eight of the 25 states with charter legislation have state standards in all four core subjects (English, science, math, and social studies) that meet the AFT criteria of

States	Progress toward standards¹	Charter school laws
Louisiana	Curriculum guides in core subjects. English and social studies are under development; math and science do not meet AFT criteria.	Must meet minimum graduation requirements and required course of study.
Massachusetts	Science framework exemplary, math is borderline, and English and social studies do not meet criteria.	Charter schools must meet or exceed state standards.
Michigan	Draft standards in core subjects meet criteria but are considered borderline.	Charter schools must meet state standards.
Minnesota	Developing "basic requirements" but not specific enough to meet AFT criteria.	Charter schools must meet state outcomes.
New Hampshire	Curriculum frameworks in core subjects meet AFT criteria.	Charter schools do not have to meet state standards.
New Jersey	Draft standards in core subjects stress skills over content. Only science meets AFT criteria.	Charter schools must meet state standards.
New Mexico	Math and science meet criteria; English and social studies are under development.	Charter schools must meet state standards.
North Carolina	Standard course of study for each subject. Math strong but other subjects do not meet the AFT criteria.	Charter schools must meet state standards.
Rhode Island	English and math frameworks do not meet criteria; science is borderline, and state is not developing a social studies framework.	Charter schools must meet state standards.
South Carolina	Math and science standards meet criteria. English does not meet criteria, and there are no frameworks for social studies.	Charter schools must meet state standards.
Texas	Essential knowledge and skills in core subjects meet the AFT criteria.	Charter schools must meet state standards.
Wisconsin	Guides to curriculum planning in core subjects do not meet AFT criteria.	Not specified in the law
Wyoming	No state standards in core subjects.	Not specified in the law.

¹ *Making Standards Matter*, American Federation of Teachers, 1996.

² "Borderline" means that the draft of the standards is not fully developed and may not continue to meet the criteria when fully developed.

schools to select students of appropriate age or grade levels. Many give preference to students who reside in the district's geographic area and/or to siblings of students already enrolled. A few

states—Massachusetts, New Hampshire, and Rhode Island—allow selection based on academic ability. Colorado, Delaware, Louisiana, and Minnesota target “at-risk” students, however, the laws are not always explicit as to what “at-risk” means.

Table 2
State Testing Requirements

States	Uses the same tests as other public schools
Alaska	No
Arizona	Yes
Arkansas	No
California	Yes
Colorado	No, but department of education can require charter school students to take state assessments in order to make comparisons with state results.
Connecticut	Yes
Delaware	Yes
Florida	Yes
Georgia	No
Hawaii	Not specified
Illinois	Yes
Kansas	Yes
Louisiana	Yes
Massachusetts	Yes
Michigan	Yes
Minnesota	Not specified
New Hampshire	Yes
New Jersey	Yes
New Mexico	Not specified
North Carolina	Yes
Rhode Island	Yes
South Carolina	Yes
Texas	Yes
Wisconsin	Yes
Wyoming	Not specified

Potential Problems

But, there are other restrictions on attendance that we see in the implementation of charter schools that may serve to limit participation in charters to those students whose parents are actively engaged in their education. One method is to require that parents sign contracts guaranteeing a certain level of participation at the school.

These contracts are becoming a common feature of charter schools. The AFT strongly supports efforts to involve parents in their children's education. The concern here is whether mandated contractual obligations will decrease substantially the enrollment in charter schools of children from disadvantaged backgrounds. Parental involvement should not be used as a proxy for race or class-based screening.

In addition, to ensure that charter schools will be “public,” in the sense that all students have an equal opportunity to attend, the AFT believes that the legislation should be specific in its limitation on tuition and fees and should limit the fees a charter school can impose on students to a normal and reasonable amount. Although all laws currently state that charter schools cannot charge tuition, there is no prohibition on donations. States have rightly recognized that charter schools should be able to accept gifts, grants, and donations, but some charter schools are aggressively seeking quarterly donations from parents. These parental donations are supposed to be voluntary, but there is a danger that contributing on a quarterly basis will become a selection tool. Parents who cannot contribute may be intimidated and feel that their children will not be welcome in the charter school, or these parents will view the donations as a thinly veiled tuition.

State legislation should require charter schools

Table 4
Teacher Professionalism

States	Collective Bargaining	Certification requirements
Alaska	Yes, unless excluded by the local district and bargaining agent	Yes
Arizona	No	No, each charter school establishes qualifications
Arkansas	No	Yes
California	Teachers can opt to remain in the unit or organize separately or not at all	No
Colorado	Yes, if public school conversion	No
Connecticut	Yes, agreement may be modified consistent with charter †	Up to 50% of the teachers may be uncertified
Delaware	Employees have the right to organize; may not be part of existing unit	Up to 35% of teachers uncertified; alternative certification specified in law
Florida	Employees have the right to organize; may not be part of existing unit	No, each charter school establishes qualifications
Georgia	*	*
Hawaii	Yes	*
Illinois	Separate and distinct from local bargaining unit	No, qualifications are specified in the law
Kansas	If granted by local district covered by bargaining agreement	*
Louisiana	Covered by the collective bargaining agreement unless specified otherwise in the charter	25% of teachers may be uncertified; qualifications specified in the law
Massachusetts	Yes, but in separate bargaining units	No
Michigan	Only if charter is granted by the district; charter granted by state colleges or universities, or county district not specified	Yes, unless college professor at state college or university is sponsoring the charter school
Minnesota	Yes, but not part of any other bargaining unit unless agreed to by all parties	Yes
New Hampshire	Right to bargain as separate unit; teacher must withdraw from other bargaining unit	50% of the teachers at a charter school must be certified or have three years of teaching experience
New Jersey	Yes, if a conversion school; if a new school, only with the agreement of all parties	Yes
New Mexico	*	*
North Carolina	No	Allows 25% of elementary and 50% of secondary charter school teachers to be uncertified
Rhode Island	Yes	Yes
South Carolina	No	25% of staff uncertified; if a public school conversion, 10% may be uncertified
Texas	Texas has no collective bargaining law for public employees; right to confer	No
Wisconsin	Yes	No
Wyoming	No	No

* The law is silent, but all charter schools are converted public schools, and the rules and regulations governing other public school teachers apply to charter school teachers as well.

Appendix A

AFT Resolution on Charter Schools

AFT Guide to Looking at Charter School Legislation

Resolution on Charter Schools

*Adopted at the AFT
National Convention*

Anaheim, California, July 1994

One of the fastest-moving ideas on the American educational scene is charter schools. At least 11 states have enacted legislation providing for such schools. Many other states will consider such proposals in the next few years. In addition, Goals 2000 specifically mentions charter schools as one of the appropriate ways of organizing schools to reach high educational standards.

While bills that have passed and others that are proposed all go under the name of charter school legislation, there are huge differences in these bills and proposals. There is not even a common defin-

ition of charter schools. Therefore, there is little that can be said that will accurately apply to all charter school proposals. Each must be considered on its own merits. Support or opposition to specific charter school proposals will depend on the content of each since differences among them are so great.

Improperly structured charter schools can undermine our system of common schools, worsen inequities in school funding and quality, lower student achievement, provide an excuse to limit or destroy collective bargaining or provide a cover for financing private schools with public funds. Properly structured and public charter schools can help to bring about major educational improvements through the complete transformation of the school from the traditional and current factory model to a modern high-performance workplace functioning through self-directed professional teams.

It is important to understand the reasons pre-

sented by advocates for charters. Their most popular argument is that if individual schools are set free, creative energies will be unleashed, school people will be able to do things that had been bureaucratically prohibited (or made very difficult) and each school or school-within-a-school will fashion an education appropriate to its students. A system in which each school does its own thing will bring about great improvement, charter proponents argue, supposedly because charters provide schools with greater autonomy and with freedom from many bureaucratic rules and regulations.

There is little evidence to support this view. There have been numerous experiments in American educational history with new types of schools. They always start with great enthusiasm, but they often fall apart when burn-out and disillusionment with rhetoric set in or when the leadership of a school changes. Nor do other schools in the system emulate whatever positive changes are created in such schools. There is often hostility and resentment between schools in the regular system and the "autonomous" schools, so that even if the autonomous schools show some improvement, at best what gets produced are a few isolated improved schools while the overwhelming majority of schools are left untouched.

The view that blames our educational problems on school bureaucracy or unions and pins its hopes on independent charter schools ignores the fact that school systems in other industrialized countries that have been much more successful than ours in terms of student achievement are all part of national or state governments that establish standards, curricula and assessments applicable to all schools and are all unionized. Moreover, success or failure on the assessments constitutes high stakes for students by determining eligibility for entrance to college, technical training or to apprenticeship programs. Once standards, curricula and assessments are centrally established, teachers individually or through a committee structure on a grade or disciplinary departmental level have total professional autonomy in deciding how to get their students to meet the standards.

We believe that if charter schools are viewed as each school doing its own thing, there will be greater confusion and lack of opportunity than there is now. Student achievement will suffer. Our hope that public schools will offer a way for all to enter the mainstream is less likely to be realized. We maintain our support for this vision—charters should be created within the framework of state or nationally established standards, curriculum and assessments. Charters created to give teachers within schools, grades or departments the professional authority to find appropriate ways to achieve the standards for their students are the most promising road to educational progress.

One of the central issues that has been raised is the relationship between charter schools and collective bargaining. Some charter school advocates have proposed that charter schools, and the teachers in them, be exempt from collective bargaining. Their argument for this is that contract provisions and regulations would preclude the creation of schools with the flexibility that charters need. We totally reject this view. All across the U.S., union locals have initiated major reforms and have been extremely generous in negotiating waivers of contract provisions in order to permit greater flexibility. Furthermore, there are outstanding examples in the private sector of union-management cooperation in changing from a traditional, authoritarian, factory-type organization to a modern high-performance organization. The GM-UAW Saturn project is a well-known example, but there are many others in steel, telecommunications and other fields. Traditional types of union contracts are a reflection of the factory-like organization of schools. As that kind of organization changes, there also should be a change in contract provisions to reflect the new situation. These changes should be accomplished through negotiation.

Charter school laws that exclude teachers from collective bargaining, tenure laws and due process procedures, and that fail to provide for established and orderly procedures for the determination of salaries and working conditions, cannot be the basis for a successful transformation of our schools. The teachers of America, like the teachers

in all the advanced industrialized democracies with highly achieving school systems, are overwhelmingly unionized. They have unionized because they decided that they need collective voice and they need effective representation before their employer, in the courts, at the legislative level and with state and national administrations. Any effort to establish charter schools on a non-union basis thus cannot be a plan for reforming America's schools.

The willingness of teacher unions to negotiate totally new and more flexible rules will depend on what the new charter schools are like. In the first place, we must recognize that charters are a new idea. Few such schools exist. Some state laws actually limit their number, while other state laws have defined them in such a way that there are few takers. It is too early to tell whether the idea will take hold or whether it will follow hundreds of other once-popular reforms to the archives. Since charter schools may eventually be substantially modified, or even abolished, modification of contract provisions should be limited to a set time period.

Another important issue is the internal governance of charter schools. Traditional schools are governed by principals in accordance with federal, state, school board and union regulations. The creation of such schools does not automatically mean that these will be schools in which teachers are empowered or that are run democratically. It may be that under the charter, the principal can run the school free from many regulations but that staff voice and involvement are no greater than before. Since many provisions of union contracts are designed to protect members from arbitrary and capricious actions of principals, unions are not likely to change these provisions so long as school authority relations remain unchanged. If, however, charter schools are governed differently in a collegial, professional and democratic manner, there is no reason for unions to insist that rules in a central contract take precedence over the judgment of the members in each school.

How charter schools are financed—how much money each school should get—is also a very

complicated issue. Using per-pupil expenditure as a way of calculating costs and devising budgets creates a host of difficulties. School systems use widely varying practices in arriving at these figures—some include food services, security, and/or playground and building upkeep in per pupil figures, for example, while others exclude them. Making these calculations will require a whole new type of negotiations for unions.

Public education is under attack. Even though the efforts to adopt vouchers have been defeated, voucher proposals are likely to resurface unless confidence is restored in public education. The greatest hope for such restoration lies in the creation of a type of system that already works in other countries. Unfortunately, there are efforts to use charter schools not as a way to strengthen public education, but as a cover for undermining it by providing public funds for private schools and for home schooling. We will work to defeat such proposals.

Finally, it is important to point out that even if Goals 2000 is properly implemented—if it results in the development of world-class standards, curricula, and assessments, and if charter schools are created within this context, which transforms schools in a positive direction—we will still not get the results we need without one additional major change. Students do not learn without hard work both in school and at home. It takes hundreds of hours of writing, solving problems, reading and studying to reach high standards. Students in other countries work much harder than ours—not because they want to but because they have to. They know that they won't get what they want—entry into college, technical training or a good job—unless they meet the standards. Until American students and their parents can clearly see the consequences of school success and failure, students will not work as much as they must to reach the standards. It is only through the adoption of a system of clear and visible high stakes for students that other changes can succeed (1994).

Looking at Charter School Legislation

In order to achieve the goal of public and properly structured charter school, the American Federation of Teachers thinks that the underlying legislation has to make clear that any charter schools:

■ **be tuition free;**

Access to charter schools should not be limited to those who can afford to pay fees. If charter schools are to receive public funds, then all students must have the opportunity to attend.

■ **specifically exclude private schools "converting" to public schools;**

Charter school legislation must specifically exclude private schools from receiving charter status while maintaining an exclusive attendance policy, promoting a religious viewpoint, or discriminating against students based on race, ethnicity, or gender. Using charter schools to fund private schools is not an appropriate use of public monies.

■ **be open to all appropriate applicants, including students with special needs;**

Charter schools, if they are to be truly public, cannot refuse to serve students based on the special need or disability of the student or any other reason that would not apply in other public schools. Just as local schools must provide an appropriate education for these children, so must the chartered school.

■ **be accountable to the public;**

While many states require charter schools to report annually to the parents of students attending the school, there is a responsibility to the public to report the expenditure of funds and the administration of programs. The Edutrain charter school in Los Angeles, whose charter was recently revoked, is an example of how public oversight is essential in protecting both the students and the public from financial and educational irresponsibility. After two years of operations, it was discov-

ered that funds were diverted to the personal use of staff, and students were not enrolled in any academic classes. Because the school was subject to annual review by the school system, the conditions were discovered and the charter revoked.

■ **use the same standards that apply to all other public schools;**

The American Federation of Teachers believes that all schools must adopt high academic and conduct standards for student. States across the country are working to implement Goals 2000 as a way of addressing the need to revise curriculum and assessments. Schools and states are adopting standards of behavior that are conducive to a sound learning environment. Charter schools must also adopt those standards.

■ **use the same tests as other public schools, and make the results publicly available;**

All schools should be subject to the same testing requirements of the state and school district. Charter schools should not be exempted from complying with testing programs that allow comparison conclusions to be made. Charter schools should not have different requirements.

■ **include the right of employees to bargain collectively;**

Unions across the country have adopted different bargaining strategies designed to assist reform efforts in school districts. These include allowances for waivers of contract provisions and the application of special contract clauses designed to meet the needs of specials programs. Developing new models of collective bargaining will not be encouraged by a return to eliminating the rights of employees to bargain collectively. Placing charter schools outside the protection of a collective agreement serves as a disincentive for teaching personnel to become involved with charter schools. This limiting of the pool of talented individuals will serve as a deterrent to the success of charter schools.

■ ***be responsible for retirement and health costs to the same extent as other public schools;***

As is the case with collective bargaining, teachers will be disinclined to participate in programs that diminish hard-won rights and benefits. Most states have recognized the need to provide for health coverage as well as retirement.

■ ***require approval of the local school district;***

In order for charter schools to be models of effectiveness for local public school systems, there must be a connection that promotes collaboration. Charter schools that are unconnected to local school districts become isolated. This fragmentation makes achieving higher common standards more difficult and diverts attention from ensuring better education for all students. In states where

charters are granted absent the approval of the local district, a chasm develops that inhibits the participation of local teachers and the cooperation of local school districts that could enhance the charter school program.

■ ***meet all state and federal health and safety standards;***

Charter schools should be required to meet all health and safety codes and regulations.

■ ***be subject to sunshine laws.***

Sunshine laws that apply to all public institutions should also apply to charter schools. All of the dealings of the charter must be subject to the same open process that governs other schools. This is neither punitive nor prohibitive. Simple rules allowing public access to records that involve public funds should be basic to any charter school legislation.

Sept. 25, 1996

*Edu-
Charter
Schools*

MEMORANDUM TO BRUCE REED

FROM: MIKE COHEN
SUBJECT: CHARTER SCHOOLS EVENT
CC: KRIS BALDERSTON

I've had several conversations with Jon Schnur and Kris Balderston regarding event possibilities. Here is where we are:

- If we want to focus the event around the state grant announcements, we will have to do something next week, because this is when states will be notified.
- Kris is proceeding with a scheduling request for the President to do radio actualities in selected states. This essentially is our back-up plan if we a better event is not workable.
- We will know more tomorrow about two potential developments which could form the basis for an event here in DC sometime next week -- or later if needed. First, ED is receiving late this afternoon the draft of the first year report of a 3-year charter school study tomorrow. This first year report will be the most comprehensive study of charter schools ever conducted. Jon will review that tonight and let us know tomorrow if it is in good enough shape to release quickly, or if it will need considerable work. Second, the Department is getting ready to name a blue-ribbon advisory panel comprised of educators involved in charter school. It is not scheduled to be in place by next week, but Jon is trying to figure out if it is possible to speed things up. If both of these come together, we can think about WH event, in which POTUS meets with this advisory group, talks about the report, and talks the funding. Depending upon scheduling constraints, the advisory group/report event could be held after next week. We could still talk about the funding, though it wouldn't be the central focus.

In the meantime, here is a complete list of all of the potential components of a charter schools announcement if we can get the timing to work out right.

- **Announcement of Charter Schools Grants to 19 States (in addition to California)**
The Department of Education will announce new grants to AK, CT, DE, DC, FL, IL, KS, NJ, NC, and WI. It will announce continuation funding to AZ, CO, GA, LA, MA, MI, MN, TX, and OR, in addition to the funding already announced for California. Note that both Connecticut and Massachusetts are on the list, in light of the President's travel schedule.
- **Announcement of Additional Charter Schools funding in FY 97.** The best

information I've got right now is that we may get as much as \$51 million for the Charter Schools Program--more than the \$40 million we requested, and up from \$6 million in FY 95 and \$20 million in FY 96. This is a dramatic increase, and adds to the likelihood that we will in fact meet our target of 3,000 schools in 5 years.

- **Planned Education Department Activities:** The Education Department has activity in place to lead to a number of products/events. These will not be ready by next week, though they could be included as part of the funding announcements above to round out our leadership. These include:
 - **Establishment of a blue-ribbon advisory panel on charter schools.** The Education Department is working on establishing a blue-ribbon group of grass roots leaders on charter schools to help steer ED's efforts, and to help provide additional advocates of charter schools supportive of our agenda.
 - **The creation of a charter schools web site.** The contract for this will be let next week to Westat and Cal. State University (where former state rep. Gary Hart is the driving force); it is conceivable that some limited version could be available for an event in the next few weeks, but it would be a real stretch.
 - **A series of regional conferences on charter schools.** These conferences will be held in the winter and spring; ED could announce the conference dates and locations.
 - **A Charter School Handbook** is on the drawing boards; Ed could announce the deadline for releasing it (I don't know what the timeline is).
 - **The first year charter schools study report.** We will know tomorrow if we've got something to work with here.

PUBLIC SERVICES REDESIGN PROJECT

Education -
Charter schools

Dear Mr. Feel -

A GUIDE TO CHARTER ACTIVITY (AUGUST 1996)

That new part of public education often called "the charter movement" continues both to grow and to evolve. We're seeing new ideas in the laws and innovations in the learning programs. There're new twists on governance and on management. Lots of energy; people working very hard. Lots of mistakes but lots of dynamics. All typical of any new movement.

This guide tries to provide the names and phone numbers of the key people involved, and some sense of the program and the politics in each state. This gets harder as new states come in, as programs grow and as people move. So, again, my apologies for any errors and omissions. I'd appreciate corrections; in the names and phone numbers or in my reading of the situation.

Mostly this is a guide to people involved with the live laws that can have real system effects . . . the strong programs in which the state opens the way for some public body other than the local board to offer public education in the community, as well as for some entity other than the district to start and run a public school.

The National Scene

Since 1994 this idea -- of the state opening the way for more than one organization to offer public education in the community -- has moved increasingly to the center of the national search for an effective strategy. In mid-1996 the level of 'national' attention to the charter idea is quite remarkable.

Meetings -- The U.S. Department of Education brought (mostly) people running charter schools into Minneapolis July 26-27 for a how-to discussion; about common problems of start-up and operation. The fascinating networking-session organized by the Association of Educators in Private Practice (August 1-3 in Milwaukee) was important for Howard Fuller's successful effort to link charter and contract with the interest of inner-city constituencies. The Sept. 16-17 meeting in Boston of the Education Leaders Council, the non-establishment group pulled



together by Jeanne Allen, will include 'charter'. A group of rather more establishment (mostly Colorado-based) organizations is putting together a meeting "on policy" in Denver Sept. 19-21. Carla Dietsch 206/669-5073 is planning a national meeting in Seattle October 25-26; the first meeting of the National Alliance for Charter Schools -- perhaps a national association of state operators' associations -- which Jim Alverson 602/985-6112 is forming.

Directories of Schools -- The best nationwide directory -- names, addresses, phone numbers and brief descriptions -- of charter schools appeared this spring from the Center for Education Reform in Washington. For a copy call 202/822-9000. CER plans to keep it current, probably in print form only.

Electronic discussions -- Persons interested in the charter idea can connect through a forum put together by Frank Dooling, a former naval person in Tacoma WA 206/539-3669. AOL subscribers will find a message board and two libraries by hitting keyword /CHARTER/return. There's a weekly live conference every Sunday afternoon: details are in the "monthly update" file in the main menu of the forum. Dooling and others say "Charter Researching: Net Stations and Resources", which identifies and links to most others, is a wonderful resource: <http://csr.syr.edu>. The Center for Education Reform, which finds itself increasingly drawn into the charter idea, has material available at <http://edreform.com>. For California see <http://www.csus.edu/ier/charter.html>. Charter is in the Hudson Institute site: <http://www.edexcellence.net>.

Good basic information -- A solid introduction to the charter idea, laws and schools on videotape has been put together by Dr. Joe Freedman (see below re: Canada). The 56-minute tape and an accompanying 112-page book are available (together) for US\$19.95 from: Society for Advancing Educational Research, 57 Allan Close, Red Deer, Alberta, Canada T4R 1A4 or by faxing an order to 403/343-7042. Phi Delta Kappa did one of its Fastback booklets on "Understanding Charter Schools": Call 812/339-1156. The Hudson Institute 800/483-7660 publishes a very helpful 'briefing packet' with a good bibliography. Good basic advice on how to start a school is available from Joe Nathan at the Center for School Change 612/625-3506 and from Pam Riley at the Pacific Institute 415/989-0833. Some of these contain recommendations. A model bill from this Public Services Redesign series is available in Frank Dooling's AOL forum (see above), at the CER site and perhaps elsewhere.

"What's happening?" -- It's too early really to know much about student achievement. But a picture is emerging at least of what the schools are and who their students are. The Little Hoover Commission report in California in early '96 was full of information and almost a proxy for the country: Ask Kathleen Beasley 916/445-2125. The first-year report from the Hudson Institute on seven states (under its grant from the Pew Trusts) is now available: 800/483-7660.

Summaries of State laws -- A map attached to this memo includes the new '96 laws and shows the number of charters approved by state. Eric Premack 916/278-4600 is currently bringing the analysis of the laws up to date, for the RPP International report to the U.S. Department of Education. ECS, NCSL and the Center for Education Reform will probably be updating their summaries as well. Existing summaries are useful 'through '95'. A "National Survey and Analysis of Charter School Legislation" is available from the Institute for Responsive Education in Boston 617/373-2595. The Education Policy Center at the University of Indiana 812/855-1240 has "Legislation and Results after Four Years". Dean Millot in the Washington office of Rand Corporation 202/296-5000 has a legal analysis. Mike Mintrom 517/355-7682 at Michigan State has a report on "Charter Laws Across the United States".

Advocates, designers -- The group that began by proposing strong laws has remained active and has grown as others have joined. Joe Nathan at the Center for School Change in the Humphrey Institute 612/626-1834 is very helpful: His new book Charter Schools (published September '96 by Jossey-Bass) contains an outline for a 'strong' law. Eric Premack, who has been helping schools, their sponsoring districts and the state work things out in California, is especially realistic about operational problems and how to avoid them. Louann Bierlein 504/342-1608, is busy now as education aide to the new governor of Louisiana but remains a good source on "the first 20" laws. She's at 504/388-5006. Howard Fuller 414/288-7351, now in the school of education at Marquette University, is an articulate advocate for 'charter' as a way to improve schools for black and poor children.

The state legislators who got through the strong laws are among the most useful resources. In Minnesota Sen. Ember Reichgott Junge 612/296-2889. In California (former) Sen. Gary Hart 916/278-4600. In Colorado Rep. Peggy Kerns 303/866-5523. In Florida Rep. Joe Tedder 941/683-0064 and in New Jersey Sen. Jack Ewing 908/766-7757 and Assemblyman Joe Doria 201/437-5150.

Some organizations earlier advancing other ideas about education reform quickly developed an interest in charter laws. At the Center for Education Reform in Washington talk to Jeanne Allen 202/822-9000. They go into states to do work and are well-informed about developments. The Rand Corporation is active mainly through Dean Millot 202/296-5000 and through Paul Hill 206/543-0190 who moved to Seattle in 1994 to set up a joint center with the University of Washington. Hill's interest in the autonomy and accountability of contract arrangements intersects with the charter idea.

As the laws come into place a whole new industry is developing, to help people start and run schools; offering advice, designs and services, for free or for a fee. This will have to be the subject of another memo, another time.

Mainline organizations now involved -- As the growing support makes it increasingly credible the major policy groups are giving the charter idea more and more attention; though this may be controversial with their constituencies. The National Conference of State Legislatures began early to collect the laws passing and to schedule discussion at its meetings: Ask Connie Koprowicz 303/830-2200x136. The Education Commission of the States has come into the discussion in a major way: Talk to Alex Medler 303/299-3635 or go to its site <http://www.ecs.org>. At the National Governors Association talk to Patty Sullivan 202/624-7723. Nationally the teachers unions are now for charter schools (while their state affiliates work hard to block the 'live' laws that create them). At the National Education Association Andrea DiLorenzo 202/822-7334 handles the issue and with Bob McClure works on the NEA's program to help teachers start schools with charters from local boards (where the state affiliate approves). At the American Federation of Teachers ask ask Joan Buckley 202/879-4400 for the report released at the Cincinnati convention August 2. It recommends the Rhode Island law, which charter advocates consider the nation's weakest.

The U.S. Department of Education is now helping finance the start-up of new charter schools. From a \$6 million appropriation in '95 the program will grow to \$18 million in '96. The program provides block grants to states, which will subgrant to schools. Only if a state declines to apply would grants be retailed from Washington. In a breakthrough for federalism the law accepts the state's decision about what public bodies may grant a charter and what organizations may, if approved, run a school. Jonathan Schnur 202/401-3598 (jonathan_schnur@ed.gov) in Secretary Riley's office is the lead person on 'charter'. John Fiegel 202/260-2671 handles grants. Pat Lines 202/501-7564 has the national study.

The Scene in the States

It really is pointless to talk about "states with charter laws". With eight states having chartered 95% of the schools and another eight states having chartered 5% of the schools it does remain essential to distinguish between strong laws and weak laws, live laws and dead laws. This memo is laid out that way.

In states with live laws this memo tries to identify key persons from (1) the state department, which administers the law and provides information to applicants and to sponsors about the chartering process; (2) the "friends' group" outside state government that helps applicants get charters and helps schools get going; and (3) the associations of school operators.

In the states with live laws, then:

Arizona: This is the wild west: the largest program after California (and the largest population considered); probably lots of good things but also big potential for trouble. A '96 change moving the term of the contract out to 15 years pretty well

removes the accountability to public authority. Opponents who would normally challenge this (as in Michigan) may have decided they'd rather see the program blow up than have it fixed. The state superintendent is Lisa Graham Keegan 602/542-5460. In the department talk to Jeff Cohen 602/542-5206, or to Kathi Haas 602/542-5344 re: finance. Sen. Tom Patterson was a key author of the '94 law 602/542-5955; Chris Smith is helpful, on the Senate staff 602/542-5418. John Kakritz now heads the association of charter schools 602/261-7911: At the Goldwater Institute, still the "friends group", talk to Mary Gifford 602/256-7018.

California: A strong, dynamic program; the largest 'conversions' state. All 100 charters originally authorized have been issued so (with the CTA still strongly resisting proposals in the Legislature to move up to, say, 300) the state board has begun to raise the 'cap' administratively. Louis Caldera, an Assembly member from Los Angeles 213/680-4646, has emerged as a key author; as, also in the Assembly, have Kerry Mazzone 916/445-7783 and Steve Baldwin 906/445-3266. Gary Hart, the Senate author in '92, now heads an education policy institute for the California State University system 916/278-4600 where Eric Premack (e-mail: eric_premack@calstate.edu) now also spends part-time. In the department of education Dave Patterson is now happily back on 'charter'. Other helpful sources include Pam Riley at the Pacific Institute 415/989-0833 and Sue Bragato 415/598-8192 at CANEC, the association of charter schools. Its newsletter circulates beyond California.

Colorado: The original appeals process, unique to Colorado (in which the state board, if it approves, does not then become the school's sponsor but orders the local board to do it) had created a lot of conflict. Rep. Peggy Kerns 303/866-5523 was able this session to get changes which should improve the process (assuming the supreme court does not side with Denver, which has challenged the legislature's authority to set up such a process). Gov. Romer has been important from the start: His education aide is now Deborah Lynch 303/866-2656. In the department talk to Bill Windler 303/866-6631. Jim Griffin is the 'association' person, with the Colorado League of Charter Schools 303/985-7092. Colorado's is not a law to 'model' from.

Connecticut: New in '96. A split program, like Texas'. Half a strong law, maybe. Twelve charters may be issued by local boards and 12 by the state board. The state-chartered schools are limited in size (to 250 students) and get less money; a pattern typical of New England. The law results largely from the persistence of Sen. Kevin Sullivan 203/240-8600 and, in the Republican Senate, from Sen. Judi Freedman. Yvette Thiesfield 203/566-1233 will manage the program for the state department. The Center for School Change, spun off from the Graustein Foundation, is operating as a friends' group: Ask Gordon Bruno 860/586-2340.

Delaware: The Math and Science High School in Wilmington (for which the '95 law was apparently created) will open in fall

'96 with about 300 students; a separate entity within the district high school. Several others should open fall '96. Call Ronald Russo 302/651-2727. Sen. David Sokola 302/739-4139 was the author of this short, clean law. Or talk to Paul Fine, the president of the state board 302/984-1700. Doug Archibald at the University might help: 302/831-6208.

District of Columbia: New in '96. Resuming its role as legislature for the District, Congress passed a school-reform bill which included a strong charter program (dropping the voucher program the House wanted). Ted Rebarber, aide to Rep. Gunderson, was key in the final solution. Applicants may approach either the D.C. board of education or a new "chartering board": seven persons appointed by the mayor of Washington from a list of 15 submitted by Secretary Riley. Much of the law is based on language drafted by Jim Ford on the city council staff 202/724-8119. The Federal City Council has worked hard for improvements: Ask Dave Perry 202/223-4560. Ken Campbell with COPE 202/223-4560 is helping applicants start schools.

Florida: New in '96. Rep. Joe Tedder 904/488-2270 got his bill through on his second try. There will be no 'alternate sponsor' -- in Florida, uniquely, public schools are assigned to the counties by the constitution -- but other factors may produce a significant program, at least in some counties. Quickly, a Charter School Resource Center has appeared and is raising money for start-up grants: Call Jon Hage 954/927-2870. Dade County has moved quickly to receive applications. The state superintendent, Frank Brogan 904/487-1785, is supportive. Tonya Lemon 904/244-1022 is the aide for Gov. Chiles. Tom Watkins, who got the first school started in Detroit when he worked for Wayne State University has moved to Florida: 954/345-3008. Caroline Herrington 904/644-2573 is a good source at Florida State.

Massachusetts: The first 15 schools finished their first year; others from the 25 authorized in '93 will open in fall '96 and '97. More have been approved (the state board is now the chartering authority) but the Legislature has yet to raise the cap. Scott Hamilton 617/727-1313 is now in charge of charters, as associate commissioner of education. Outside, the "friends' group" is the resource center at the Pioneer Institute: Its how-to-do-it book and 'profiles' report on schools are models. The handbook is available online. Talk to Linda Brown 617/723-2277. Karen Byars 508/635-1800 directs the new operators' association. Tom Loveless follows the charter program for the Kennedy School at Harvard 617/495-9846. This is the only law to offer the local board no role, so districts have been especially hostile. Their attitude has led the state to pay them for students in fact no longer attending; which takes out a key dynamic. Boston did create its own "in-district charter" program in response: Ask Bob Pearlman at the Boston Teachers Union 617/288-2000.

Michigan: A high-profile, dynamic -- and contentious -- program; the least bipartisan among the states. Gov. Engler has provided tremendous drive: In his office talk to Mary Kay

Shields 517/335-7824. Clark Durant 313/396-4200 chairs the state board. In the state department talk to Garry Cass 517/373-4631. Many of the charters have come from Central Michigan University: Talk to Robert Mills in its Charter Schools Office 517/774-2100. CMU also has, separately, a 'resource center': Ask Leonie Rose 517/774-2590. The Michigan Partnership for New Education, once the principal "friends' group", will now run two schools. Barbara Barrett and Bob Wittmann are still there: 517/432-3165. Anna Amato 810/632-7293 and Larry Patrick 313/961-8380, formerly on the Detroit board, are active in getting schools chartered. An "operators' group" has appeared, run by Jim Goenner 517/774-3315. There's an invitation out nationally for an 'Expo' to show off Michigan's charter schools; May 29, 1997 in Lansing. Ask Mamie Thorns 517/774-2590.

Minnesota: A slowly but steadily developing program; gradually improving from the restricted law that was the nation's first when passed in 1991. The original authors, Sen. Ember Reichgott Junge 612/296-2889 and Rep. Becky Kelso 612/296-1072, have been joined by Rep. Mindy Greiling 612/296-5387 and, on the Republican side, by Rep. LeRoy Koppendrayer 612/389-1490. Susan Heegaard 612/297-1622 is important in policy development for Gov. Carlson. In the Department (now of Children, Families and Learning) Jessie Montano 612/296-2181 is in charge of "learner options", with Bill Allen 612/296-4213 on charters and John Bulger 612/296-9613 on charter finance. Joe Nathan at the Center for School Change 612/625-3506 is an active "friend". A Minnesota Association of Charter Schools is just now forming: Ask John Schultz 507/665-4033 at the New Country School, where the teachers design and operate the learning program under contract with the charter school. Dan Mott 612/291-9310 set up their cooperative; essentially a professional partnership.

New Jersey: New in '96. A bipartisan coalition led by Sen. Jack Ewing 908/766-7757 and Assemblyman (former Speaker) Joseph V. Doria, Jr. 201/437-5150 -- and joined in '95 by Gov. Whitman -- got through a bill on the final day of the session. The governor's education aide, David Hespe 609/777-2450 was very helpful. The NJEA was able to restrict conversions so the potential is mainly in new-starts. The commissioner, Leo Klagolz 609/292-4450, will be the chartering officer. Frank Esposito 908/527-2004 represented Klagholz in all the policy and the political discussions about the law. In the department call Dahlia Georgitas 609/292-5850. Legislators mean to form a clearinghouse: Ask Jason Teele 609/292-7065. Outside, local foundations are helping form a "friends' group": Ask Sarah Tantillo 908/932-7490x230. The charter idea may hold some potential for the districts taken over by the state: Jersey City, Paterson and now Newark; an alternative both to state-operation and to conventional contract management.

North Carolina: New in '96. Sen. Wib Gulley 919/733-5651 set out to get "the first strong law in the South" and may have succeeded. He and Republican Rep. Steve Wood 919/733-5807 came to a compromise just before the session ended. Applicants will

be able to go to the local board, the state board or to the boards of the 16 units of the University of North Carolina for sponsorship. Ann Berlam in the department 919/715-1266 is expecting "a lot of applications". Thelma Glynn 919/682-8341 works on the group working on guidelines. Vernon Robinson 910/768-3567, a candidate for state superintendent, is positive.

Texas: All 20 of the "open-enrollment charters" permitted by the '95 legislation were taken by the second meeting of the state board. Much less interest is reported in the so-called "campus charters" for which applicants go to the local board. A legislative author was Sen. Bill Ratliff 512/463-0101. In the Texas Education Agency talk to Brook Flemister 512/463-9575. David Dunn at the Legislative Budget Board was in the discussion early: 512/305-9579. Rey Garcia 512/463-0190 is in the office of (Lieutenant) Governor Bullock.

In the weak-law states:

Alaska: Talk to Sheila Peterson in the Department of Education 907/465-2803.

Arkansas: Jim Boardman in the department 501/682-4204 will handle any applications and will know the law and its history.

Georgia: In the department, John Rhodes 414/657-7637. Existing public schools apply, with district approval, to the state board. Grants for planning have encouraged applicants and 10 such charters have been granted. Interest in a strong law is growing outside and among legislators: Ask Rep. Kathy Ashe 404/656-0116 or Sen. Sallie Newbill 404/656-0036.

Hawaii: In the Legislature Sen. Mike McCartney 808/586-6910 still wants to improve the law enacted in '94. He's quite candid about its weaknesses. In the department Marge Gaza 808/586-3285.

Illinois: New in '96. After the '95 law turning over the Chicago schools to Mayor Daley the Legislature came back in '96 and without much further discussion passed Sen. O'Malley's bill; a local-board-only bill with some killer provisions. Parents disappointed with the local schools have little chance when the only sponsor is the local board. The law may operate as a strong law, however, in Chicago which now does not have a conventional board with conventional attitudes. In Chicago Olivia Watkins 312/535-7500 is assigned to 'charter' by schools CEO Paul Vallas, who seems most interested in conversions and in high schools. Leadership for Quality Education, now headed by John Ayers 312/853-1210 is emerging as the "friends' group" both for the "small-schools" initiative and for charter. Fred Hess at the Chicago Panel on Public School Policy 312/346-2202 and Jeanne Nowaczewski 312/641-5570 are both involved and knowledgeable. At the state board Sally Vogl 217/782-0541 is good help.

Kansas: Ask Rodney Bieker, counsel for the department, about the law passed in '94 by Sen. Dave Kerr 913/296-7368.

Ednc. - Charter schools

To: Mike Cohen and Bruce Reed
From: Jon Schnur
Date: June 26th
Re: Washington State Ballot Initiatives

BACKGROUND

Two educational choice initiatives have been placed on the ballot in Washington State for this November -- Initiatives 173 and 177. Both have received considerable attention and are very controversial. Initiative 177 was launched by Jim and Fawn Spady -- two wealthy and aggressive independent small business people. The Spadys are now financing much of the campaign to support the initiative, and have received considerable local -- and some national -- media attention.

Initiative 173, "The Choice in Education Act", would provide vouchers for students to use at non-religious private schools. It is universally acknowledged as a voucher initiative, providing an unlimited number of vouchers worth at least 55% of the average per-pupil expenditure. Any non-religious private school meeting minimal requirements -- e.g., publishing certain types of information about the school -- would be licensed by the state to accept vouchers. Private schools accepting vouchers could retain selective admissions policies and continue to charge tuition.

Initiative 177, "The Education Excellence Act", is garnering more serious public attention and defies easy categorization as a charter schools or voucher plan. Supporters say the initiative would establish charter schools, and opponents say it would create vouchers. Indeed, a close analysis of the initiative's text shows that schools created under this law would be more like private schools than any charter schools in the nation.

SUMMARY OF INITIATIVE 177

Here's how I-177 works. It would require every school district in the state to place on the ballot a referendum on whether to become a "renewed public school district". Once a district is renewed, any non-profit organization may become an "independent public school" by filing a basic application with its local district. The district may deny the application only because of "specific substantial objections based on a preponderance of the credible evidence that the applicant does not satisfy one or more of the specific requirements in this chapter." Once its application has been approved, the school's contract does not come up for renewal after a preestablished number of years; rather, its status as an independent public school may only be revoked if there is substantial proof that the school has not met legal requirements.

To what legal requirements would these schools be subject? In addition to all regulations and laws covering private schools in the state, these "independent public schools":

- ▶ must be non-religious and must be non-profit corporations. ✓

- ▶ may not charge any tuition if it is an elementary school. It may charge tuition up to 10% of its per-pupil cost for grades 7-9, and up to 20% tuition for grades 10-12.
- ▶ may have a selective admissions policy, but shall reserve at least 15% of its enrollment for low-income students. A local school board may increase the average percentage of low-income slots up to the district's average enrollment of low-income students if that requirement is applies to all schools in the district.
- ▶ do not have to comply with the state's standards or assessments, or any timelines and requirements associated with the state's educational accountability system.
- ▶ Has filed an application with its local school district that lists the names of its board of directors and principal, and describes its academic program and proposed school site, its expectations for student performance and behavior, its affiliations with other institutions, and other minimal information set out in this ballot initiative..
- ▶ May be converted from existing private schools.

ANALYSIS OF I-177: CHARTER SCHOOL OR VOUCHERS?

This initiative would permit public funding of schools that are more like private schools than any existing charter school in the country. Yet the initiative differs from traditional voucher proposals in some important respects, placing some restrictions on the schools that are not always associated with voucher proposals. If the initiative were passed, for example, schools receiving funds must be non-religious and must accept a certain percentage of low-income students.

Moreover, the establishment of these schools would be limited to locations where the "renewed school district" ballot was approved. Yet the provisions governing these local ballot initiatives are bizarre and quite stringent. The initiative requires that school districts place this referendum on ballots as soon as possible, it requires that school districts place the referendum on every future bond levy if it is not approved the first time, and once a referendum has been approved, a district may only vote to reverse the decision once every six years

However, this initiative lacks most of the usual ingredients of a charter school law that ensure that charter schools are public -- and publicly accountable -- schools. Once a school district has become "renewed", schools may get public funding without any initial review for quality of the application. Unlike charter schools, they may continue to operate without ever going through a performance review or charter renewal process, and therefore are not as accountable to the public for performance; may charge some tuition for grades 7-12.

The initiative defies easy categorization. It blurs the lines between charter schools and vouchers, coming closer to vouchers than any existing charter school law in the nation.

EDITORIALS

Strategy for this fall's charter-school debate

(First of a two-part series)

WASHINGTON lawmakers could have spared us a nasty, multimillion-dollar fight over charter schools. But rather than write a credible alternative for the fall ballot, they punted.

Now, the sensible course of action is for voters to squash the charter initiative in November and demand a more-thoughtful proposal from political leaders.

Initiative 177, the charter school initiative, is a terribly flawed plan that would give the good parts of charter schools a bad reputation. The bill allows too many charter schools to crop up too quickly with very limited oversight of the public money they receive.

The best strategy is to insist on a charter bill that allows slow, reasoned introduction of these independent public schools. If charters operated by parents, teachers or any other nonprofit entity grow too rapidly, they will drain money and momentum from other innovations in public education and set some of those who start charters up for failure.

Fawn and Jim Spady, zealous sponsors of Initiative 177, say charters are operating in 20 other states. Who needs pilot programs and experimentation?

Washington does. Operators of successful and unsuccessful charters in other states say there are trap doors all over the place.

The idea of educating a bunch of kids in a basement has a certain funky romance to it, but it gets a lot messier when you turn on the lights in that basement and greet kids day after day.

Researchers from the Hudson Institute, a conservative research organization based in Indianapolis, Ind., visited 12 charters in five states and concluded in a preliminary report that the schools offered "distinctive but not weird education programs," with terrific, often unconventional teachers and remarkably committed, involved parents. But many schools operate in substandard facilities and face considerable business problems that could result in school closings.

On a rainy day, Valley Academy in Phoenix, Ariz., is 18 portables in a muddy field. In addition to its unappealing physical plant, the school has had trouble meeting payroll. In February, the Arizona auditor general said the school violated accounting procedures for record-keeping, control of cash and bidding for goods and services; he gave the school 90 days to correct problems.

The Spadys and their supporters say such problems are expected. If a school like Valley in Arizona closes, the marketplace is working. That's fine for defective toasters and tea-kettles, but doesn't make sense when the lives of children and their families lie in the balance and taxpayer dollars are at stake.

No matter what the slick ads say in the fall, the wise voter can be for innovation offered by charter schools and against their reckless introduction in the state.

State Sen. Nita Rinehart, the Seattle Democrat who has made education her campaign theme for governor, or someone like her, ought to convene a charter summit promptly and write a credible bill for next session.

If reformers are going to launch charter schools here, do it right.

TOMORROW: More warnings from the Arizona desert.

Ednc - Charter
Schools

EXECUTIVE OFFICE OF THE PRESIDENT

16-Feb-1996 05:24pm

TO: Jeremy D. Benami
TO: Gaynor R. McCown

FROM: Paul R. Dimond
National Economic Council

CC: Bruce N. Reed
CC: Gene B. Sperling

SUBJECT: Public School Choice, High Standards, Gov' Conference

J.B. and Gaynor,

1. I like the charter school stuff and the idea of a separate event.
2. What is left for another event (or missing from this event) is follow-through the President's basic "challenge to every state to give all parents the right to choose which school their children will attend." The Charter schools are just one example of how to expand the supply of public school choice for parents (b/c charter schools are by definition schools of choice) and are unlikely in the foreseeable future to accommodate more than a small percentage of students. What do you think of POTUS following through on the fundamental public school choice at the conference with the Governors, at least if we can be sure that at least some Governors will stand up and accept the challenge. The message could be something like this: "In the state of the union I challenged states, communities and schools to adopt high national standards of excellence and to provide all parents the right to choose which public school their children will attend. If you are willing to accept this challenge, you will have the most powerful lever for school reform -- parents exercising their own choice about which public school they want their children to attend based on good information about which schools meet the need to educate all of their students to high standards. Public school choice then would provide the powerful engine of competition to empower parents to choose among public schools based on performance based on benchmarks that every student, teacher, principal and parent can understand."

There are variations on this message that play down the competition rhetoric and play up the ability of parents to choose -- based on good information -- the public school that best serves their children's needs. The link to standards, then, is the easily understood, comparative information that would be provided on each school. If the governors are really interested in reform based on high standards, then the President's basic challenge on public school choice may provide a sharper edge to the issue than some pablum about high standards with no "accountability." Are there any governors out there who would be willing to embrace the President's challenge if he offers this harder edge to the standards debate by offering it up as the source of good information on which parents can make more informed choice about which school their children attend? The issue is

whether the high standards challenge at this conference can stand to be jacked up to a higher level by adding accountability based on public school choice by all parents.

If the governor's conference is unlikely to embrace such a challenge, the alternative is to make more of the public school choice-standards part at the charter event: Charter schools have an additional accountability element beyond parental choice, i.e., the charter is not renewed unless the performance benchmarks set in the original grant are met. In this respect, universal public school choice based on good information appears an easier challenge.

Dimond



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY

FAX TRANSMITTAL

TO: Bruce Reed

ORGANIZATION: _____

PHONE NUMBER: _____

FAX NUMBER: 456-7028

FROM: Frank S. Holleman III, Chief of Staff

TELEPHONE: 202-401-6143

FAX NUMBER: 202-401-2098

MESSAGE: _____

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1 **PAGE(S) TO FOLLOW**

Ed -
Charter
Schools 7

April 18, 1996 • Education Daily

P-5

NEA Joins Growing Charter Schools Movement

The nation's largest teacher union is joining the fastest-growing school reform experiment.

The National Education Association (NEA) this week said it will sponsor at least five new charter schools and study the possibility of assisting more over the next five years.

"If done right, charter schools have the capacity to remove the bureaucratic handcuffs that can often hinder individualized and effective teaching and learning," NEA President Keith Geiger said at a Tuesday news conference.

The 2.2-member NEA will spend \$1.5 million on the five-year project to help charter school officials establish budgets, train staff and gain community support, areas which prove to be difficult for startups.

NEA also will pay researchers at the University of California at Los Angeles to evaluate the success of its programs.

More than 250 charter schools have opened since Minnesota piloted the concept six years ago. Experts predict the growth will continue.

Charter schools are not forced to adhere to many regulations, but they must agree to hit prearranged student testing benchmarks.

Fall 1997 Debuts

In the next two school years, NEA will sponsor schools in Arizona, California, Colorado, Georgia and Hawaii. NEA members will play central roles in organizing each effort.

In San Diego, teachers are working with college professors and students to design a pre-kindergarten through high school program. The group is deciding which educational approach to use, and plans to open in fall 1997.

In Colorado, the Colorado Springs Renaissance Public High School also plans to open next fall, with 300 ninth- and 10th-graders. Its curriculum will span academics, community service and job experience.

Despite varying approaches, NEA charter schools will share several traits, Geiger said.

They will be free, with open admission. They will involve community members and stu-

dents as well as teachers in their design. And they will be nonsectarian.

Most charter schools follow the same guidelines, but some select their student body through lotteries.

In addition to supporting experiments, Geiger said NEA hopes to find ways to use what it learns in the charters to help teachers in traditional schools.

"It is our intention to use charter schools as vehicles for learning to serve the greater cause of quality public education by applying what is transferable to the greater number of learners who reside within our public schools," he said. —David Hoff

*Edvc -
Charter
Schools*

THE WHITE HOUSE
WASHINGTON

April 18, 1996

MEMORANDUM TO BRUCE REED

FROM: BRUCE LINDSEY

SUBJECT: EDUCATION AND THE ARIZONA / NON-PRESIDENTIAL
PORTION OF THE WEDNESDAY POLITICAL REPORT

The President read Wednesday's daily political report that mentions NEA's charter school announcement (see attached copy). The President asked that you do the following to pursue this.

1. Praise the NEA.
2. Hype our own charter school proposal.
3. Determine whether the proposal qualifies for the Department of Education's Charter School money.
4. Consider doing some sort of related event.

The President believes that education should become a metaphor for the future and the corner stone of our forward-looking agenda and that we should be doing more education-related events.

Haley Barbour and Don Fowler both testified today before the Senate Rules Committee on pending campaign finance legislation. Barbour called the soft money ban in the McCain-Feingold bill "bad politics," while Fowler endorsed the bill. Barbour said skeptics "argue that any kind of nonfederal money financial activity is merely backdoor support for our presidential nominee...this argument is preposterous." Fowler, however, acknowledged that soft money often supports federal campaigns.

STATE-BY-STATE / NON-PRESIDENTIAL

Alaska

The state House passed a bill that would bar same-sex marriages in Alaska. The bill specifies that the only legal marriage in Alaska is between a man and woman. Current state law does not specify the sex participants in a marriage, although same-sex marriages are not recognized in the state. The state Senate passed the bill early last month. The bill is scheduled to reach the Governor's desk in the next several days. Governor Tony Knowles (D) has not taken a position on the marriage ban.

Supporters of limiting congressional terms have put the issue on Alaska's election ballot this November. The proposal will ask voters if they want the Alaska legislature to press Congress for a constitutional convention on term limits. If two-thirds of the state legislature calls for it, Congress would have to hold the convention to consider the issue of limiting U.S. Senators to two six-year terms and House members to three two-year terms. Twenty-three states have approved term limits, but the U.S. Supreme Court ruled last year that only a constitutional amendment can limit terms for U.S. Senators and House members.

Arizona

The nation's largest teachers union plans to spend \$1.5 million to start charter schools unrestricted by traditional rules in Phoenix and four other cities. The NEA announced it will start charter schools over the next five years in San Diego, California; Colorado Springs, Colorado; Atlanta, Georgia; and Oahu, Hawaii, as well as Phoenix. Charter schools are independent public schools, often designed by teachers and parents, that operate without many of the constraints imposed by local school districts. There are an estimated 270 charter schools educating 60,000 students in more than 20 states, including 49 schools serving 6,000 students in Arizona.

California

The California Civil Rights Initiative (CCRI) was cleared Tuesday for the November ballot. The proposal would ban race and gender-based considerations in hiring, contracting and admissions to all state agencies, including California State University. The University of California's Board of Regents approved similar rules last summer for the semi-autonomous, nine-campus UC system. CCRI collected more than 1.1 million signatures on petitions in an attempt to qualify the initiative.

THE WHITE HOUSE
WASHINGTON

*Educ -
Charter Schools*

February 15, 1996

**MEMORANDUM TO DON BAER
CAROL RASCO
BRUCE REED**

FROM: Jeremy Ben-Ami
Gaynor McCown

SUBJECT: Charter Schools Announcement

Attached is the package of materials we would propose using to support the President announcing his "Plan to Spark the Creation of 3,000 Schools over the Next Five Years." The documents are:

- A two-pager explaining the plan,
- A draft Presidential Directive to Secretary Riley,
- A draft letter from the President to Governors challenging them to get Charter School legislation passed in their states, and
- A two-page fact sheet on charter schools.

These documents (other than the Governors' letter) were created by Education and edited by us. The letter is ours.

Politically, we have two hurdles to clear: (1) Is this OK politics vis-a-vis Governors, and (2) How to deal with the teachers' unions who object to this proposal. Once we've dealt with those, we are ready to roll with this - as soon as next week.

Suggestions on location: Local: the nearest state with a charter school law is Delaware - some schools are just getting started there. Travel: the best states, substantively, would be California, Minnesota, Colorado, Michigan, Arizona and Massachusetts.

Let us know what you think.

cc: Michael Waldman
Vicki Radd
Paul Weinstein

Gene Sperling
Paul Dimond
Julia Moffett

Accelerating Education Reform -- Sparking the Creation of 3,000 Public Charter Schools

"I challenge every state to give all parents the right to choose which public school their children will attend; and to let teachers form new schools with a charter they can keep only if they do a good job."

President William Clinton
State of the Union
January 23, 1996

In the State of the Union Address, the President called for states to support public school choice and the development of charter schools -- public schools custom-made to meet local needs and raise academic standards. The President is now unveiling a new initiative to help parents, teachers, and community leaders create 3,000 charter schools across the nation, dramatically expanding choice and accountability in public education. He is also calling for broad partnerships to support high-quality charter schools, and for states and school districts to help charter schools show how the principles of flexibility, accountability for performance, and parental and community involvement can help enable children reach high academic standards.

The President's Initiative:

The President will seek a dramatic expansion of the federal charter schools start-up program, providing venture capital for 3,000 charter schools over five years. This venture capital, \$40 million in FY 97 and more in subsequent years, will support parents, teachers, and community groups in planning, designing, and launching charter schools. A recent independent study identified lack of access to start-up funds as the most significant obstacle to the success of charter schools.

The President is calling on parents, teachers, businesses, universities, museums other non-profit and community organizations, to become partners in developing additional charter schools. Charter schools tend to be small, and thrive on active parental and community involvement. 90% of surveyed charter schools report that parents were involved in the design of the school.

The President is directing the U.S. Secretary of Education to take several steps to support the development of high-quality public charter schools. In his directive to Secretary Riley, the President is asking him to:

Issue an advisory explaining how a wide range of federal funds can be used to support quality public charter schools and how federal funds can be used by charter schools to share lessons learned with charter and other public schools.

Use his broad waiver authority to enable charter and other public schools tailor the use of federal program resources to help their children reach high academic standards.

- Establish a clearinghouse of information as a resource for existing charter schools, and for people considering starting charter schools. Make this information available via the Department's existing toll-free telephone line, and over the world-wide web.
- Continue to support a national evaluation of charter schools that can help people learn how well charter schools are educating students, and how they are addressing challenges to their success. Make information available from this evaluation to interested parents, educators and community leaders, as well as to all Governors and Chief State School Officers.
- Help convene meetings around the nation to provide forums for potential charter school partners to learn from the experience of existing charter schools (both what's working and what's not), and learn about critical issues involved in starting up a successful school.

Draft Directive on Charter Schools

As you know, in my State of the Union Address, I called for states to support public school choice and the development of charter schools -- public schools custom-made to meet local needs and raise academic standards. I am, therefore, directing you to take all appropriate steps to support the development of high-quality charter schools to help children reach high standards in education.

The time-honored American tradition of public schooling has long been a bedrock of our democracy, and of our healthy economy. Strong public schools provide opportunities for anyone willing to work hard, and they help create a citizenry that can work together and get along with one another.

Public charter schools are a promising new vehicle for raising academic standards, involving parents and communities, and expanding choice and accountability in public education. Created and managed by groups of parents, teachers, community groups and others, they can be tailored to meet the needs of a local community. These schools are public schools, but states can free them from most laws and regulations in exchange for accountability for better achievement and results. Charter schools continue to operate only if they meet performance standards outlined in their contract, and if they can attract students and their families to the school. They are non-sectarian, and in nearly every state which has adopted a charter school law, they do not charge tuition, and are open to all students.

Since Minnesota passed enacted the nation's first charter schools legislation in 1991, 19 other states have passed laws authorizing the creation of charter schools. In 1993, I proposed to Congress the establishment of a start-up fund for charter schools, and Congress enacted the program the next year. Because the charter schools movement is growing so rapidly, additional steps are now needed to support the development of high-quality charter schools.

As we depend more than ever on our schools, they face new challenges and possibilities. Parents and communities are demanding that children master the basics and reach high academic standards. Students are leaving school to enter workplaces requiring new skills. And guns, violence, and disorder confront many classrooms and schools around the nation. And while many schools in every part of this country are successfully meeting these challenges, others have not fully risen to the occasion.

But we have learned a tremendous amount, over the past two decades, about how children learn and how schools succeed. There is not a problem in education that hasn't been solved somewhere in America; across the country, communities, parents, and teachers are helping students learn the basics and achieve at high levels, addressing violence and discipline problems, helping students prepare for the information and computer age, and providing opportunities for children from all walks of life learn and study together.

One key to unlocking the potential of public schools is to set high expectations and standards for students, and to provide schools and communities maximum flexibility in figuring out how to help students meet these standards. That's why my Administration has supported the development of rigorous academic standards at the local and state levels, slashed education regulations by more than 50%, and revamped education legislation to replace the old top-down approach with support for high standards and flexibility in schools, communities, and states across the nation. I firmly believe that charter schools can help enable us to provide an opportunity for all children to meet high standards.

I hereby direct you to:

- . Develop an advisory, within 120 days, explaining how a wide range of federal funds -- including Goals 2000, ISIA, and School to Work -- can be used to support charter schools, and how federal funds can be used by charter schools. This document should be made available to all charter schools, and to chief state school officers of states where charter schools are located.
- . Use broad waiver authority to enable charter schools tailor the use of federal program resources to help their children reach high academic standards. A clear explanation of how to take advantage of this waiver authority should be included in the advisory discussed above.
- . Continue to support a national evaluation of charter schools that can help people learn how well charter schools are educating students, and how they are addressing challenges to their success. The Secretary should make information available from this evaluation as soon as possible to all Governors, Chief State School Officers, and the general public.
- . Establish a clearinghouse of information as a resource for existing charter schools, and for people considering starting charter schools. This clearinghouse should be available via the Department's existing toll-free telephone line, and over the world-wide web.
- . Help convene meetings around the nation to provide forums for potential charter school partners to learn from charter school experts, and learn about critical issues involved in starting up a successful school.

These steps will provide critical support for parents, teachers, and communities around the country to create successful charter schools, to better educate their children, and to help the nation learn about new ways to improve public schooling. I applaud communities around the nation coming together to improve all of their schools, and to create new public charter schools when existing schools do not meet their expectations.

DRAFT

Dear Governor

Over the past three years, I have led efforts to dramatically reform education. In my State of the Union Address, I proposed several initiatives that will enable us to continue renewing our schools for the new century. The ability to get a high-quality public education has never been more important than it is today.

However, as we depend more than ever on our schools, they face new challenges and possibilities. Parents and communities are demanding that children master the basics and reach high academic standards. Students are leaving school to enter workplaces requiring new skills. And guns, violence, and disorder confront many classrooms and schools around the nation. And while many schools in every part of this country are successfully meeting these challenges, others have not fully risen to the occasion.

As I indicated in my State of the Union Address, I firmly believe that any parent who is dissatisfied with either their own child's or the school's performance, should have the opportunity to choose a school that will do better. But, providing real choices within public education, depends on every state enacting strong charter school laws, permitting the establishment of independent public charter schools. Therefore, I am urging you to enact a charter school law within the next 12 months.

Charter schools are a promising new vehicle for raising academic standards, involving parents and communities, and expanding choice and accountability in public education. Created and managed by groups of parents, teachers, community groups and others, they can be tailored to meet the needs of a local community.

The charter schools movement is young but growing rapidly. Minnesota passed enacted the nation's first charter schools legislation in 1991 and since then 19 other states have passed charter laws. In 1993, I proposed to Congress the establishment of a start-up fund for charter schools, and Congress enacted the program the next year.

To help parents, educators, and others create 3,000 charter schools over five years, I have proposed a substantial increase in federal start-up funds. Two weeks ago, I issued a directive to the U.S. Secretary of Education Richard Riley asking him to take several steps to support the development of charter schools. In that directive, I asked him to:

- Develop an advisory, within 120 days, explaining how a wide range of federal funds - including Goals 2000, Improving America's Schools Act, and School to Work - can be

used to support charter schools, and how federal funds can be used by charter schools. This document will be made available to all charter schools, and to chief state school officers of states where charter schools are located.

- . Use broad waiver authority to enable charter schools tailor the use of federal program resources to help their children reach high academic standards. A clear explanation of how to take advantage of this waiver authority will be included in the advisory discussed above.
- . Continue to support a national evaluation of charter schools that can help people learn how well charter schools are educating students, and how they are addressing challenges to their success. The Secretary will make information available from this evaluation as soon as possible to all Governors, Chief State School Officers, and the general public.
- . Establish a clearinghouse of information as a resource for existing charter schools, and for people considering starting charter schools. This clearinghouse will be available via the Department's existing toll-free telephone line, and over the world-wide web.
- . Help convene meetings around the nation to provide forums for potential charter school partners to learn from charter school experts, and learn about critical issues involved in starting up a successful school.

These steps will provide critical support for parents, teachers, and communities around the country to create successful charter schools, to better educate their children, and to help the nation learn about new ways to improve public schooling. I applaud communities around the nation coming together to improve all of their schools, and I urge you as Governor to work toward passing a charter law in your state.

Many thanks for your consideration and I'll look forward to hearing from you.

Sincerely,

President William J. Clinton

CHARTER SCHOOLS AND ACCELERATING EDUCATION REFORM

A long-time supporter of public school choice and charter schools, President Clinton believes that every parent should have the chance to send their children to a school that provides a high-quality education. Therefore, he is urging states and school districts to ensure that parents and teachers who don't believe their public school is meeting high standards -- or their own expectations for how their children ought to be taught -- can send their child to another public school and even apply for a charter to custom-make a new public charter school.

The charter schools movement is young but growing. Twenty states have enacted laws allowing the establishment of charter schools (nine in the past year alone), and bills are pending in a number of other state legislatures. Providing real choices within public education depends on every state enacting strong charter school laws, permitting the establishment of independent public charter schools. Once state laws are enacted, the real work is left to parents, educators and community leaders -- including from businesses, universities, museums and other non-profit organizations -- who can work together to develop charter schools.

Begun with Minnesota's enactment of the nation's first charter school law in 1991, the charter school movement has grown to include hundreds of schools. Most charter schools in operation are in six states with strong charter school laws: California, Minnesota, Colorado, Michigan, Arizona, and Massachusetts. "Strong" laws matter because they produce charter schools. Strong laws provide real autonomy and ensure that charter schools remain public -- non-sectarian and open to all students without tuition.

State charter laws differ significantly from one another, but all charter schools have some features in common -- charter schools:

- **Are Public Schools.** Charters do not charge tuition, they are non-sectarian, they abide by health, safety, and civil rights laws, and they are accountable to public authorities.

- **Offer Alternatives And Choice For Teachers, Parents, And Students Within The Public School System.** Created and managed by parents, educators, and others, charter schools provide more choices for families and more opportunities for public-spirited entrepreneurialism in education. While charter schools may be either new or converted from an existing public school, most tend to be small and emphasize sustained relationships between children and caring adults.

- **Are Independent And Relatively Autonomous.** Charter schools operate independently from school districts, and are free from most education rules and regulations. Charter schools are given much more decision-making authority than other public schools but the degree of autonomy varies considerably from state to state.

Are Accountable For Results. Charter schools are accountable for results through a performance-based contract with a local school board, state, or other public institution. A charter will only be renewed if the school meets performance standards as outlined in its contract.

President Clinton is proposing a substantial increase in federal start-up funds to help parents, educators, and others create 3,000 charter schools over five years. This will address a critical need, as lack of access to start-up funds has been identified as the largest barrier to the development of charter schools. The federal charter school start-up program was proposed by the Clinton Administration in 1993, and enacted by Congress in 1994. In its first year, Congress provided \$6 million for the program, and the Clinton Administration awarded grants to help start charter schools in 11 states. President Clinton requested \$20 million in FY 96.

Charter schools expand choice in education for families, providing options for people dissatisfied with public schools. They can strengthen community and parental involvement in education, and support innovative ways to help children learn. Charter schools provide dramatic flexibility in exchange for accountability for achievement and results. They continue to operate only if they meet performance benchmarks established in a contract, and if they attract students and families to the school. Where school districts don't meet local demands for high standards (or for safe and disciplined learning environments, effective use of technology, and other needs) charter schools can be developed to better address parental expectations. Finally, the presence -- or even the possibility -- of charter schools can create competitive pressure on school districts to accelerate their own reform efforts.

An Urban Push for Self-Reliance

By HUGH PEARSON

LANSING, Mich.—Freya Rivers, an elegant African-American woman in a traditional West African print dress, walks in front of the 132 black students ranging in age from 2 1/2 to 10 who attend Sankofa Shule, the charter school she opened last fall here. This Thursday morning she is leading "Affirmation Group," held in the large open space of the former cosmetology academy that Sankofa leases in a neighborhood of single-family homes. In Affirmation Group the students pledge their commitment to core principles, such as truth, justice and righteousness.

Afterward the children will break up into classes ranging from preschool to the fourth grade, where they learn the same basic elementary school courses taught in other schools, but with a black heritage theme. They attend school in African-style clothing, learn African history before learning the history of any other people, and immediately receive exposure to the black African language of Kiswahili.

Tired of Waiting

Sankofa Shule is but one example of the many private, religious and charter schools nationwide launched by African-Americans fed up with waiting for slow-moving bureaucracies to improve public education. The Washington, D.C.-based Institute for Independent Education estimates that there are 390, enrolling 70,000 to 80,000 students. They range from charter schools with Afrocentric curriculums such as Sankofa, to charter schools with traditional curriculums such as the Johnson Elementary School in San Diego, to private nonreligious schools with traditional curriculums such as the Ivy Leaf School in Philadelphia, to religious schools like the Nation of Islam's Mohammed University of Islam in Chicago and the Allen A.M.E. Church's Allen Christian School in New York City.

Most of the schools are small, with enrollments of 50 to 400 students. The private and religious schools charge tuitions of \$1,500 to \$4,000 a year and have long waiting lists of students eager to attend—and many families struggling to meet even these relatively modest costs. On average, 22% of students come from families making less than \$15,000 a year; 35% hail from

families making \$15,000 to \$30,000; only 13% of families make \$50,000 or more.

In Michigan, one of only six states with laws allowing wide latitude in the creation of charter schools (the others are Arizona, California, Colorado, Massachusetts and Minnesota), the founding of black charter schools, or transformation of black private schools into charter schools, is a popular way of providing more black youths with educational alternatives. Blacks constitute only 14% of the state's general population

schools launched by blacks. According to the Institute for Independent Education, on five major standardized tests, students in these schools generally perform above the national norm in reading and mathematics. Sankofa teachers and students need look no further than 88 miles away in Detroit, at the Aisha Shule Community Educational Center, to see the possibility of such a future.

Twenty years ago, Aisha Shule started out as an Afrocentric private school edu-

list of 250. The school will not expand beyond 250 students because Ms. Humphrey is convinced that remaining small is the way to remain high-quality. And she believes that opening small charter schools, rather than providing school vouchers, is the key to offering better schools to youths whose families can't afford private education. Eventually she would like to help others start schools like hers. But currently she is too busy ensuring that it improves even more in quality.

Ms. Rivers shares Ms. Humphrey's beliefs, and time constraints. She has no intention of expanding Sankofa Shule's enrollment beyond 200 students, feeling that, among other things, keeping it small is the key to retaining parental involvement. Currently, Japanese is taught by parent Chandra Pasley, who lived in Japan for 16 years. (French and Spanish are also available.) Her commitment to the school mirrors that of parents such as Linda and Travis Sherer, who mortgaged their home to secure the financing to lease the school's building, since state money didn't arrive until 1 1/2 months into the school year.

'A Good Foundation'

"We decided to help launch the school and send our six-year-old son, Jason, to it because of its individualized instruction," says Ms. Sherer, an attorney with the Michigan Court of Appeals. "I've seen what happens to young black kids in the Michigan criminal justice system. We decided that either we would pay up front and give our boy the opportunity to get a good foundation, or suffer the consequences."

In fact, so committed are the parents of Sankofa students to finding a new way to provide a good education to their kids that they've come up with a novel solution if one of their children acts up in school. Rather than suspend the child, the child's parent is suspended from work. One parent must take time off from work and attend school with the child all day and work with the school to iron out the problem.

"So far we haven't had one parent who hasn't shown up, or one child who has continued to act up," says Ms. Rivers. "They know that we're all in this together, that it's all on us. If the education of black children is really going to improve, it will have to be done by black people."

Mr. Pearson is a Journal editorial page writer.

African-Americans are fed up with waiting for slow-moving bureaucracies to improve public education.

and 16% of its public school enrollment. Yet since January of last year, when the charter law was approved, 31% of the 42 charter schools opened have been started by blacks. And 39% of charter school students are black.

Each charter school must agree not to discriminate on the basis of race or creed, or teach a particular religion. And each receives \$5,500 a student from the state.

Ms. Rivers and the parents and teachers who helped her launch Sankofa Shule have two years to prove that they can provide a higher quality education than regular public schools in the state capital. At that point Sankofa's students will submit to the same tests administered to all Michigan students by the Michigan Educational Assessment Program.

Ms. Rivers, a former frustrated Lansing public school teacher who now happily wears the hats of school principal, district superintendent, full-time language arts teacher, and part-time janitor and nursemaid, is confident that Sankofa students will meet or exceed the test standards. "I have two students who were in special education [in traditional Lansing public schools]. They couldn't even write their names or recognize any words. . . . I use the same methods to teach them that I use with the other students. Now both of them are writing sentences."

If outperforming Lansing's regular public school students is Sankofa's goal, then it will merely be part of an established pattern of competence among

cating preschoolers through eighth-graders. But when Michigan's charter law was passed, rather than continue to charge a tuition of \$2,750 for elementary school and \$3,600 for the high school it opened in 1992, the school applied for and received charter status.

Aisha Shule's superiority to Detroit's regular public schools can be seen from scores on the Michigan Educational Assessment Program. Students can score satisfactory, moderate or low on the tests. Last year only 22% of regular Detroit public schools' seventh-graders scored a satisfactory in reading, compared with 71% of Aisha Shule's seventh-graders. Only 22% of regular Detroit public school seventh-graders achieved a satisfactory score in math, compared with 64% of Aisha Shule's seventh-graders. Last year all eight of the school's 11th-graders achieved a score of satisfactory in science. By contrast, only 34% of regular Detroit public school 11th-graders did.

"There were a lot of people who always wanted to put their children in our school but couldn't afford it," says founder Imani Humphrey. "Charter status has allowed us to expand our enrollment, obtain computers and pay more equitable salaries to our teachers, though they still don't make as much as regular Detroit public school teachers." Salaries are about 75% of what the regular public school system pays. "In spite of that I'd rather teach here than in the [regular] public schools because I have a lot more latitude in what I teach, and how I teach it," explains social studies teacher Hasina Murphy.

Last year, as a private school, Aisha Shule enrolled 90 students. As a charter school, it now enrolls 210 and has a waiting



Dore - Charter Schools

Can We Afford to Give Up the Drug War?

By RACHEL EHRENFELD

William F. Buckley Jr.'s National Review cover supporting drug legalization has renewed a major economic and cultural debate. Until the early 1990s, the voices to legalize drugs were not in sync. This picture changed when international financier George Soros donated \$6 million to the Drug Policy Foundation, \$4 million to his own Lindesmith Center, \$3 million to Drug Strategies, and smaller grants to a variety of institutions in the U.S. and abroad. His sponsorship unified the movement to legalize drugs and gave it the respectability and credibility that it lacked. Mr. Buckley's latest endorsement of legalization has added "intellectual" weight to the movement.

Mr. Buckley and his legalization allies proclaim that the war on drugs is lost (see box). In fact, the two long-term, scientifically conducted annual studies—the Monitoring the Future Study and the National Household Survey on Drug Abuse—reveal that since peak usage in 1979, drug use has dropped to below 13 million from 24 million among children over age 12, despite the increases of drug use among teenagers in the past four years. Imagine, if we had reduced adolescent pregnancy or violent crime by almost 50% in the same period. Would anyone call that a failure and demand capitulation to such disruptive forces in or society? The legalization proponents' message is that drug use is here to stay, constituting a civil right. But murder, rape, and robbery are with us, too, and most occur when the perpetrator is under the influence of mind-altering substances. Should these actions also become civil rights?

Mr. Buckley laments that nearly 50% of the one million state prisoners are there as a result of the drug war, but U.S. Bureau of Justice Statistics reports refute this assertion. About 94% of prisoners are there for violent or repeat offenses, according to a 1991 study. The other 6% are first-time, nonviolent offenders for all categories of crime. Furthermore, more than four times as many murders are committed while under the influence of drugs than are committed to get money to buy drugs. Drug arrests continue at a high rate because people under the influence of drugs commit antisocial acts that attract police attention. Contrary to the theory that the drug

war causes our society's problems, the reality is that it is drug use that exacerbates many of society's ills.

Legalization advocates also maintain that the overdoses associated with cocaine are caused by impurities in the product. But scientific studies, such as the one in 1994 headed by Dr. Roger Weiss, prove that cocaine deaths are nearly all related to cardiovascular failure.

It is suggested that we legalize drugs, tax them, and use the vast windfall taxes to fund education and treatment to discourage drug use. Let's review our experience with legal drugs. We collect \$12 billion in taxes annually from tobacco sales, and the estimated health costs associated with tobacco use is \$75 billion a year. We collect

\$20 billion in taxes from alcohol sales, and the combined figure for alcohol-related health costs is \$140 billion. How many of these bargains can we afford? How much would the government have to collect in taxes to offset the problems with wider drug use that would follow drug legalization? Would it price government drugs out of the market? Who will control drug production—the government or pharmaceutical companies?

The pro-legalizers claim that the price of government-provided "legal" drugs would significantly lower their current price, removing the necessity to steal in order to secure drugs. The current wholesale price for an ounce of pharmaceutical cocaine for medical use is about \$1,900. The wholesale price of an ounce of street cocaine in New York ranges from \$800 to \$1,200. Allowing for the difference in purity, the price is about the same. Will the pharmaceutical companies be willing to give up their profits? How much would governmental administration add to the cost, and what will happen when the "tax" is added on? Who will investigate the black market that will try to supply groups prohibited by law from receiving drugs—adolescents, airline pilots, police officers, etc.? Once the drugs are on the free market, could advertising be far behind?

Over the years, Mr. Buckley, noting the objections to adolescent drug use, has suggested that, while we legalize drugs, we should institute the death penalty for those who sell drugs to persons under 18. We have extraordinary difficulty in carrying out executions of criminals convicted of particularly heinous crimes. Does Mr. Buckley really believe that we could extend the ultimate penalty to 12-year-olds selling drugs in the school yard or on the playground?

A recent national Gallup Poll revealed that 85% of Americans reject drug legalization. The public views the issue through the lens of common sense. It realizes that being under the influence of mind-altering substances is the problem, not the drug law.

Ms. Ehrenfeld, author of "Evil Money and Narco Terrorism" (Basic Books), is currently writing a book on the movement to legalize drugs. Wayne J. Roques, a retired Drug Enforcement Agency official, contributed to this article.

A War Against Practicality

Back in 1965 I sought to pay due deference to libertarian presumptions against outlawing any activity potentially harmful only to the person who engages in that activity. I cited John Stuart Mill and, while at it, opined that there was no warrant for requiring motorcyclists to wear a helmet. I was seeking, and I found it, a reason to override the presumption against inviting the intercession of the state.

About ten years later, I deferred to a different allegiance, this one not the presumptive opposition to state intervention but a different order of priorities. A conservative should evaluate the practicality of a legal restriction, as for instance those states tend to do whose statute books continue to outlaw sodomy, which interdiction is unenforceable, making the law nothing more than print-on-paper. I came to the conclusion that the so-called war against drugs was not working, that it would not work absent a change in the structure of the civil rights to which we are accustomed and which we cling to as a valuable part of our patrimony. And that if that war against drugs is not working, we should look into what the drug war does, a canvass of the casualties consequent on its failure to work.

—William F. Buckley Jr.,
editor-at-large of National Review,
in the Feb. 12 issue.

Educ -
Charter Schools

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

06-Nov-1995 09:16am

TO: Bruce N. Reed
TO: Jeremy D. Benami

FROM: Paul R. Dimond
 National Economic Council

SUBJECT: School-to-Work/Charter Schools

Bruce and Jeremy,

1. School-to-Work. DoEd has put in at most a place-holder for this. We need to reconfigure to build off of potential for change (political, insitutional, state-by-state, local labor market by local labor market that may be possible in implementing youth portions of G.I. Bill for America's Worekrs -- it will have a strong STW component, and the issue will be how to make work in poor communities isolated from mainstream. How about adding as a supplement our proposal for National Service from two years ago: for local schools/workforce-higher ed public-private partnerships that want to apply, make available 5 National Service participants to pull together networking, mentoring, employer/college work-based learning experieinces? If we did this in 2000 high schools, we'd be at 5 x average cost of National Service Participant x 2000 for budget purposes.

2. Charter Schools Why not ask all Chapter 1 eleigible schools to provide public school choice/time-limited performance measure as condition of receiving federal funds? or condition any Ed Tech Truct fund on public school choice/time-limited performance measure for participants? This might be viewed by some as too "heavy-handed" -- but if we really wnat to make performance partnership mean anything more than bureucratic mumbo-jumbo, why not put schools at forefront of becoming the electronic clipper ships to help all youth make a successful crossing to meeting challenges and seizing opportunities of 21st century? I fear the DoEd proposal is both too incremental and too much subject to discretionary carrots of federal spending -- why not tie to what other reforms we are already (or soon may be) fincnancing.

Thoughts

Dimond

DRAFTWKFFIDRAFT, 12/18 P.2/10Educ. -
Charter
Schools**CHARTER SCHOOLS AND EXPANDED PUBLIC SCHOOL CHOICE****BACKGROUND**

Neither the administration nor the congress are yet fully tapping into the American public's concerns and values about K-12 education in this country. Important goals for public schools articulated by this administration (e.g., investing in higher standards, safe and disciplined schools, students learning the basics, computers, and involved parents and communities) seem to enjoy strong support from the majority of Americans. However, support for our educational goals is undermined by widespread skepticism about the ability of the current public educational system to reform itself or move significantly toward achieving these goals. As a result, discussion of these attractive themes -- decoupled from any believable way to make them happen -- does not captivate public or media attention.

Meanwhile, voucher proponents tap into this dissatisfaction with calls for using public funds to support tuition payments to private schools, and aiding those students who are perceived to be caught in a bureaucratic and dysfunctional system. Indeed, Americans want change in K-12 education -- even if many think their own children's schools are OK. But this lifeboat theory, calling for saving a few kids from a public school system labeled as a failure, runs aground on an abiding belief in the importance of the American public school. For now.

Addressing public concerns about K-12 education would require reforms more far-reaching than most Democrats currently promote, and more rooted in the American tradition of public schooling than many Republicans support. To this end, the administration could make a passionate defense of public education in this country -- along with appeals for parental choice among public schools, and independent and autonomous charter schools accountable to parents, and for results -- all in context of results-based accountability systems geared to challenging standards and assessments.

Accountability
Barometer**I. FRAMING THE INITIATIVE**

A way of talking about this initiative might be "Every student in America should have access to a good public school. To this end, this administration is already heavily investing in high standards, technology, the basics, preparation for the workplace, safe and orderly schools and involved parents and communities; indeed, much of the budget battles with Congress have been protecting these investments. We are going to redouble our efforts in these areas, along with a major new initiative to support public charter schools and expanded public school choice.

"The purpose of this initiative will be to insure that any parent whose child does not have access to a quality education should be able to send their child to another public school. And where there isn't space or adequate access to quality education in another nearby public school, parents should be able to send their child to -- or even help form -- an independent public charter school. Indeed, to have meaningful choices, these public charter schools (and their partners, whether they are universities, non-profits, or business) should be free to be more responsive to the needs and interests of parents and students, than to the dictates of a centralized governance system, as long as that school is held accountable for results. Moreover, if a local school doesn't use our -- or other resources -- to reach high standards and be responsive to parents, a quality and publicly accountable charter school should be able to use these investments instead."

-2-

Advocacy for charter schools can be effectively used as a counter for vouchers, and indeed a way to sharpen the differences between those who are for, and those who are against, public education. Discussion of charter schools can go hand-in-hand with a defense of public education as a cornerstone of American Democracy, equal opportunity, and a way for people to learn from, and thrive on, the diversity that exists in this country. Indeed, public schooling in this country is a critical foundation for public life, and for maintaining a strong and cohesive middle class that is the best bulwark against the deterioration in other countries of ethnic, religious, and economic differences into violence and wars. Charter schools can also help demonstrate this administration's interest in improving, even shaking up the public school system, while protecting it from those who would destroy it. [Language here can be subtler, more effective]

II. SUBSTANTIVE ELEMENTS OF INFUSING A CHARTER AND PUBLIC SCHOOL CHOICE INITIATIVE INTO OUR EXISTING REFORM AGENDA

NOTE: We need to identify a series of steps that need to be taken, research and information gathered and analyzed, and meetings, to flesh out this initiative. An initial meeting might discuss these options, raise others, and agree on immediate next steps and a timeline for those. For now, here are possible elements of an initiative:

- The President would propose a dramatically increased appropriation in the federal charter schools "venture capital fund", providing start-up funds for charter schools nationwide. Indeed, in a nationwide survey this summer, lack of access to start-up funds was named by charter school developers as the most significant barrier to their success. The President could call for an increase from the current \$6 million appropriation to \$50 million in FY 1997, gradually increasing to about \$250 million in FY 2001. This could provide start-up funds for 250 charter schools next year, 500 the following, and roughly 2500 charters by the Year 2000. (Ck figures.) Appropriations could be larger, perhaps even within the current authorizing language, if funds were used to support "schools-within-schools" that people don't currently think of as charters.

- The President (and Secretary Riley) could deliver a series of speeches articulating the importance of public schooling in America, along with the need for high standards, technology, and public school choice and charter schools where children are not getting a good education. (See pages 1-2, "framing the initiative"). The State of the Union Address is one obvious forum for this, as is the Secretary's State of Education Address the following week. Other potentially effective uses of the bully pulpit, and ways for the President to provide visible leadership on charter schools and public school choice, would be speeches in targeted states where a) charter school, and voucher debates, are taking place at the state level (e.g., Pennsylvania, Ohio, Wisconsin, Michigan, Minnesota, Colorado, California, or Florida); or, b) debates are taking place about the development of individual charter schools in communities where there may be concern, or misunderstanding, about the charter concept.

Another forum for speeches -- at least, in states already receiving federal charter school start-up funds -- would be at individual charter schools receiving start-up funding in state competitions held with federal charter schools grants. Visits to very successful charter schools (some of the best are in California and Minnesota) are always another option.

Because the concept of charter schools is not yet widely understood, there is a real opportunity for this administration to show leadership on this issue, and to be associated in the public mind with an idea that -- once understood -- is likely to be very appealing.

- The President and Secretary could call for all states to consider enactment of charter school laws within 12 months. Among other forums for this appeal might be President's speech to the Education Summit to be convened in March by the nation's governors and CEOs. While 19 states have enacted charter laws, more than half a dozen of the remaining 31 are expected to debate charter legislation next year.

- The President and Secretary could call for states with weaker charter laws to strengthen their laws, and to devise strategies for fostering the growth of many more charter schools in their state. "Strong" charter laws are important, because they tend to produce more charter schools. Currently, only nine of the 19 state charter laws are considered strong, and 190 out of the 200 existing charter schools are in six of those nine states. "Strong" provisions include permission for a variety of public authorities to grant charters, providing an appeals process when charter applications are rejected, providing greater autonomy to charter schools, and placing a less stringent cap on the number of charters that may be awarded.

- The Administration could provide leadership and broker technical assistance in areas critical to the success of charter schools. Key areas of assistance and training include all activities related to starting up what is essentially a small business (budget and finance, accounting, payroll and pension, insurance purchasing, real estate, as well as general leadership and management), and development and use of accountability systems including standards and assessments. In theory, one of the greatest benefits of a charter school is accountability, with a charter closing if it does not meet agreed-on performance goals. In practice, charter schools, and sponsoring agencies, are struggling with the definition and use of indicators for school success. Effective forms of technical assistance:

- A White House Conference on Charter Schools and Public Schools could provide support and visibility to the charter schools initiative. Such a conference could be a forum for convening businesses, museums, universities, and others to explore becoming partners and sponsors of charter schools. The President or Secretary could announce at the conference the formation of charter school leadership committees involving these institutions.

- The Department of Education or White House could convene meetings on specific issues involving charter schools, and relevant experts. For example, the Department of Education could convene a meeting with standards and assessment experts (or in another meeting, accounting, insurance, or real estate experts), and charter school developers, where the group would identify issues needing attention, and establish a plan and timetable for addressing those problems. Solutions might include the development of business software -- or a new kind of liability insurance -- designed for charter schools.

- The Administration could call for, and support the development of, graduate schools that include centers for preparation and ongoing training for people in charter schools. Such a center would combine relevant business and education training, in innovative ways. The center might help its students learn about such as issues as how to use educational research to drive the development of a school; it might provide training needed to set up a small

-4-

business; it might combine teacher and administrator preparation, breaking down institutional walls separating teachers from school administrators; and it might provide training to people from outside education (whether from business, the military, or elsewhere) who want to use their talents and knowledge to contribute to education. In fact, this center could dramatically expand the pool of people able to launch and participate in successful charter schools. It could also be at the forefront of efforts to reform schools of education. These reforms are widely acknowledged to be urgently needed, and currently happening far too slowly..

In order to be near to the highest concentration of existing charter schools, a center might be developed at a university in California, another in the midwest, another in Texas, and another in Massachusetts. The President and Secretary could provide leadership in the development of these centers, without spending federal funds, by asking business and universities to fund these efforts. Indeed, this could become a new, very attractive way for business to support public education reform.

-- The Administration could explore ways to provide charter schools with better access to transportation and facilities, including through leveraging private sector funds. Transportation, and particularly lack of access to adequate facilities, have been identified by charter schools as major barriers to success. Identifying sites for possible use by charter schools, including converted military bases, public housing complexes, and commercial space near where many parents work all could help address current lack of access to adequate facilities for charter schools.

- The Administration could call for, and support, a charter schools initiative in Washington, D.C. The President could call for charter schools legislation, either by the Congress or by the City Council, and pledge this administration's full support for charter schools here if such legislation is enacted. Among other activities, the President could hold a press conference announcing plans to form several public charter schools under the auspices of the Smithsonian (or a local military base) if charter legislation is passed. The Administration could also provide and broker intensive assistance to charter schools and their sponsors, along the lines described above.

In particular, the resources of the Smithsonian, a branch of the federal government, are vast (14 museums, and 1500 professionals with substantive expertise) and could be powerful tools to support effective public schooling in D.C. A Smithsonian American History public charter school, for example, could get considerable national media and public attention, and could become a symbol for the promise of charter schools. To do this, meetings would need to begin soon to develop this concept. A first step might be a meeting between Secretary Riley, the Secretary of the Smithsonian, and the superintendent of the D.C. schools. These would be followed by staff meetings to develop plans for proceeding further.

A White House conference solely on D.C. charter schools might be extremely worthwhile.

● The President could propose a new free-standing charter schools and public school choice bill to Congress that would have several components.

-- First, the bill would clarify how allocations of federal funds would be made to charter schools, while insuring adequate flexibility in the use of these funds by charter schools. Currently, some charter schools are experiencing difficulties getting their fair share of federal program funds, while retaining adequate independence from the nearby school district in choosing how to spend these funds. Some of these problems stem from technical issues associated with current law, and others stem from poor relationships between charters and the school districts that feel threatened by competition. A bill would address these problems.

-- Second, the bill would authorize a \$100 million "public school choice and competition challenge grant" that would support efforts by school districts, states, and networks of schools or teachers to promote greater competition in public school systems. The purpose of this challenge grant would be to foster creative thinking about a variety of strategies, by many different people and institutions, to draw on the principles of competition and choice to support high-quality public schooling. Uses of funds might include: the development of consumer information systems, school choice directories, and training helping parents to make informed decisions about where to send their child to school; supporting networks of individual schools in developing curricula, and marketing those curricula to other schools or school systems; supporting the development of associations of teachers that would market their services to interested schools or school systems.

-- Third, the bill could authorize a national business organization to coordinate efforts to raise funds and support the kind of charter school activities described below. This would be similar, in some respects, to the National American Schools Development Corporation (NASDC) started in the Bush Administration, except with a focus on charter schools and public school choice. One option might be to authorize an existing organization, such as the National Alliance of Business or the Council on Basic Education, to do this work. The bill might authorize one year of start-up funds to get this effort off the ground. [Take this paragraph out?]

-- Fourth, if charter schools legislation is not enacted by the D.C. City Council, the Administration could call for federal legislation to authorize charter schools in Washington D.C., now that Congress has junked charter schools language passed by both the House and Senate in order to keep vouchers out of the D.C. appropriations bill. One vehicle to do this would be including language to authorize D.C. charter schools in a free-standing charter schools bill proposed by the Administration.

III. WHY WE NEED THIS INITIATIVE TO BOLSTER THIS ADMINISTRATION'S EDUCATION REFORM AGENDA

For several reasons, an initiative to support charter schools and expanded public school choice might be critical in translating this administration's vision for education reform into reality. To explain why, this section provides an overview of our substantive education reform agenda, limitations of these current efforts, and how charter schools can help overcome these limitations. At the end of the section is a quick sketch of a future educational system that includes standards, charter schools, and public school choice. [This entire section might not appear in document for White House, or at least just in abbreviated form.]

A. This Administration's education reform agenda.

The vision for K-12 education reform in this administration has, so far, included these components:

1) States will have adopted challenging academic standards and assessments. Goals 2000, Title 1, and a few small discretionary grants will support the development of these. In public, these days, we talk about "high standards of achievement and discipline", or "supporting the basics and preparing students for the workplace and citizenship."

2) States, school districts, schools will use their resources -- including federal programs -- to improve achievement geared to challenging standards, as measured by assessments and other indicators of student success. To make it easier to use federal resources effectively and coherently -- and perhaps drive more effective use of state and local resources as well -- we are trying to shift focus of federal programs from compliance with rules and regulations to a focus on results, i.e., how well states, districts, and schools use these programs to help students achieve to the standards they set. To some extent, the administration is also trying to shift from use of specific programs for specific groups of children, toward use of programs to support overall improvements in state and local education systems and, increasingly, in schools. The idea is that these overall improvements -- especially improvements of schools -- will best help all students learn, including the children who are most in need. Schoolwide provisions in Title 1 might be the most dramatic example of these shifts, and how they might enhance effective use of federal funds to support student learning.

3) Parents, business, and communities will be actively involved in shaping education decisions, and be regularly involved in children's learning. Development of state and local citizen panels under Goals 2000, parent contracts in Title 1, School-to-Work, expansion of Even Start, and the Secretary's family involvement initiative all support this involvement.

4) Schools will prepare students for the world of work, the age of information and technology, and will provide all students with safe, orderly, and disciplined environments in which to learn. Communities and schools will have used some seed money (technology challenge grants, safe and drug free schools grants, and school-to-work), along with other federal, state, and local resources to do these things. Arguably, improving academic achievement will also help schools succeed in each of these efforts.

B. Limitations of current federal efforts to achieve our vision of education reform.

If this is roughly the administration's current agenda in K-12 education reform, several factors may make our current efforts -- while helpful -- fundamentally inadequate to lead to the realization of our vision for educational change. These factors include:

1) There are several reasons why our initiatives do not take the above principles to their logical conclusion. For example, although we call for "unprecedented flexibility and cutting red tape", we actually rely on limited and clumsy tools for supporting this claim. While changes in federal law permitting greater flexibility, waivers, consolidated planning are helpful -- and could potentially set a model for states and districts to follow in using their own funds -- their ability to provide real flexibility for schools is limited.

For example, the provision-by-provision waiver approach -- while a significant step forward -- is still a cumbersome way to provide flexibility. It is unlikely to be taken full advantage of by schools who don't fully understand federal law and, furthermore, are often part of school districts and states that prefer adding, rather than reducing, restrictions on schools. Even in the best case scenario (i.e., well-informed schools in sympathetic school districts), schools will still need to go through a fairly onerous process -- at a particular time each year as they finalize budgets to get specific provisions waived. While helpful, this process leaves schools in the position of needing to understand many process restrictions, and make a case to 3 different levels of government that they should be removed. Consolidated plans provide another example, for they in no way affect how schools, districts, and states can spend funds, or operate federal programs.

Moreover, because federal funds comprise such a small portion of funds used by schools, even maximum provision of flexibility affects only a relatively small portion of a school's budget -- not enough to change the way an entire school functions. Finally, federal funds are the most narrowly designed to help specific groups of children; therefore they are the toughest to shift from a program-by-program focus on inputs and regs to results for a whole school. The limitations of a shift toward flexibility are most apparent in IDEA, but also in other federal programs, including targeted assistance schools under Title 1.

Flexibility is just one of the many areas of federal activity in which our rhetoric cannot easily be matched by our ability to deliver. Important exceptions might include educational technology and the development of systems of challenging standards and assessments.

2) Further complicating our ability to drive educational change is the lack of evidence that those we are investing in to lead education reforms -- state department of education and school districts -- are willing or able to carry them out. Our reform strategy relies principally on these organizations to design and implement systems of standards and assessments, as well as reform plans geared to them. While reliance on SEAs and LEAs to drive education reform was probably helpful in enacting Goals, IASA, etc, these organizations could be the least likely to make changes in educational systems needed to accomplish this vision: after all, these changes, followed even halfway to their logical conclusion, would deprive these organizations of much of their power, \$, jobs, sense of stability and role, and would be antithetical to their current culture.

-8-

Indeed, the very reason-d'etre of these organizations is, in many cases, to set and enforce rules and enforce others who do the work. Now we are asking them to junk the rule-based approach that has traditionally been the basis for their authority, size, and existence. Furthermore, even where there is an individual school district willing to assume this leadership, a reluctant state department of education can stymie their reform efforts.

In other words, we might be calling for the right vision, but investing in the wrong people to lead the way.

3) Fashioning an effective public message around, or building public support for, our substantive agenda is difficult. After all, a public message is not likely to be effective unless it is tied to activities that the public or media believe will make a difference. And it is difficult to see the direct effect of our federal efforts -- obscure, remote and arcane to the average citizen -- and educational change. The public might be more impressed with arguments that truly might be related to significant change, where needed, in American schools.

Our more recent message on education -- aside from the effective message on the budget -- has been a discussion of our educational goals and values that we think the public shares. This message is appealing because it may help persuade people that the President and Secretary share their values. But it does not really directly advance our education reform agenda.

C. How charter schools can help overcome these limitations.

Charter schools can truly provide flexibility, autonomy really, for schools willing to be held accountable for standards. They provide a way to drive change in public education, shifting power where necessary from school districts. They provide an effective way of involving, and truly empowering, parents and communities. Moreover, as schools that are closed if they fail to meet performance goals, they truly -- if tied to systems of challenging standards and assessments -- provide accountability in public education. Finally, charter schools can be an attractive way to get across the message of serious change where needed, while still preserving the American tradition of public education.

Clearly, the ability of the federal government to drive public school change through charter schools is limited. But forceful use of the bully pulpit, as well as budget and other legislative proposals, can place charter schools at the center of education reform discussions. And subsequent creation and flourishing of charter schools will provide one visible picture of how federal and presidential leadership can lead toward the achievement of our vision: access to a good education for all students through high standards, federal investment, and parental choice.

D. Fleshing out a vision of a future system of public education.

A quick sketch of a future public educational system, run on these principles, might help clarify what steps are needed now to move us in the right direction. Ultimately, an educational system truly run on these principles might look like the following:

Any interested school, or partnership of teachers and an outside organization, could become an independent public charter school if it had a quality plan for helping children learn and succeed, the capacity to implement that plan, and willingness to be held accountable for academic and other clearly defined performance standards. In return, the schools would be given real autonomy from centralized educational agencies, and freedom from endless worries about red tape and compliance with centrally-determined rules. Charters would be approved for continuation every 5 years if they met their performance standards; otherwise, they could be closed.

Many schools would choose to become charters, many others would remain part of their local school district. Some school districts would sign performance contracts for all of their schools, setting out performance goals, and giving additional flexibility from laws and rules.

But all schools -- or school districts -- would choose among many challenging standards and assessment systems to serve as the basis for a result-based accountability system for the school, as well as a framework for the curriculum, professional development, and other activities at the school. These standards and assessments might be selected from the state in which the school is located, from another state, or from among nationally recognized standards like NCTM or the national science or civics standards.

Meanwhile, any parent could send their child to the public school of their choice. That school might be a charter school, a "regular" school, or a "school-within-a-school." All parents would have clear, understandable, and relevant information about their alternatives, including information on the standards and assessment system used by the school, and progress of the students at the school on those systems. Parents could also choose schools, or help form schools, with special emphases like discipline and uniforms, technology, more individualized attention, a traditional, or an interdisciplinary curriculum. Or, they might choose schools because a school sponsor is a particular museum, library, or kind of business.

Also, a range of organizations -- including universities, other non-profits such as museums, libraries or zoos, businesses, community organizations, and even the military -- would become active partners with many of these schools. While many of these organizations now grow frustrated with barriers to partnerships under the existing system, they would be able to help co-design and co-sponsor schools, infusing their resources, people, and knowledge into making a particular school work.

Other organizations would compete to provide services needed by the independent schools, leading to more efficient provision of truly needed services and supplies. These services might include curriculum development, professional development and teacher training, and assistance with budgets, payrolls, and pension systems. Already, charter schools tell stories of finding deals, and paying one-fifth of the cost that would have been paid by their school district for such supplies as portable classrooms. This would reduce the now-frequent expenditures by school districts on administrative resources that are not necessarily of high quality, nor perfectly match school needs.

Networks of schools might form and provide many of the services now provided by school district central offices and other organizations. Such networks might organize around certain types of standards and assessments, or other themes that might tie together networks of schools.

IV. IMMEDIATE NEXT STEPS [Include in memo?]