

**facsimile**  
TRANSMITTAL

---

**to:** Tanya Martin and Jonathan Schnur  
**fax #:** 456-6231/ 456-5581  
**re:** The Church of Scientology  
**date:** September 18, 1997  
**pages:** 9, including this cover sheet.

Tanya and Jon:

Attached please find the information you requested on the Church of Scientology and a California charter school. I am also forwarding the EdWeek article, and a few descriptors from the Internet.

Please give a call if you need any clarification or further information-

Jennifer



From the desk of...

**Jennifer Grace Ryan**  
Education Program Analyst/ Charter Schools  
US Department of Education  
600 Independence Avenue, SW / Portals  
Building  
Washington, DC 20202-6140

202-205-0490  
Fax: 202-205-5630

*The September 17, 1997 issue of Education Week, "Texts Highlight Scientology's Role in Education" by Mark Walsh. (Pp. 1, 14-15)*

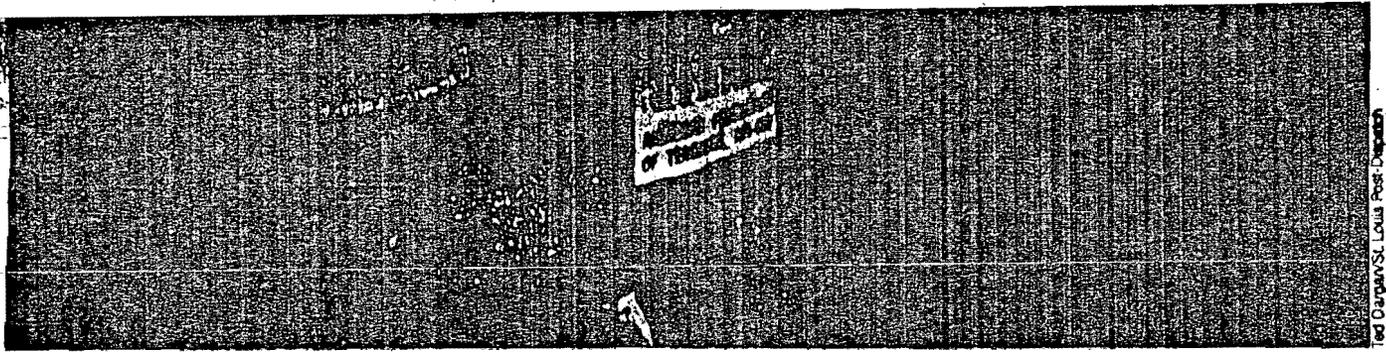
### **The Charter Application:**

- ◆ Linda Smith, a former special education teacher in the Los Angeles School District, submitted a charter school application this year to create K-8 charter school of 100 students in San Fernando Valley.
  1. According to Joe Rao, a district official who oversees the charter process, Ms. Smith has temporarily withdrawn her charter application.
  2. The review process which examined the application found the use of 5 texts (described below) questionable. The school board's lawyers planned further investigation.
  3. The application revealed no connection to the Church of Scientology other than use of the texts.
  4. The texts are currently under revision and awaiting approval for admission to the California State Department of Education approved text list. There have been scattered uses of these texts by other public school teachers for years.

### **Background on the Texts:**

- ◆ The California Department of Education received a request last year from an LA Publisher, Bridge Publications, to place 5 study-skills books on the state list of approved learning materials (*Grammar and Communication for Children, Basic Study Manual, How to Use a Dictionary Picture Book for Children, Learning How to Learn, and Study Skills for Life*). The books are based on the teachings of L. Ron Hubbard, the late founder of the Church of Scientology. This list includes thousands of books that California districts are authorized to buy with public dollars.
- ◆ California education officials submitted the Hubbard-inspired books to a review process that all supplementary books go through. "While core textbooks receive far more rigorous scrutiny, supplemental materials need only satisfy "social content" requirements. (No ethnic disparities, gender disparities, or encouragement of religion)." There were some gender problems with the texts (girls sweeping, boys playing with tools) and little diverse ethnic representation, but the review committee that evaluated the books concluded that they did not appear to advance the religion of Scientology. In July, Bridge Publications, publisher of the texts, received preliminary approval from state officials for changes the publisher planned to make to the texts. Ruth McKenna, chief deputy superintendent for the state of California, has stated that the "The books on sale today are not approved".

FROM SCHOOL IMP. PROGRAM (THU) 9:18:27 11:25/ST. 11:22/NO. 4260316149 P 3



Red O'Quinn/St. Louis Post-Dispatch

Teachers picket outside East St. Louis High School in Illinois in one of the nation's most troubled school districts. Though the strike season had a slow start, labor unrest in schools has picked up in the past week. See Story, Page 6.

recommended by Republican critics and approved by administration officials. The proposal passed, 88-12, after almost a week of negotiations between Republicans and the White House.

But talks broke down in the House, where testing opponents predict they will have the support of close to 300 of the chamber's 435 members for an amendment to halt work on the voluntary new assessments. The House delayed its vote on a testing amendment until this week.

The two chambers' differences will have to be settled in a House-Senate conference  
*Continued on Page 26*

# NCATE Told To Emphasize Technology

By Ann Bradley  
Washington

Now teacher graduates aren't fully prepared to use technology, warns a report released here last week that calls for the national organization that accredits education schools to take "vigorous action" to remedy the problem.

The report, "Technology and the New Professional Teacher: Preparing for the 21st Century Classroom," was written by a task force convened by the National Association for Accreditation of Teacher Education. NCATE is a Washington-based coalition of 30 organizations that sets standards for education schools and accredits about 600 institutions.

"We are certainly concerned about the state of technology programs for the nation's teachers," said Arthur E. Wise, the president of NCATE. "If you believe that the day has finally come for technology to transform teaching and learning, it's time for the nation's teachers to be prepared."

*Continued on Page 13*

# Texts Highlight Scientology's Role in Education

By Mark Walsh

The California Department of Education received a request last year from a Los Angeles publisher to place five study-skills books on a state list of approved learning materials.

Such requests aren't unusual. The list includes thousands of books that California districts are authorized to buy with public dollars and that teachers may use in their classrooms.

The five books from Bridge Publications,

however, were all based on the works of L. Ron Hubbard, the late science fiction author and the founder of the Church of Scientology.

The books, with such titles as *Learning How to Learn* and *How to Use a Dictionary*, have drawn increasing scrutiny in the wake of a recent proposal for a Los Angeles charter school that had plans to rely heavily on the materials. As it turns out, there has been scattered use of the books by public school teachers in California and elsewhere for years.

The Church of Scientology has long been a subject of controversy over its efforts to gain acceptance as a recognized religion and its sensitivity to media scrutiny. In 1993, the church won its years-long bid for tax-exempt status from the federal government.

But much less has been known about its involvement in education.

For teachers and administrators, the attention sparked by the charter school proposal in Los Angeles highlights important questions about the quality of the study-

*Continued on Page 14*

**INSIDE**

**Intervention Urged**  
Don't wait until the last minute to offer help to students at risk of being held back a grade, the AFT says.  
*Across the Nation, Page 8*

**A Change at the Top**  
Arizona's new governor, Jane Dee Hull, vows to give high priority to children and education.  
*State Capitals, Page 18*

On the Internet: <http://www.edweek.org>

# Head Start Programs Back on Track In Denver Under New Management

By Linda Jacobson

With two new agencies in charge, many children in Denver's Head Start programs went back to school last week. But despite the new grantees' promises to repair the damage caused by the previous agency and to remake the program into a progressive blend of services for 2,000 poor children and their families, some parents were anxious when

they dropped off their preschoolers with new teachers in unfamiliar centers.

"Parents aren't sure what to think," said Yvette Moreno, whose son Joshua, 4, is in his second year of Head Start. "They were upset because they weren't notified that the same teachers weren't going to be there."

After waiting for more than a year to find out who would run the city's Head Start program—and wondering at times if there

*Continued on Page 16*

# Charter Proposal Spotlights Texts' Links to Scientology

Continued from Page 1

skills books as teaching materials, their possible links with Scientology's religious teachings, and the legality or appropriateness of using them in public school classrooms.

For now, many of those questions remain unanswered. Few education experts have studied the materials for their instructional value, though some critics charge that they are overly simplistic and that they contain subtle references to the church's teachings.

"I have some fairly serious questions about the constitutionality and, from a public-policy standpoint, the propriety of using these materials in public schools," said Douglas Mirell, a board member of the American Civil Liberties Union of Southern California, who has examined some of the study-skills books and compared them with materials from the church. "It seems like the books go out of their way to use terms that have a technical definition within the religion."

## Secular Mission?

Officials who oversee Applied Scholastics International, the Los Angeles-based organization that licenses the use of Hubbard's educational methodology, insist that its mission is purely secular.

"Applied Scholastics, for 25 years, has been and will always be a nonprofit organization that uses the Study Technology of L. Ron Hubbard," Rena Weinberg, the president of the Association

drug-abuse prevention and prisoner rehabilitation.

"Should L. Ron Hubbard be precluded from writing a book on grammar education?" Ms. Weinberg said.

Critics of the Church of Scientology charge that organizations such as ABLE and Applied Scholastics



Robert  
Vaughn  
Young

tics are "front groups" whose purpose is to gain wider social acceptance for the church itself.

"The idea is to create a link across the church-state chasm so you drag people across without them realizing they are going across," said Robert Vaughn Young, a former public relations official of the Church of Scientology who is now one of its most outspoken critics.

Ms. Weinberg vehemently disagreed. "Vaughn Young knows nothing about my organization," she said. "He has a personal ax to grind."

The books, she added, "are clearly not religious."

## Content Review

California education officials weren't sure what to make of the Hubbard-inspired materials, so they submitted them to a review

ments. For example, they must not disparage ethnic groups or show men and women in stereotypical roles. Nor can they encourage religion.

A review panel that looked at the Hubbard-inspired books concluded that the books did not appear to advance the religion of Scientology. But the panel was concerned about some of the images in the books.

"Males and females were shown doing only traditional activities," said Anna Emery, a curriculum analyst with the state education department. For example, *Learning How to Learn* depicts girls holding brooms and learning how to sew, while boys play sports and use tools to build a doghouse.

"There was very little representation of nonwhite groups, and little or no representation of the disabled," Ms. Emery said.

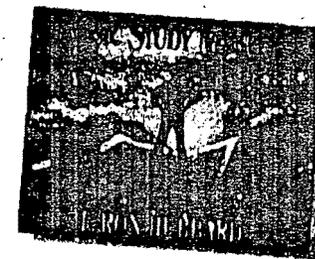
Bridge Publications, a church-affiliated company that also publishes Scientology-related books such as *Dianetics: The Modern Science of Mental Health*, told state officials the books would be changed. By July of this year, state officials gave preliminary approval to the proposed revisions and promised that as soon as the revised texts were produced, they could be listed in an education department catalog.

## Charter Controversy

The whole process gained little public notice until this past summer, when the Los Angeles school board began reviewing a charter school proposal by one of its teachers, Linda Smith. Ms.

## For Older Students

The *Basic Study Manual*, aimed at teenage and older students, contains lessons involving L. Ron Hubbard's "Three Barriers to Learning," such as this one urging a gradual approach to acquiring new material.



## The Second Barrier: Too Steep a Gradient

A gradient is a gradual approach to something taken step by step, level by level, each step or level being, of itself, easily attainable—so that finally, quite complicated and difficult activities can be achieved with relative ease. The term gradient also applies to each of the steps taken in such an approach.

When one hits too steep a gradient in studying a subject, a sort of confusion or "readiness" results. This is the second barrier to study.

Do you want to find a person who was studying about engines and he was confused and sort of reading.



Readiness: state, quality or instance of having a whirling feeling in one's head; being or becoming confused.

SOURCE: Bridge Publications Inc., 1992.

But Ms. Smith didn't mention in her lengthy charter proposal that she planned to build the school's curriculum around L. Ron Hubbard's "Study Technology" approach.

When they learned of the link to the founder of Scientology, some school board members worried that approving public funds for a

charter proposal is on hold until at least next month.

In addition to state education department officials, some others who have examined the five Hubbard educational books have concluded that they are not overtly religious.

J. Gordon Melton, the author of the *Encyclopedia of American Re-*

## Secular Mission?

Officials who oversee Applied Scholastics International, the Los Angeles-based organization that licenses the use of Hubbard's educational methodology, insist that its mission is purely secular.

"Applied Scholastics, for 25 years, has been and will always be a nonprofit organization that uses the Study Technology of L. Ron Hubbard," Rena Weinberg, the president of the Association for Better Living and Education International, said in a recent interview. ABLE oversees Applied Scholastics as well as several other Hubbard-inspired organizations, including groups devoted to

...one of its most outspoken critics.

Ms. Weinberg vehemently disagreed. "Vaughn Young knows nothing about my organization," she said. "He has a personal ax to grind."

The books, she added, "are clearly not religious."

## Content Review

California education officials weren't sure what to make of the Hubbard-inspired materials, so they submitted them to a review process that all supplementary books go through.

While core textbooks receive far more rigorous scrutiny, supplementary materials need only satisfy "social content" require-

...changed. By July of this year, state officials gave preliminary approval to the proposed revisions and promised that as soon as the revised texts were produced, they could be listed in an education department catalog.

## Charter Controversy

The whole process gained little public notice until this past summer, when the Los Angeles school board began reviewing a charter school proposal by one of its teachers, Linda Smith. Ms. Smith, a veteran special education teacher and a longtime Scientology, proposed opening a charter school for about 100 students in grades K-8 in the San Fernando Valley area of the city.

...readings on state, quality or instance of having a writing (writing in one's hand, being or becoming confused).

SOURCE: Bridge Publications Inc., 1992.

But Ms. Smith didn't mention in her lengthy charter proposal that she planned to build the school's curriculum around L. Ron Hubbard's "Study Technology" approach.

When they learned of the link to the founder of Scientology, some school board members worried that approving public funds for a charter school using the texts might run afoul of the constitutional prohibition against government establishment of religion.

They have asked their lawyers to look into the matter, and the

charter proposal is on hold until at least next month.

In addition to state education department officials, some others who have examined the five Hubbard educational books have concluded that they are not overtly religious.

J. Gordon Melton, the author of the *Encyclopedia of American Religions*, has researched the Church of Scientology and examined the books.

"Many people coming into the church were dysfunctional in their family," said Mr. Melton, a research

# Hubbard's Education Theories Focus on 'Barriers to Learning'

By Mark Walsh

L. Ron Hubbard, the late science fiction writer and the founder of the Church of Scientology, wrote and lectured prolifically about education and learning skills, his supporters say. He identified three "barriers to learning":

- An "absence of mass" or the lack of the physical object a student is studying, which leads to confusion. Hubbard encouraged learners to use clay to create representations of objects.

- Too steep a study "gradient." Students will become confused if they attempt to master a skill without grasping a necessary previous step.

- The "misunderstood word." Readers should not skip over words they do not comprehend. Instead, they should consult a dictionary to go through a process called "word clearing."

Word clearing involves not just looking up the word, but also using it in a sentence and understanding any secondary meanings. Students should sometimes work together to define misunderstood words in a form of cooperative learning, according to the theory.

Hubbard's educational theories form what he called Study Technology. They are the basis for five educational texts that Hubbard-related organizations have submitted to the California Department of Education for approval as supplementary learning materials that could be purchased with public money for use in public school classrooms.

## Church of the Mind

In 1950, after years of writing science fiction novels, Hubbard published *Dianetics: The Modern Science of Mental Health*, which laid the foundation for the Church of Scientology. The book "offered something that was never before available—a workable technology of the mind that could be used to improve anyone's life," church President Heber Jentzsch says on the church's World Wide Web site.



L. Ron Hubbard

The Los Angeles-based church claims more than 8 million adherents worldwide.

Many critics argue that its membership figures are inflated.

After years of legal battles, the U.S. Internal Revenue Service granted the church a tax exemption in 1993.

Scientology relies heavily on training and spiritual counseling to help individuals overcome mental obstacles. Hubbard said that humans have spiritual beings called "thetans" that have been reincarnated over thousands of years. But in each reincarnation humans are burdened with "engrams," or spiritual pain.

The church says that to become free of such engrams and reach a state of "clear," members must undergo many hours of Dianetics "auditing," or counseling. The church uses an "E-meter," similar to a polygraph, to measure changes in the mind.

Critics say the church charges hundreds and even thousands of dollars for auditing sessions and courses in which members study Hubbard's teachings.

Scientology is especially at odds with modern psychiatry and psychology, whose treatments it views as harmful to the human mind.

proven methods to justify the billions of [dollars in] government funds that are poured into it," a document on the church's Web site says.

Applied Scholastics International was established in 1972 to advance L. Ron Hubbard's Study Technology. Applied Scholastics maintains it is one of several purely secular organizations established to perform humanitarian work around the world in the name of Hubbard.

## Affiliated Groups

Other organizations affiliated with the church but engaged in what it says is secular work include Narconon, a drug-rehabilitation effort; Criminon, a prisoner-rehabilitation program; and The Way to Happiness Foundation, which distributes booklets with a "nonreligious moral code" written by Hubbard. According to the church's Web site, more than 7,000 schools have



specialist in the department of religious studies at the University of California, Santa Barbara. "So Hubbard wrote some materials that would help."

The Study Technology materials are used widely within the church, he added, "not to proselytize for the religion but to teach people how to read."

"They are used within the church in much the same way as, when I was in seminary, we used speech manuals in preaching class," said Mr. Melton, who is an ordained Methodist minister.

### Barriers to Learning

"Study Technology" comes from a series of writings and lectures on education by Hubbard, who died in 1986. He believed that most obstacles to learning could be traced to readers' inability to get past words they did not comprehend.

Hubbard argued that there are three central barriers to learning: the absence of a physical representation of an object being studied, too steep a "gradient" for learning a subject, and the misunderstood word. (See related story, page 14.)

The Hubbard books all emphasize a principle called "word clearing," in which the reader is supposed to stop and look up in a dictionary any word he doesn't understand. The materials also call for "clearing" words used in the definition of the first word, and they describe a procedure by which two readers can work together to clear words.

"The only reason a person would stop studying or get confused or not be able to learn is because he has passed a word that

iversity-Long Beach; said she becomes wary when materials for teaching reading rely heavily on such testimonials.

After reviewing some of L. Ron Hubbard's writings on education and some of Applied Scholastics' promotional materials, she said the methodology's emphasis on "word clearing" concerned her.

"The reading process is so complex," she said. The principles in Hubbard's three barriers to learning focus primarily on reading at the word level.

"But there is a whole other aspect of the reading process that is ignored," added Ms. Vogt, who is a former president of the California Reading Association and a past board member of the International Reading Association.

"For older readers, we sometimes say, 'Skip a word you don't understand and try to gain comprehension from the whole context,'" she said. "We don't say that for young readers. But for older readers, it is extremely cumbersome to try to attend to every word."

### Church Terms Questioned

Although some educators have not found the books to be overtly religious, some legal experts and Church of Scientology critics believe they contain words and lessons that subtly advance the religion.



Rena  
Weinberg

an obvious similarity to the Church of Scientology's concept of "becoming clear," which according to the church's definition means achieving the end result of Dianetics—a state in which a person is free of past negative experiences.

The textbooks contain some lessons that also tie in with broader Scientology themes. At least one of the books, for example, contains a brief but disparaging reference to Wilhelm Wundt, a 19th-century German researcher and theorist of experimental psychology.

Wundt was "the originator of the false doctrine that man is no more than an animal," says the *Basic Study Manual*, a book written for teenagers and older students.

Modern psychology and psychiatry are frequent targets of criticism by the Church of Scientology.

### Charter on Hold

Ms. Smith, the teacher who proposed the Los Angeles charter school, could not be reached for comment for this article. She has been a special education teacher at Esperanza Elementary School in Los Angeles for several years, and told the *Los Angeles Times* in July that she had used the Hubbard-related materials in her classroom.

Rowena Lagrosa, the principal of Esperanza Elementary, recalled that a few years ago, Ms. Smith asked her about having the school purchase some of the books. Ms. Lagrosa said she looked at some of the materials but concluded they were "not necessary."

"I suggested to her that there were a variety of other materials

### For Younger Children

Learning How to Learn also revolves around Hubbard's three barriers to learning. This lesson urges young readers to look up each and every word they do not fully comprehend.



### The Third and Most Important Barrier to Study: The Misunderstood Word

The third and most important barrier to study is the misunderstood word.



SOURCE: Bridge Publications Inc., 1982.

son, a Baptist minister from Compton, Calif., runs the World Literacy Crusade, with a reported 35 chapters around the world using the books to help children learn to read.

The musician Isaac Hayes has promoted efforts of the literacy crusade in New York City and Memphis, Tenn.

Other prominent Scientologists, such as the actors Anne Archer and John Travolta, are

to get into the core curriculum."

State officials stressed that the review for "social content" does not address the books' pedagogy.

"It's not appropriate to imply that the department of education or the screening committee has approved the content," said Ruth McKenna, the chief deputy superintendent.

So when Ms. Weinberg mentioned in an opinion column in the *Los Angeles Times* that the state has approved statewide use

...clearing words used in the definition of the first word, and they describe a procedure by which two readers can work together to clear words.

"The only reason a person would stop studying or get confused or not be able to learn is because he has passed a word that he did not understand," states the book *Learning How to Learn*, which is for 8- to 12-year-olds.

The books have struck some educators as common-sense tools that may be appropriate for some learners, but others say they are repetitive and overlook some current theories about how children learn to read.

Helen Magee, the principal of St. Antoine Elementary School in Lafayette, La., recalls that one classroom in her public school used the Hubbard materials about five years ago.

After learning of the materials' affiliation with L. Ron Hubbard, Ms. Magee said, she scrutinized them closely. But she decided they were not religious, and she allowed some of her teachers to be trained to use the books with their children.

Ms. Magee said achievement scores for the children exposed to the Hubbard books "went way up." "They never mentioned anything about religion," she added. "I think it was just good [reading] strategies."

After a year or so, Ms. Magee said, the local Applied Scholastics representative moved, and the school went back to using district reading materials.

Applied Scholastics touts the success of the program at St. Antoine in its promotional materials.

### Educational Questions

MaryEllen Vogt, an education professor at California State Uni-



Rena Weinberg

The church, which claims some 8 million members worldwide, stresses spiritual-counseling sessions called "auditing" through which members overcome past mental obstacles.

Mr. Mirell of the ACLU said that he met last month with Ms. Weinberg of the Association for Better Living and Education and with the president of Applied Scholastics, Ian Lyons, to learn more about the books. Mr. Mirell, a lawyer who has handled several cases for the ACLU chapter involving church-state issues, compared at least two of the texts with publications of the Church of Scientology.

Mr. Mirell said he is concerned that the books introduce the vernacular of the church.

For example, *Learning How to Learn* "uses a number of terms such as 'mass,' 'gradient,' and 'demo kit,'" he said. "Those are all terms which have specific definitions in the *Dianetics and Scientology Technical Dictionary*, by L. Ron Hubbard."

A Scientologist employing these materials in a public school classroom "could very easily provide entree into the religion through class discussion," Mr. Mirell said. "And it would be very difficult for parents and others on the outside to detect it."

Mr. Young, the Church of Scientology critic, said the textbooks' lessons on "word clearing" have

...Lagrosa, the principal of Esperanza Elementary, recalled that a few years ago, Ms. Smith asked her about having the school purchase some of the books. Ms. Lagrosa said she looked at some of the materials but concluded they were "not necessary."

"I suggested to her that there were a variety of other materials for special education students that were more appropriate," Ms. Lagrosa said.

Ms. Smith has temporarily withdrawn her charter application, said Joe Rao, a district official who oversees the charter process. He and other administrators were waiting last week to hear whether she would resubmit the proposal.

As of last week, the principal said, Ms. Smith had not reported to Esperanza for the new school year.

Officials with ABE and Applied Scholastics said they are not involved in the charter school application. They said they have no current plans to promote the purchase of L. Ron Hubbard's education books by public schools.

"They are not especially promoted to public school teachers," Ms. Weinberg of ABE said.

### Celebrity Advocates

Applied Scholastics licenses the use of its materials to a variety of mostly private literacy programs and neighborhood foundations. It also conducts training for adults, including teachers, in the use of the methodology. The organization estimates that more than 1,300 educators underwent training in the United States last year.

In addition to their use within the Church of Scientology, the materials are used in several inner-city literacy programs involving children. The Rev. Alfredie John-

...social content does not address the books' pedagogy. "It's not appropriate to imply that the department of education or the screening committee has approved the content," said Ruth McKenna, the chief deputy superintendent.

The musician Isaac Hayes has promoted efforts of the literacy crusade in New York City and Memphis, Tenn.

Other prominent Scientologists, such as the actors Anne Archer and John Travolta, are pictured in promotional materials supporting the World Literacy Crusade and Applied Scholastics.

Ms. Weinberg said that Applied Scholastics also licenses the materials to a small number of private schools around the country. And, she said, "there are a lot of public school teachers who use these books on an individual basis."

### State Is Waiting

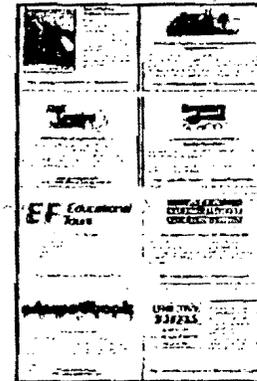
As for the effort to win a spot on the California education department's list of approved supplementary materials, Ms. Weinberg said that is being done to help those teachers who want to use them. "It's not something we are trying

### On the Web

For Web links related to the Church of Scientology, please click on **Education Week** at [www.edweek.org](http://www.edweek.org).

## Need Information About Education Suppliers?

# Browse WEB CONNECTION on Education Week on the Web!



Type [www.edweek.org](http://www.edweek.org), click on **Products & Services**, then visit the **Web Connection** for descriptions and links to more than 60 World Wide Web sites!



## Give Your Child a Vital Skill

In spite of billions of dollars spent on "educational research," children are not taught the most fundamental skills of learning, even the most basic of these: how to use a dictionary. In fact, a search of educational books for children found not one that told them how to use a dictionary—or that one should.

Grammar is a basic building block needed to study or learn or accomplish anything. Without a good ability to communicate and make oneself understood, one will not get far in life. Thus this book has been published to give children a way to learn grammar that is easy and fun.

Written for children 8 to 12-year old, this fully illustrated book will teach your child:

- How to find words in a dictionary
- The different ways that words are used
- What the different marks and symbols that are used in a dictionary mean
- How to use a dictionary to correctly pronounce words

Includes a section for parents and teachers showing you how to use this book with children. Buy this book and give it to your children to unlock their education.

---

Add to order: *You can always remove it later...*

[View my Order](#)

[info@bridgepub.com](mailto:info@bridgepub.com)

© 1996 Bridge Publications Inc. All Rights Reserved.  
For Trademark Information



## Learning How to Learn

The basics of effective study for 8- to 12-year olds, fully illustrated. Children who read and apply the materials in this book regain their enthusiasm for study and their ability to apply this knowledge in life.

### Subjects Covered

Fully illustrated, each chapter is followed by drills which allow a child to demonstrate what he has just learned. These are key in order to gain the most from the book and children should be encouraged to do them thoroughly.

"An educational program which begins with the child's parents, progresses through kindergarten and grade school, through high school and into college and preserves at every step the individuality, the native ambitions, intelligence, abilities and dynamics of the individual, is the best bastion against not only mediocrity but against any and all enemies of mankind." L. Ron Hubbard  
from the lecture Educational Dianetics

Add to order: *You can always remove it later...*

[View my Order](#)

---

**© 1996 Bridge Publications Inc. All Rights Reserved.**  
**For Trademark Information**

# FAX TRANSMISSION

## US DEPARTMENT OF EDUCATION

400 Maryland Ave., SW, Suite 3c130

Washington, DC 20202-6140

202-205-9786

Fax: 202-205-5630

**To:** Jon Schnur  
456-7028

**Date:** May 6, 1999

**Pages:** 4 including this cover sheet.

**From:** Alex Medler

**Subject:** NPRM language

### COMMENTS:

Cathy agreed with Tanya's point. There are a few sentences in the current draft that allude to this issue in passing, but there is nothing which definitively states a requirement. Previous correspondence from Tirozzi did make such statements clear, but it is also not in the previous guidance released in Denver.

She is drafting a few sentences to insert in the preamble. These will clarify the point that charters that are not in their first year of operation, or which have not expanded their enrollment significantly, remain eligible for funding and should be treated on the same basis as all public schools and must receive funds for which they are eligible. It would be problematic, however, to maintain the timelines of the statutory language for new schools because it isn't spelled out in the statute that we would, or should, maintain the 5-month deadline later. Also, the programs all have their own timelines included in statute, regulations or guidance.



**SEC. 10306. FEDERAL FORMULA ALLOCATION DURING FIRST YEAR AND FOR SUCCESSIVE ENROLLMENT EXPANSIONS.**

(a) **IN GENERAL.**—For purposes of the allocation to schools by the States or their agencies of funds under part A of title I, and any other Federal funds which the Secretary allocates to States on a formula basis, the Secretary and each State educational agency shall take such measures not later than 6 months after the date of the enactment of the Charter School Expansion Act of 1998 as are necessary to ensure that every charter school receives the Federal funding for which the charter school is eligible not later than 5 months after the charter school first opens, notwithstanding the fact that the identity and characteristics of the students enrolling in that charter school are not fully and completely determined until that charter school actually opens. The measures similarly shall ensure that every charter school expanding its enrollment in any subsequent year of operation receives the Federal funding for which the charter school is eligible not later than 5 months after such expansion.



(b) **ADJUSTMENT AND LATE OPENINGS.**—

(1) **IN GENERAL.**—The measures described in subsection (a) shall include provision for appropriate adjustments, through recovery of funds or reduction of payments for the succeeding year, in cases where payments made to a charter school on the basis of estimated or projected enrollment data exceed the amounts that the school is eligible to receive on the basis of actual or final enrollment data.

(2) **RULE.**—For charter schools that first open after November 1 of any academic year, the State, in accordance with guidance provided by the Secretary and applicable Federal statutes and regulations, shall ensure that such charter schools that are eligible for the funds described in subsection (a) for such academic year have a full and fair opportunity to receive those funds during the charter schools' first year of operation.

**SEC. 10307. SOLICITATION OF INPUT FROM CHARTER SCHOOL OPERATORS.**

To the extent practicable, the Secretary shall ensure that administrators, teachers, and other individuals directly involved in the operation of charter schools are consulted in the development of any rules or regulations required to implement this part, as well as in the development of any rules or regulations relevant to charter schools that are required to implement part A of title I, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), or any other program administered by the Secretary that provides education funds to charter schools or regulates the activities of charter schools.

10306 -  
10307

school that fails to comply with this notice requirement still would be entitled to receive its allocation under the applicable covered program, but the responsible SEA or LEA would not necessarily be bound by the time periods specified in §76.793. Unless the SEA or LEA receives actual notice of the date the charter school is scheduled to open or significantly expand its enrollment from another source (e.g., the authorized chartering agency) at least 120 days before that date, the SEA or LEA would be required only to make allocations to the eligible charter school within a reasonable period of time after the charter school opens or significantly expands its enrollment.

Upon request, a charter school must also provide its SEA or LEA with any data or information that is readily available to the charter school and that the SEA or LEA believes will assist it in estimating the amount of funds the charter school may be eligible to receive under a covered program when the charter school actually opens or significantly expands its enrollment. An SEA or LEA might request, for example, pre-registration lists or enrollment data from the prior academic year. An SEA or LEA could not require a charter school to create any new data or information prior to opening or significantly expanding its enrollment. Once the charter school has opened or significantly expanded its enrollment, however, it would be required to provide the SEA or LEA with actual enrollment

and eligibility data at a time reasonably required by the SEA or LEA.

While enrollment or eligibility data from a prior year may be used to estimate a charter school's projected enrollment on or after the date the charter school opens or significantly expands its enrollment, in accordance with §§76.791(a) and 76.796(b), a prior year's data may not be used to determine the charter school's eligibility to participate in a covered program or to make any required adjustments to allocations under a covered program. This subpart would not preclude an SEA or LEA, however, from relying on data from a prior year to determine the amount of funds a charter school that is not opening for the first time or significantly expanding its enrollment is eligible to receive under a covered program. Once an SEA or LEA has received notice of the date a charter school is scheduled to open or significantly expand its enrollment, §76.789 of this subpart would require the SEA or LEA to provide the charter school with timely and meaningful information about each covered program in which the charter school may be eligible to apply to participate. The SEA or LEA would be required to provide this information to the charter school, regardless of whether the charter school complies with the notice requirement in §76.788(a), if the SEA or LEA receives actual notice of the date the charter school is scheduled to open or significantly expand its enrollment through some other means or source. In cases where the responsible SEA



# FAX TRANSMISSION

**U.S. DEPARTMENT OF EDUCATION**

600 Independence Avenue, SW

Washington, D.C. 20202

Office: (202) 401-3053

Fax: (202) 401-0596

TO: *Mike Cohen*

DATE: *4/22*

FAX: *456-5581*

PAGES: , including cover.

FROM: **Dan Bernal**  
**Office of the Secretary**

SUBJECT: *Amendments to Coverdell*

COMMENTS:

[Empty rectangular box for comments]

# H.R. 2426

## Education Savings Act for Public and Private Schools

A bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

### AMENDMENTS

#### ADOPTED:

#### MACK (R-FL)/D'AMATO (R-NY) TEACHER TESTING/MERIT PAY AMENDMENT #2288 (April 21 -- vote no. 88)

To provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary and secondary school teachers.

#### ADOPTED 63-35

Republicans with us:  
None

Democrats against us:  
Boxer (CA)  
Breaux (LA)  
Byrd (WV)  
Feinstein (CA)  
Hollings (SC)  
Kohl (WI)  
Landrieu (LA)  
Leahy (VT)  
Torricelli (NJ)

Not voting:  
Bennett (R-UT)  
Moynihan (D-NY)

#### HUTCHISON (R-TX) SINGLE-SEX EDUCATION AMENDMENT #2291 (April 21 -- vote no 89)

To establish education reform projects that provide same gender schools and classrooms, as long as comparable educational opportunities are offered for students of both sexes.

#### ADOPTED 69-29

Republicans with us:  
None

Democrats against us:  
Bingaman (NM)  
Boxer (CA)  
Breaux (LA)  
Bryan (NV)  
Byrd (WV)  
Conrad (ND)  
Feinstein (CA)  
Graham (FL)  
Landrieu (LA)  
Lieberman (CT)  
Mikulski (MD)  
Reid (NV)  
Robb (VA)  
Rockefeller (WV)  
Torricelli (NJ)

Not voting:  
Bennett (R-UT)  
Moynihan (D-NY)

GORTON (R-WA) BLOCK GRANT AMENDMENT #2293 (April 22 -- vote no 91)

ADOPTED 50-49

Republicans with us:  
Chafee (RI)  
Jeffords (VT)  
Snowe (ME)  
Specter (PA)

Democrats against us:  
None

Not voting:  
Helms (NC)

\*Campbell (R-CO) changed his vote from no to yes.

HUTCHINSON (R-AR) DOLLARS TO THE CLASSROOM SENSE OF THE SENATE #2296 (April 22, vote no 92)

ADOPTED 99-0

Not voting:  
Helms (NC)

ASHCROFT (R-MO) NATIONAL TESTING BAN AMENDMENT #2300 (April 22, vote no 94)

2nd degree amendment (offered to Levin lifetime learning amendment) to restore Coverdell language and adopt House prohibition of Voluntary National Tests (permanent ban unless explicit Congressional approval).

ADOPTED 52-47

Republicans with us:  
D'Amato (NY)  
Jeffords (VT)  
Specter (PA)

Democrats against us:  
Feingold (WI)

Not voting:  
Helms (NC)

**REJECTED:**

**KENNEDY (D-MA) TEACHER LOAN FORGIVENESS AMENDMENT #2289 (April 21 -- vote no. 86)**

To authorize funds to provide an additional 100,000 elementary and secondary school teachers annually to the national pool of such teachers during the 10-year period beginning with 1999 through a new student loan forgiveness program.

**REJECTED 41-56 (MOTION TO TABLE AGREED TO)**

Republicans with us:  
Chafee (RI)  
D'Amato (NY)  
Jeffords (VT)  
Specter (PA)

Democrats against us:  
Biden (DE)  
Breaux (LA)  
Byrd (WV)  
Graham (FL)  
Lieberman (CT)  
Torricelli (NJ)

Not voting:  
Bennett (UT)  
Inouye (HI)  
Moynihan (NY)

**GLENN (D-OH) AMENDMENT TO DELETE K-12 EXPENSES #2017 (APRIL 21 - vote no. 87)**

To delete education IRA expenditures for elementary and secondary school expenses.

**REJECTED 38-60 (MOTION TO TABLE AGREED TO)**

Republicans with us:  
None

Democrats against us:  
Biden (DE)  
Breaux (LA)  
Byrd (WV)  
Feinstein (CA)  
Lieberman (CT)  
Torricelli (CT)

Not voting:  
Bennett (R-UT)  
Moynihan (D-NY)

**MOSELEY-BRAUN (D-IL) SCHOOL CONSTRUCTION AMENDMENT #2292 (April 21 -- vote no 90)**

**REJECTED 56-42 (MOTION TO TABLE AGREED TO)**

Republicans with us:  
D'Amato (NY)  
Specter (PA)

Democrats against us:  
Biden (DE)  
Byrd (WV)  
Lieberman (CT)  
Torricelli (NJ)

Not voting:  
Bennett (R-UT)  
Moynihan (D-NY)

MURRAY (D-WA) CLASS SIZE SENSE OF THE SENATE #2295 (April 22, vote no 93)

**REJECTED 49-50**

Republicans with us:  
Campbell (CO)  
D'Amato (NY)  
Jeffords (VT)  
Specter (PA)

Democrats against us:  
None

Not voting:  
Helms (NC)

**PENDING:**

THURSDAY, APRIL 23 -- SENATE WILL CONCLUDE DEBATE AND VOTE ON:

Coats (#2297) -- Preferential tax treatment for charitable donations for vouchers (additional 10% for donations to scholarship funds for low income students -- has offsets from changes in tax code).

Kemphorne (2nd degree) -- Creating a K-12 student incentive program

Landrieu (#2301) -- Substitute on Blue Ribbon Schools

Levin (#2646) -- Expansion of Lifetime learning tax credit for teacher technology training

THURSDAY, APRIL 23 -- SENATE WILL BEGIN DEBATE (30 MINS. EQUALLY DIVIDED) ON:

Dodd -- Use Coverdell funds to increase IDEA funding

Boxer -- After-school (\$250 million over 5 years)

Bingaman -- Dropout prevention (\$150 million in FY1999)

Feinstein (2nd degree) -- Expands definition of weapons in gun-free schools

Gregg (2nd degree) -- To Dodd substitute to prevent the Administration from funding any of the new initiatives until IDEA is fully funded.

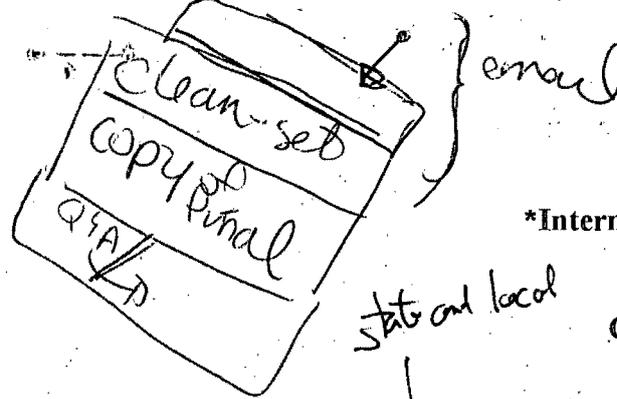
**WITHDRAWN:**

WELLSTONE EDUCATION AS WORK (TANF) AMENDMENT (April 21)

Would have increased from 12 to 24 months the limit on vocational education for TANF recipients; removed teen parents without a high school diploma from the vocational education cap; and allowed participation in the Federal Work-Study program to count as a work activity for the purposes of TANF. Sen. Wellstone will introduce this amendment on HEA.

**GREGG IDEA DISCIPLINE AMENDMENT (April 21)**

This amendment to IDEA would have allowed State and local educational agencies to establish "uniform policies" in disciplining students with and without disabilities.



**\*Internal Use Only -- Not For Distribution\***

The federal start-up grants  
 charter school

**CHARTER SCHOOL ISSUES**

Q. Why do charter schools need extra funding?

A. The Federal start-up grants are not extra funding. Most charter schools receive less than the total amount of money allocated to traditional public schools. The grants are designed to fill an acknowledged gap. Research has documented that the greatest challenges before charter schools are associated with planning and opening their schools. There are tremendous hurdles facing people as they try to create new public schools. For example, charter schools that start from scratch often must pay for their facilities out of the portion of funding used in traditional systems to pay for operational costs. These grants pay for things like curriculum design or renovations that must occur before the school opens.

initial + starting up from private initial start-up costs that can last for a maximum of three years.  
 face  
 help by  
 others may  
 state and local

Q. Aren't charter schools eroding the teacher profession by allowing uncertified teachers?

A. Teacher certification requirements for charter schools are set by each state. Some states do not allow charter schools to hire uncertified teachers, or they require non-certified teachers in charter schools to fulfill the same requirements that allow non-certified people to teach in traditional public schools. Charter schools are not searching for opportunities to put inappropriate people in front of classrooms. They are often hiring people to teach who may not come from schools previously, but who have professional experience that can be translated into valuable teaching, even if they initially lack teacher certification.

like other public schools

require access to start-up funding resources through service to that creating these schools

Q. Aren't charter schools elitist?

A. No. Charter schools are public schools and they must be open to all students. When charter schools were originally proposed, some feared they would be used to discriminate against disadvantaged students. This has not happened. Charter schools are being established in all types of communities -- including inner cities, suburbs, and rural areas. On average, they serve roughly comparable numbers of minority students, and in some states, they teach a higher proportion of minority students than are in that state's traditional public schools.

Recent studies show

Q. Do you think that charter schools might draw students and resources away from public schools?

A. These are public schools -- exciting, innovative public schools that draw people back into public schools who had left. In some states between 10 and 14 percent of the students in charter schools are student that were not previously enrolled public schools. These new students include former dropouts, teen mothers, and students coming back from private schools to attend charter schools. These students represent families who are also becoming reinvested in public education.

open to all children, not charging tuition, and accountable to the public

and can keep students and families in public education that might have otherwise gone to

*disadvantaged students or*  
~~students with special needs -- disabled, disadvantaged and limited English proficient?~~

Q. Are charter schools adequately serving students with special needs -- disabled, disadvantaged and limited English proficient?  
A. It is critical that charter schools serve a diverse population and provide help to those students who need it most. Several of the schools highlighted today have student populations that are predominantly poor or Limited English proficient -- or have higher than average percentages of student with disabilities -- and these schools are successfully educating all of their students. And there are encouraging reports that show that charter schools are serving the same or slightly higher percentages of poor and minority students than their states' overall public school systems. However, data from the national survey contracted by the U.S. Department of Education showed that, except in a few states, charter schools are serving a slightly lower percentage of students in special education than their overall public school system. It is important to ensure that charter schools -- which are public and not exempt from special education regulations -- serve all children.

Q. Do charter schools represent a significant reform, if they only represent 700 of the thousands of schools in this country?

A. Charter schools are just one piece of a larger strategy of promoting high standards and accountability. The President has urged states and school districts to adopt challenging academic standards in all core subjects, and to adopt high national standards in the basics of reading and mathematics. The President has strengthened existing federal programs and fought for new resources to improve local schools and help students reach those standards. Charters are promising vehicles for raising academic standards, empowering teachers, involving parents and communities, increasing accountability and expanding choice within the public school system. Lessons learned from charter schools can enhance accountability for all public schools, and can even accelerate other education reforms.

*education*

**CALIFORNIA CHARTER SCHOOL ISSUES**

In 1992, California became the second state in the country to pass charter school legislation. Since then, more than 130 schools have been approved (more than every other state except Arizona). The law allowed only 100 schools statewide, with only 10 in any district. The state board has used its waiver authority to waive the 100-school limit, and allowed more than 130 schools to be approved. Efforts to strengthen the state's charter school law have failed recently, sometimes for partisan reasons. Most policymakers are awaiting the release of a state-funded evaluation of California's charter school program before acting on legislation. This evaluation could be released this October or November.

Q. How do you respond to charges that charter schools are breeding grounds for religious instruction, as in the case of the recent consideration of a charter school application based on scientology?

- A. While charter schools are freed from many rules and regulations, they are not exempt from health, safety and civil rights requirements under the law. Federal law is clear that public schools cannot promote religion. As with all other public school, charter schools must be non-sectarian.

Deciding which schools to charter is solely a state and local matter. The chartering authority - in California, its the local school district -- is responsible for evaluating the charter application to determine, among other things, whether the charter complies with federal and state definitions of a public, non-sectarian school. If issues arise concerning any public school's non-sectarian status, the U.S. Department of Education can investigate those concerns.

*Background on scientology charter: A former special education teacher in the Los Angeles district submitted a charter application to create a K-8 school. The school would utilize an educational methodology set forth in texts written by the founder of the Church of Scientology. The district delayed a hearing on the charter application pending its review of the proposed texts -- which have been used by other area teachers for years -- and the school's connection, if any, to the Church of Scientology. According to the district official overseeing the charter process, the applicant has temporarily withdrawn the charter application.*

**Q. Does the President support home schooling in charter schools?**

- A. The type of enrollment allowed by home schooled students in public schools -- including charter schools -- is a decision that is made on the state and local level. From a federal standpoint, it is important to reinforce that while charter schools are free from many rules and regulation, they are not free to promote religion, and they are accountable for financial matters. Charter schools that enroll home-schooled students must abide by these requirements.

**Q. California has more than 130 charter schools, but only 34 of them have received Federal start-up grants. Why has California received so little Federal charter school funding?**

- A. Each state receiving federal grants establishes its own process to award subgrants to the charter schools in their state. California's subgrant program focused on newer schools. California had many schools operating before it received Federal funds and the state allocated most of its funds for start-up costs. Schools that had already been operating for a year or more did not apply for, or receive, funds for start-up costs. Other states have shaped their programs differently, providing funding to larger proportions of their charter schools and, in some cases, funding older charter schools.

California's newly announced FY 1997 grant will increase its charter school funding by an additional \$3.4 million. This increase should enable California to raise the proportion of its charter schools receiving federal support.

**Q. If the country is to reach the President's goal of 3,000 charter schools, shouldn't California revise its charter law to repeal or expand its cap on the number of schools?**

**A.** Decisions about the number of charter schools in a particular state are clearly decisions for state legislatures. The President firmly believes that the number of charter schools nationwide should be increased -- and he has included funding of \$100 million in the FY 1998 budget to support the development of approximately 900-1000 new charter schools. The Department of Education's charter school program provides start-up funding, technical assistance and research support that we hope will enable states to increase the number of charter schools.

*But ultimately, Californians should talk about the success of these schools, and make their own decisions about how many more they want.*

### VOLUNTARY NATIONAL TESTS

**Q. What is your reaction to the House vote last night to prohibit the Education Department from spending funds for the development of his proposed national tests?**

**A.** The House vote is simply unacceptable. Last night the House voted for the status quo and against better schools. The same old forces that have resisted education reform in the past came together again to defeat something that the public plainly wants and our students clearly need -- high national standards in the basic skills of reading and math, and tests to measure progress in meeting those standards. We will shortchange our students and their future if we allow these tests to be blocked.

In contrast, last week the Senate supported my plan for national tests, including my proposal to place an independent, bipartisan body in charge of the tests, by a large bipartisan majority. The Senate has worked with me to raise expectations for our students, and to stop politics at the schoolhouse door. And I will now work to make sure that the final appropriations bill reflects the broad support of the American people and the bipartisan support in the Senate.

### NATIONAL TESTS IN CALIFORNIA

**Q. Is California participating in the national testing initiative?**

**A.** We do not consider California to be one of the seven states (Alaska, Kentucky, Maryland, Massachusetts, Michigan, North Carolina and west Virginia) that has committed to participate in the tests.

Last April, State Superintendent of Public Instruction Delaine Eastin announced her support for the President's national testing initiative, and her intention to work to secure support for California's participation. Gov. Wilson and the State Board of Education (appointed by the Gov.) have indicated that they believe that the State Superintendent lacks the authority to unilaterally commit the state to participate in the tests. Superintendent Eastin agrees with this, which is why she explicitly indicated in April that she would work to secure the support of the Governor and the State Board of Education. We hope that the State Superintendent, the Governor and the State Board of Education will be able to work together to enable parents,

teachers and all others involved in education to determine how well students and schools in California perform compared to rigorous national standards.

In addition, last July Los Angeles, Fresno and Long Beach school districts - with the full support of the school board, superintendent, and teachers' organization -- announced their intention to participate in the President's national test, along with 12 other large city school district around the country. We believe there may be other local school districts in California and elsewhere that also want to participate, and we would welcome the participation of any interested local school district.

**Q. We have heard that Los Angeles and perhaps other city school systems have withdrawn from the testing initiative because the reading test will be given in English only, and there will not be a Spanish version for Hispanic students with limited English proficiency?**

We are aware that this has been a controversial issue nationally as well as it has here in California. However, neither the White House nor the Education Department has heard from Los Angeles or any other city that it will back away from its commitment to participate in these tests.

*Note: There is in fact a rumor that L.A. will decide not to participate in the 4th grade reading test because of our decision to test in reading only in English; while continuing to participate in the 8th grade math test (which will be available in a Spanish-English version). However, there has been no public announcement of this, and there is not likely to be a public announcement or any notification to the Education Department while we are still fighting in Congress for the tests. There have been no signs that Fresno or Long Beach are contemplating a similar move.*

*In addition, note that just last week California passed legislation establishing a state testing program, at Gov. Wilson's insistence, and over the objections of many Democrats. He threatened to veto the state budget bill if it did not include his tests. Among the contentious issues in this debate was whether limited English proficient students would be tested in their native language. The compromise that was reached requires all students to be tested in English, and allows local school districts to also test students in their native language if they have been in school for less than a year.*

#### **PROP. 209/DECLINING MINORITY COLLEGE ADMISSIONS**

**Q. Are you concerned about declining enrollments of minority students in California postsecondary education?**

**A.** These declines -- not just in California, but in Texas, as well -- are disturbing and completely unacceptable. Educational opportunity is the touchstone of the American dream, and these trends raise a serious concern that the doors of college education are being closed to minority students. In addition, diversity in education helps prepare all our students to be productive

citizens in the 21st century, so these developments should concern every American.

**Q. What is your administration doing to address this problem?**

A. First, we will use federal law to the maximum extent we can to promote an integrated education environment in postsecondary education, not just in California, but elsewhere. In particular, we will continue to support appropriate affirmative action programs and oppose efforts like Proposition 209.

Second, we are pressing state officials and educators to maintain and expand diversity, and offering assistance to them to do so. We have called on colleges and universities burdened by new legal restrictions to recruit aggressively in secondary schools with high percentages of minority students and to form educational partnerships with such schools. Many colleges in California are developing plans to this effect. We have also called on these university systems to review different kinds of admissions programs, such as Texas' decision to guarantee college admission to the top 10% of the graduating class in any high school in the state.

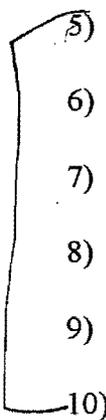
Third, we have fought for resources to improve education and open doors to college. The budget agreement contained the biggest increase in education funding in a generation, including major increases in Pell Grant funds and college work-study, and the new Hope Scholarship and Lifelong Learning tax credit. The Administration is beginning a campaign to make sure that the parents of every middle school student, and students themselves, know that a college education is attainable if students stay in school, take tough classes, and study hard.

**Q. Are you planning to petition the Supreme Court to review the Ninth Circuit's decision upholding Proposition 209?**

A. I am awaiting advice on that question from my legal counsel and the Solicitor General, and I shouldn't address that question until I receive their advice. I can say that I will do everything I can to prevent other states or cities from passing ill-considered proposals like Proposition 209.

- 1) Dan Shalvey, Superintendent San Carlos Schools
- 2) Elise Darwish, Principal, San Carlos Charter Learning Center *call ✓*
- 3) Gregory Miller, Student, San Carlos Charter Learning Center
- 4) Sue Bregato, Parent and founder, San Carlos Charter Learning Center. Also, President of the California Network of Education Charters, San Carlos

*415-508-7333*  
*415-598-8192; 415-592-7018*



- 5) Mark Kushner, Principal, Leadership High School-San Francisco  
*(John Schuman)*
- 6) Yvonne Chan, Principal, Vaughn Charter School-L.A. Spoke at Family Conference.  
*(John)*
- 7) Ann Suarez, Teacher, Vaughn Charter School-L.A.  
*(John)*
- 8) Jonathan Williams, Principal, Accelerated Charter School, South Central, L.A.  
*John*
- 9) Hekima Taliwa, Parent, Accelerated Charter School, South Central, LA  
*(John)*
- 10) Charlotte King, Parent, Accelerated Charter School, South Central, LA

11) Ginger Hovenic, Founder of Clearview Elementary School, San Diego. Currently works for the San Diego County Department of Education. *619-292-3807*

12) Tom Ruiz, Teacher/Founder, International Studies Charter School-San Francisco

*415-285-1757*  
 13. *Larry Ellison*  
 14. *ITRE*

# State Contacts for Charter School Information

*(States with legislation authorizing charter schools as of August 1997)*

**ALASKA**

Ms. Marjorie Menzi  
Charter School Liaison  
AK Dept. Of Education  
801 West 10th Street  
Juneau, AK 99801-1894  
Ph: (907) 465-8720  
FAX: (907) 465-3396

**ARIZONA**

Ms. Martha Fraser-Harmon  
Deputy Superintendent  
AZ State Dept. Of  
Education  
1535 W. Jefferson Street  
Phoenix, AZ 85007  
Ph: (602) 542-4271  
FAX: (602) 542-5440  
Info line: (602) 542-5094

**ARKANSAS**

Mr. Frank Anthony  
School Improvement  
Programs  
Arkansas Dept. Of  
Education  
#4 State Capital Mall  
Room #406B  
Little Rock, AR 72201  
Ph: (501) 682-4333  
FAX: (501) 682-4441

**CALIFORNIA**

Dr. David Patterson  
Charter Schools Office  
CA Dept. Of Education  
560 J Street, Suite 170  
Sacramento, CA 95814  
Ph: (916) 327-5929  
FAX: (916) 322-1465

**COLORADO**

Mr. Bill Windler  
Senior Consultant, School  
Improvement

CO Dept. Of Education  
201 East Colfax Ave.  
Denver, CO 80203  
Ph: (303) 866-6631  
FAX: (303) 830-0793

**CONNECTICUT**

Ms. Yvette Thiesfield  
Charter School Program  
Manager  
Conn. Dept. Of Education  
P.O. Box 2219; Room 302  
Hartford, CT 06145  
Ph: (860) 566-1233  
FAX: (860) 566-8890

**DELAWARE**

Dr. Larry Gabbert  
Charter School  
Administrator  
Dept. Of Public  
Instruction  
P.O. Box 1402  
Dover, DE 19903  
Ph: (302) 739-4885 x3282  
FAX: (302) 739-4483

**DISTRICT of COLUMBIA**

Mr. Richard Wenning  
Senior Policy Advisor  
D.C. Public Schools  
415 12th Street, NW  
Washington, D.C. 20004  
Ph: (202) 724-2490  
FAX: (202) 724-8855

**FLORIDA**

Mr. Tracey Bailey  
Director, Office of Public  
School Choice  
Florida Education Center  
Room 522  
325 W. Gaines Street  
Tallahassee, FL 32399  
Ph: (904) 414-0780

FAX: (904) 414-0783

**GEORGIA**

Dr. John Rhodes  
Director, School Renewal  
Programs  
Georgia Dept. Of Education  
1858 Twin Towers East  
Atlanta, GA 30334  
Ph: (404) 656-0644  
FAX: (404) 651-9111

**HAWAII**

Mr. Art Kaneshiro  
Director,  
School/Community- Based  
Management  
HI Dept. Of Education  
1270 Queen Emma Street,  
#409  
Honolulu, HI 96813  
Ph: (808) 586-3124  
FAX: (808) 586-3129

**ILLINOIS**

Ms. Sally Vogl  
Principal Planning  
Consultant  
State Board Of Education  
100 N. First Street  
Springfield, IL 62777  
Ph: (217) 782-0541  
FAX: (217) 524-7784

**KANSAS**

Dr. Phyllis Kelly  
Charter School Coordinator  
KS State Dept. Of  
Education  
120 Southeast 10th Ave.  
Topeka, KS 66612-1182  
Ph: (785) 296-3069  
FAX: (785) 296-3523

**LOUISIANA**

Dr. William Miller  
Charter School Director  
Louisiana Dept. Of  
Education  
P.O. Box 94064  
Baton Rouge, LA 70804-  
9064  
Ph: (504) 342-3603  
FAX: (504) 342-7316

MASSACHUSETTS  
Mr. Scott Hamilton  
Associate Commissioner  
for Charter Schools  
MA Dept. Of Ed; Rm 1403  
1 Ashburnton Place  
Boston, MA 02108  
Ph: (617) 727-0075  
FAX: (617) 727-0049

MICHIGAN  
Mr. Gary Cass  
Supervisor, Public School  
Academy Program  
MI State Dept. Of  
Education  
P.O. Box 30008  
Lansing, MI 48909  
Ph: (517) 373-4631  
FAX: (517) 241-0197

MINNESOTA  
Ms. Jesse Montano  
MN Dept. Of Children,  
Families & Learning  
550 Cedar Street, Rm 876  
St. Paul, MN 55101-2273  
Ph: (612) 296-2181  
FAX: (612) 297-2495

MISSISSIPPI  
Dr. Walter Moore  
Charter School Consultant  
MS Dept. Of Education  
P.O. Box 771  
Jackson, MS 39205  
Ph: (601) 359-3501  
FAX: (601) 359-3708

NEVADA  
Dr. Keith Rheault  
Deputy Superintendent  
Nevada Dept. Of Education  
700 E. 5th Street  
Carson City, NV 89701-  
5096

Ph: (702) 687-9158  
FAX: (702) 687-9101

NEW HAMPSHIRE  
Ms. Patricia Busselle  
Administrator  
N.H. Dept. Of Education  
State Office Park South  
101 Pleasant Street  
Concord, N.H. 03301  
Ph: (603) 271-3879  
FAX: (603) 271-1953

NEW JERSEY  
Ms. Dalia Georgedes  
Office of Innovative  
Programs  
N.J. Dept. Of Education  
100 Riverview Plaza, CN  
500  
Trenton, N.J. 08625-0500  
Ph: (609) 292-5850  
FAX: (609) 633-9825

NEW MEXICO  
Dr. Michael Kaplan  
School Program and  
Professional Development  
N.M. Dept. Of Education  
300 Don Gaspar  
Santa Fe, N.M. 87501-2786  
Ph: (505) 827-6576  
FAX: (505) 827-6694

NORTH CAROLINA  
Dr. Grova L. Bridgers  
Office of Charter Schools  
Dept. Of Public  
Instruction  
301 N. Wilmington Street  
Raleigh, N.C. 27601-2825  
Ph: (919) 715-1730  
FAX: (919) 715-9740

OHIO  
Mr. John Rothwell  
Community Schools  
Commission  
Ohio Dept. Of Education  
65 S. Front Street  
Columbus, OH 43215  
Ph: (614) 466-2937  
FAX: (614) 728-7434

OREGON \*  
Mr. Leon Fuhrman

Office of Student Services  
OR Dept. Of Education  
255 Capitol Street N.E.  
Salem, OR 97310  
Ph: (503) 378-5585  
ext.682  
FAX: (503) 373-7968

PENNSYLVANIA  
Dr. Tim Daniels  
Charter Schools Program  
PA Dept. Of Education  
333 Market Street  
Harrisburg, PA 17126  
Ph: (717) 783-9781  
FAX: (717) 787-7222

PUERTO RICO  
Ms. Nilda Baez De Morales  
Executive Director  
Educational Reform  
Institute  
P.R. Dept. Of Education  
P.O. Box 192379  
San Juan, P.R. 00919  
Ph: (787) 765-9772

RHODE ISLAND  
Mr. Steve Nardelli  
Charter School  
Administrator  
R.I. Dept. Of Education  
255 Westminster Street  
Providence, R.I. 02903  
Ph: (401) 277-4600  
ext.2209  
FAX: (401) 277-2734

SOUTH CAROLINA  
Ms. Karen E. Horne  
Special Assistant, Policy  
State Dept. Of Education  
1429 Senate St; Rm #1009  
Columbia, S.C. 29201  
Ph: (803) 734-4110  
FAX: (803) 734-3389

TEXAS  
Mr. Brooks Flemister  
Director, Charter Schools  
Texas Education Agency  
1701 N. Congress Ave.  
Austin, TX 78701  
Ph: (512) 463-9575  
FAX: (512) 475-3638

\* Oregon has no specific charter law but does have authority in State law to establish charter schools and has received a Federal grant.

WISCONSIN

Mr. John Sauerberg  
Charter School Program  
Dept. Of Public  
Instruction  
125 S. Webster Street  
P.O. Box 7841  
Madison, WI 53707-7841  
Ph: (608) 266-5728  
FAX: (608) 267-1052

WYOMING

Mr. James Lendino  
Charter School  
Administrator  
State Dept. Of Education  
2300 Capitol Avenue  
2nd Floor, Hathaway Bldg.  
Cheyenne, WY 82002  
Ph: (307) 777-6268  
FAX: (307) 777-6234

**Bilingual Education Legislative Comparison Chart  
June 15, 1998**

	<b>Title VII: Bilingual Education, Language Enhancement, and Language Acquisition Programs</b>	<b>Riggs Proposal: H.R. 3892, English Language Fluency and Foreign Language Acquisition Programs</b>	<b>Administration's Proposal: Bilingual Education Act Amendments of 1998</b>
<b>Purpose</b>	To educate limited English proficient children and youth to meet the same rigorous standards for academic performance expected of all children and youth, including meeting challenging State content and performance standards.	To help ensure that children and youth who are English language learners master English and develop high levels of academic attainments in English; and, to assist LEAs that experience a large influx of students due to immigration in order to help those students master English.	Same as Title VII.
<b>Goal</b>	To help children develop proficiency in English and, to the extent possible, their native language. No cut-off set for number of years to accomplish this goal.	To transition children into regular English language classrooms by the end of first grade if the child enrolled when he/she was in Kindergarten or by the end of the child's second academic year in the case of students that enrolled later than Kindergarten. Funds may not be used to support children after 3 academic years. (2 year goal, 3 year cut-off)	To help children develop proficiency in English and transition children into regular English classrooms within three years

	<b>Title VII: Bilingual Education, Language Enhancement, and Language Acquisition Programs</b>	<b>Riggs Proposal: H.R. 3892, English Language Fluency and Foreign Language Acquisition Programs</b>	<b>Administration's Proposal: Bilingual Education Act Amendments of 1998</b>
<b>Language Policy</b>	Provides priority for developing English proficiency and proficiency in native language. Provides for protection and consideration of native American and Alaskan native languages.	English. No provision for maintaining the child's native language, but it is not prohibited.	No priority for bilingual programs that provide opportunities for proficiency in both English and another language. Same protection for native American languages.
<b>Dispersal of Funds</b>	Competitive grants to SEAs, LEAs, IHEs, and CBOs. Also, Secretary must reserve 25% of funds for professional development.	Formula grants to States based on number of children and youth who are English language learners and/or immigrant children and youth who reside in State compared to total number of such children residing in all States. Also, Puerto Rico will receive 1.5% funding and outlying areas receive .5%. Secretary shall determine when and how children will be counted.	Same as Title VII.

	<b>Title VII: Bilingual Education, Language Enhancement, and Language Acquisition Programs</b>	<b>Riggs Proposal: H.R. 3892, English Language Fluency and Foreign Language Acquisition Programs</b>	<b>Administration's Proposal: Bilingual Education Act Amendments of 1998</b>
<b>Grants to LEAs</b>	Part A, Subpart 1: *Program development and implementation grants for three years to develop new comprehensive bilingual programs for LEP students. *Program enhancement projects for two years to carry out focused programs to enhance existing bilingual programs. *Comprehensive school grants for five years to implement schoolwide bilingual programs. *Systemwide improvement grants for five year to implement district wide bilingual education programs.	States decide how they will disperse funds to LEAs. States also determine duration of grants.	Same as Title VII.

	<b>Title VII: Bilingual Education, Language Enhancement, and Language Acquisition Programs</b>	<b>Riggs Proposal: H.R. 3892, English Language Fluency and Foreign Language Acquisition Programs</b>	<b>Administration's Proposal: Bilingual Education Act Amendments of 1998</b>
<b>Flexibility</b>	LEAs have flexibility to determine instructional program to meet needs of students. Priority given to applicants that provide for the development of bilingual proficiency in both English and another language and to those applications that collaborate with IHEs or CBOs. Also, funds for English only programs cannot exceed 25% of available funds under Title VII. Notwithstanding this restriction, the Secretary can award grants if the applicant demonstrates that after concerted effort, the applicant does not have qualified personnel.	States have flexibility to give out grants to LEAs according to their own rules and regulations. States must agree to give priority to LEAs that enroll a large percentage of English language learners, address a need brought on in the last two years by a significant increase in percentage or number of English language learners, and/or LEAs that were receiving grants under Title VII (subpart 1 or 3 of part A). LEAs must select a model of English language instruction.	LEAs have flexibility to determine instruction program to meet needs of students. No priority given to applicants that provide for proficiency in English and another language. Local have flexibility to make choice on whether to include native language instruction as part of their program. Special rule capping English only programs at 25% is deleted.

	<b>Title VII: Bilingual Education, Language Enhancement, and Language Acquisition Programs</b>	<b>Riggs Proposal: H.R. 3892, English Language Fluency and Foreign Language Acquisition Programs</b>	<b>Administration's Proposal: Bilingual Education Act Amendments of 1998</b>
<b>Accountability</b>	<p>Applicant must ensure that all funded programs ensure accountability in achieving high academic standards. Evaluations required every two years must be used for program improvement, to further define program's goals and objectives, and to determine program effectiveness. The evaluations must include: how students are achieving State student performance standards including comparing LEP students with non-LEP students with regard to school retention, academic achievement, and gains in English proficiency; program indicators, including data on appropriateness of curriculum and professional development; and, program context indicators.</p>	<p>Evaluations required at the end of the second fiscal year of award that include information on children's progress toward mastering English. Evaluations <u>may</u> be used by State or LEAs in determining whether to continue funding for specific programs or projects. State must annually report to the Secretary on effectiveness of programs and activities. Secretary shall report every two years to Congress on effectiveness of programs and activities.</p>	<p>*Applications must include information on how applicants will identify and place students in LEP program, how applicant will determine whether students are making progress toward three-year goal, and how program will determine whether student is ready to transfer to regular English classroom.</p> <p>*Priority given to applicants that have an accountability system in place.</p> <p>*Annual evaluations required to determine how students are making progress and whether programmatic changes or changes for individual students need to be made. Evaluations must include assessment data on English proficiency of students</p> <p>*Secretary will put in place a corrective action plan. If, at the end of two years, grantees are not making progress toward goal they will be asked to submit corrective action plan. If applicant still does not make progress, funding will be cut-off.</p> <p>*Grantees required to make annual evaluations public. Secretary will publish and disseminate report to Congress every two years.</p>

	<b>Title VII: Bilingual Education, Language Enhancement, and Language Acquisition Programs</b>	<b>Riggs Proposal: H.R. 3892, English Language Fluency and Foreign Language Acquisition Programs</b>	<b>Administration's Proposal: Bilingual Education Act Amendments of 1998</b>
<b>Professional Development</b>	Allowable activity under all subpart 1 grants. Subpart 3 - Professional development provides four grants: training for all teachers programs, bilingual education teachers and personnel grants, bilingual education career ladder program, and graduate fellowships in bilingual education program.	Allowable State and local activity under subpart 1. Professional development component deleted (subpart 3 under Title VII).	Provisions related to professional development under Title VII remain intact. And, one addition: Under subpart 3, priority given to applicants that develop mentoring program for prospective teachers who will serve children with limited English proficiency. Also, a requirement under Title I for all professional development activities to include strategies for teaching LEP students.
<b>Parent Participation</b>	Parents of children with limited English proficiency shall be informed of students English proficiency and academic performance, as well as the goals and benefits of the program. Parents have option of declining enrollment. Information must be provided to parents in a form they can understand and, to the extent possible, in their native language. <i>w/dram</i>	Parents of English language learners shall be informed of the reasons their child was identified, the child's level of English proficiency, and how the English language instruction program will specifically help the child acquire English and meet standards for grade promotion and graduation. Parents must sign a form consenting to their child's placement in such program, <u>must select method of instruction if more than one is offered</u> , and has the right to remove child from program. Information must be provided in a form understandable to the parent.	Same as Title VII.

	<b>Title VII: Bilingual Education, Language Enhancement, and Language Acquisition Programs</b>	<b>Riggs Proposal: H.R. 3892, English Language Fluency and Foreign Language Acquisition Programs</b>	<b>Administration's Proposal: Bilingual Education Act Amendments of 1998</b>
<b>Research and Dissemination</b>	Research, conducted by OERI and OBEMLA for purposes of improving bilingual and English only programs. Also, National Clearinghouse for Bilingual Education created to disseminate information on best practices.	Research may be conducted and disseminated through OERI. Research activities are limited to identifying successful models for teaching children English and distribution of results to States to distribute to schools with populations of English language learners.	Same as Title VII with one addition: Grants to support programs that demonstrate innovative, research-based methods for enabling children and youth with limited English proficiency to reach English proficiency within three years. Also, Title I study to determine how Title I can more effectively meet the needs of LEP children.
<b>Immigrant Education Program</b>	States receive formula grants based on the number of immigrant children and youth who are enrolled in public elementary and secondary school. Purpose is to assist LEAs that experience unexpectedly large increases of students due to immigration in order to provide high quality instruction, to assist children in their transition to American society, and to meet challenging standards.	Repealed	Remains intact.

MEMORANDUM

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

MC -  
I asked Julie  
(who has done a  
fair bit w/ Charter  
schools) to draft  
a note on the  
obstacles to starting  
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.

Contractor

K-3

Class size

each seat  
nation

by noon today

219-2297

---

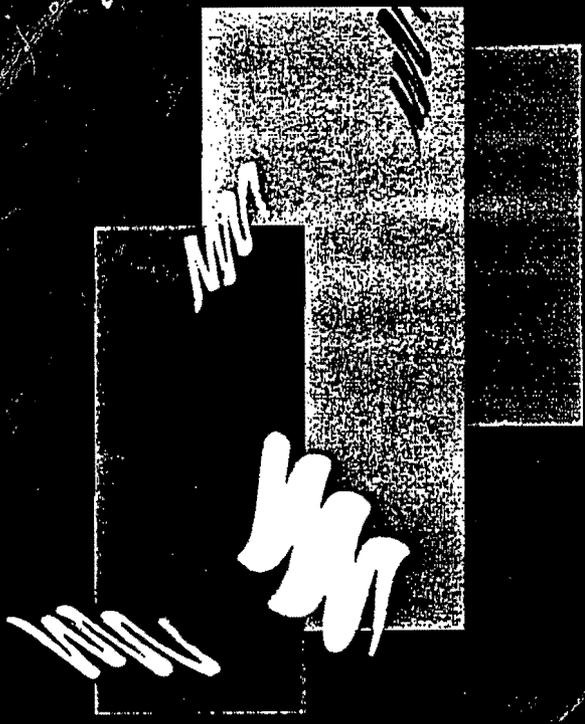
10 AM

mom tickets  
Tues before  
sun/mon

---

See Riley  
during or Gene Spink  
Bruce Reed

over 1/2nd



# QUESTIONS AND ANSWERS:

## Application of Federal Civil Rights Laws to Public Charter Schools

U.S. Department of Education  
Office for Civil Rights



**DRAFT**

**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.

**DRAFT****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.

**DRAFT**

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.

**DRAFT**

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

**DRAFT**

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.

**DRAFT**

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

**DRAFT**

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

**DRAFT**

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.

**DRAFT**

**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.**

# Office for Civil Rights U.S. Department of Education

400 Maryland Avenue, S.W.  
Washington, D.C. 20202-1100

<http://www.ed.gov/offices/OCR>  
Customer Service #: 1-800-421-3481

## EASTERN DIVISION

*Connecticut, Maine, Massachusetts,  
New Hampshire, Rhode Island, Vermont*  
Office for Civil Rights, Boston Office  
U.S. Department of Education  
J. W. McCormack Post Office and Courthouse  
Room 222, 01-0061  
Boston, MA 02109-4557 (617) 223-9662  
FAX (617) 223-9669; TDD (617) 223-9695

*New Jersey, New York, Puerto Rico, Virgin  
Islands*  
Office for Civil Rights, New York Office  
U.S. Department of Education  
75 Park Place, 14th Floor  
New York, NY 10007-2146 (212) 637-6466  
FAX (212) 264-3803; TDD (212) 637-0478

*Delaware, Maryland, Kentucky, Pennsylvania,  
West Virginia*  
Office for Civil Rights, Philadelphia Office  
U.S. Department of Education  
The Wanamaker Building  
100 Penn Square East, Suite 515  
Philadelphia, PA 19107 (215) 656-8541  
FAX (215) 656-8605; TDD (215) 656-8604

## SOUTHERN DIVISION

*Alabama, Florida, Georgia, South Carolina,  
Tennessee*  
Office for Civil Rights, Atlanta Office  
U.S. Department of Education  
61 Forsyth Street, S.W., Suite 19T70  
Atlanta, GA 30303 (404) 562-6350  
FAX (404) 562-6455; TDD (404) 562-6454

*Arkansas, Louisiana, Mississippi, Oklahoma,  
Texas*  
Office for Civil Rights, Dallas Office  
U.S. Department of Education  
1999 Bryan Street, Suite 2600, 06-5010  
Dallas, TX 75201 (214) 880-2459  
FAX (214) 880-3082; TDD (214) 880-2456

*North Carolina, Virginia, Washington, D.C.*  
Office for Civil Rights, District of Columbia Office  
U.S. Department of Education  
1100 Pennsylvania Ave. N.W., Room 316  
P.O. Box 14620  
Washington, D.C. 20044-4620  
(202) 208-2545; FAX (202) 208-7797  
TDD (202) 208-7741

## MIDWESTERN DIVISION

*Illinois, Indiana, Minnesota, Wisconsin*  
Office for Civil Rights, Chicago Office  
U.S. Department of Education  
111 North Canal Street, Suite 1053  
Chicago, IL 60606-7204 (312) 886-8434  
FAX (312) 353-4888; TDD (312) 353-2540

*Michigan, Ohio*  
Office for Civil Rights, Cleveland Office  
U.S. Department of Education  
600 Superior Avenue East  
Bank One Center, Room 750  
Cleveland, OH 44114-2611 (216) 522-4970  
FAX (216) 522-2573; TDD (216) 522-4944

*Iowa, Kansas, Missouri, Nebraska,  
North Dakota, South Dakota*  
Office for Civil Rights, Kansas City Office  
U.S. Department of Education  
10220 North Executive Hills Boulevard  
8th Floor, 07-6010  
Kansas City, MO 64153-1367 (816) 880-4200  
FAX (816) 891-0644; TDD (816) 891-0582

## WESTERN DIVISION

*Arizona, Colorado, Montana, New Mexico,  
Utah, Wyoming*  
Office for Civil Rights, Denver Office  
U.S. Department of Education  
Federal Building, Suite 310, 08-7010  
1244 Speer Boulevard  
Denver, CO 80204-3582 (303) 844-5695  
FAX (303) 844-4303; TDD (303) 844-3417

*California*  
Office for Civil Rights, San Francisco Office  
U.S. Department of Education  
Old Federal Building  
50 United Nations Plaza, Room 239  
San Francisco, CA 94102-4102 (415) 556-4275  
FAX (415) 437-7783 TDD (415) 437-7786

*Alaska, Hawaii, Idaho, Nevada, Oregon,  
Washington, Pacific Region*  
Office for Civil Rights, Seattle Office  
U.S. Department of Education  
915 Second Avenue, Room 3310  
Seattle, WA 98174-1099 (206) 220-7900  
FAX (206) 220-7887; TDD (206) 220-7907

TM -  
I have another  
contact w/ this  
person.

LS



Mayor Brown's Juvenile Justice  
Action Plan



Carol Kizziah  
Manager

Delancey Implementation Team  
Ph. 415 512-5192 Fax 415 512-5186

600 Embarcadero San Francisco CA 94107

THE WHITE HOUSE  
WASHINGTON

3/29/99

TM -

Jose + I met with  
some San Francisco city folks  
about their juvenile justice  
program -- they passed along  
some info on a new charter  
school that is part of  
their comprehensive plan.

It probably hasn't been  
evaluated (too new), but we  
do like the Delancey Street  
Foundation which is helping  
to run it. And the President  
does take a lot of trips out  
to SF these days... Leanne

---

## **Clinton Presidential Records Digital Records Marker**

---

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a publication.

---

Publications have not been scanned in their entirety for the purpose of digitization. To see the full publication please search online or visit the Clinton Presidential Library's Research Room.

---

# *Life Learning Academy*

## *Program Overview*

---

By Dr. Mimi Halper Silbert  
Headmaster



# LIFE LEARNING ACADEMY

651 8th Street, Treasure Island, San Francisco, California 94130 • 415.397.8957 • fax: 415.397.9274

## LIFE LEARNING ACADEMY CHARTER SCHOOL

Life Learning Academy, a San Francisco Unified School District Charter School founded in 1998, is designed to serve 60 high-school age youths (i.e., 14-18 years old) who are involved in or are at risk of involvement in the juvenile justice system. Its goal is to create a safe and nurturing learning community characterized by: high expectations and standards for mental and emotional growth; development of structure and a value system; use of the latest educational and technological tools and strategies; community service and reciprocal restitution; an extended family atmosphere that is rooted in community; and cultural diversity and cross-cultural understanding. The Academy utilizes school-to-career programming to motivate youths, engage them in learning and provide opportunities to develop responsibility, judgment, and the skills necessary for productive adulthood.

The Academy is modeled after the guiding philosophy and theories of the Delancey Street Foundation, including the principal of "reciprocal restitution," in which everyone is both a giver and a receiver. Delancey Street operates as an "extended family", in the Delancey Street family older residents help newer ones, and everyone works. Everyone is held to high expectations and standards and the underlying premise is that everyone has unique talents and strengths that will be discovered and developed.

Life Learning Academy students are expected to participate in rigorous academic and project-based learning. The Academy operates from 9:00 AM to 9:00 PM, affording students time to catch up to their grade level and engage in a wide variety of classes, as well as to provide students with a support structure and a means of keeping them off the streets during peak juvenile crime hours. Academy curricula and course requirements are aligned with school district requirements. The current class offerings include mathematics, laboratory science, English literature and composition, Spanish, fire science, world history/geography, ecology, architectural history, music, American and California history, photography, arts (including performance art and visual art), and physical education. A small class size of one teacher to six students ensures that each student receives the individual attention that he or she needs. Life Learning Academy employs an enriched mix of teachers, vocational trainers, and support staff to meet the intensive needs of these youths and the demands of an extended day program. A special education specialist has been hired to address special needs students' issues. Life Learning Academy is a diploma-offering institution.

The Academy's curriculum is organized around vocationally oriented themes and activities that span disciplines to demonstrate the integration of learning required in the real world. For example, the Academy utilizes a commercial kitchen to have students prepare daily meals for the school, as well as for the commercial café which will be run by the students. The culinary institute will provide both vocational skills and academic opportunities. Researching the history and traditions of a given culture to determine the menu and ingredients becomes a lesson in history requiring literacy skills, library skills, and research methods, including internet skills. Choosing the healthiest food options poses lessons in biology, health and nutrition. Creating meals with a limited budget teaches math and problem solving. Operating the café teaches accounting and forecasting.

In addition to the café, the Academy has a range of school-to-career components that will involve students in activities that are meaningful to them—responding to their interest in vocational skills—and are integrated with academic standards. While the staff intends to work with students on a continual basis to develop additional career academy opportunities, already developed programs include the following:

- **Building Trades:** The youths have an extensive and immediate opportunity to develop contractor skills through the design, renovation and repair of their school site, as well as the construction of school furnishings.
- **Boat Repair:** The Academy already has secured a commitment from the Treasure Island Harbor Master to repair seven sailing vessels. Youths will have an opportunity to learn specific work skills in a novel and exciting project. One of the Academy graduation requirements is for students to be able to swim. The YMCA Embarcadero has offered the pool at that site for two days a week and the first group of students is being offered instruction and testing.
- **Photography and Digital Imaging:** The Academy will utilize a digitized camera for small business purposes and video equipment for documentary projects. The Academy will utilize a Polaroid curriculum for teaching mathematics, and will integrate other academic content areas such as chemistry and history into photography projects. A darkroom is also currently under construction.
- **Computer Literacy and Professional Skills:** Academy students have access to state-of-the-art computers and internet access. Computer training includes word processing, desktop publishing and website design.
- **Fire Cadet Program:** The school has been adopted by the San Francisco Fire Department as a Youth Cadet program. Students may opt to study fire sciences in the school, and to pursue the school's youth cadet curriculum that prepares students for future careers as firefighters. Students who graduate from the Fire Cadet program in the school may earn, upon completion of the program, a designation of "Jr. Fire Cadet" officer status in the Fire Reserves.

All of the Academy's courses and activities fall within one of four "majors," and students are required to select their area of concentration each semester. The majors are focused around the elements: Water, Fire, Earth and Air. Within each major is a set of vocational and academic activities that becomes the student's area of focus for the 4-month period. For example, students who choose the "Water" major spend a percentage of their time participating in academic lessons taught through boat repair and sailing. They participate in swim class and other water sports while studying marine biology and oceanography. The importance of water in California's development is covered extensively in their history class. Students work closely with the Treasure Island Harbormaster, as well as with the Maritime Museum. Students majoring in "Fire" participate in the Fire Cadet Program outlined above. Through history and science classes, they study the past, current and future technological uses of fire. They learn fire science and apply it in their culinary training. In English class, students examine mythological and symbolic uses of fire in world literature. "Earth" majors spend their semester working on landscape architecture projects, including the cultivation of an urban garden. They study the history of architecture, and work with teachers and building contractors in the construction of the café and school sites. The "Air" curriculum is currently being finalized and will be introduced in the fall with the newly entering class.

Located in the former Youth Center on Treasure Island, Life Learning Academy is uniquely situated to remove youths from their neighborhoods while remaining proximal to the City and all that it has to offer. Students are regularly exposed to the rich cultural resources of San Francisco and the Bay Area through both off-site excursions and on-site performances and programs by

community-based organizations. Students also benefit from nearby health-care services, including local physicians who provide a weekly on-site medical clinic and relationships with local medical centers and clinics.

Youth are referred to the Academy from the San Francisco Unified School District, police, probation, and community-based organizations. All youth who are referred to the Academy first meet face-to-face with the school principal, who is also a Ph.D. psychologist. In this interview, youth must demonstrate personal motivation for the Academy's intensive academic, vocational and social programming. Moreover, they must express a commitment to making a positive change in their lives and understand that the purpose of the Academy extends beyond the scope of academic achievement. They must be willing to work hard and show a positive attitude.

Essential to Life Learning Academy is the provision of students with life skills, including the ability to trust, to be trusted, and to be a contributing member to family, community and society. A Student Council has been formed to hold youth accountable to the rules established for the Academy; under the supervision of the Principal and one other staff member, these students act as role models in their classes and make disciplinary decisions for their classmates. Staff is available to spend time with students on a one-to-one basis to address personal and behavioral issues that arise throughout the day. Interpersonal issues are formally addressed in gender-specific groups that meet twice weekly. Moreover, each student has an assigned mentor who spends recreational and leisure time with that student. Finally, the school encourages peer leadership to help new students adjust to its culture and programming, as well as an emphasis on community service, both in-house and for the outside community.

Since Life Learning Academy students present a wide range of abilities, it is essential that teachers are able to address status issues while creating an academically challenging environment. At the invitation of the Stanford Teacher Education Department and Professor Rachel Lotan, Life Learning Academy teachers audited a class entitled "Groupwork for Heterogeneous Classrooms." Professor Lotan highly recommends groupwork as a well-documented instructional strategy for academically heterogeneous classrooms. The teachers have benefited from readings, discussions, and curricular activities that emphasize equal participation among members of a group and learning tasks that support conceptual understanding for students.

Feedback from our students support that the Life Learning Academy has been a positive experience from them. Students who previously exhibited truancy and apathy come to school every day ready to participate in their education. They are proud of their work and their success. For example, one of the young women students came to us reading at the third grade reading level. She hated reading, and struggled in her classes. Through sustained effort and hard work, however, she has made tremendous improvement. She has started to recognize her progress, and recently asked, "May I please take a book home so I can read it to my mom?" She also told one of the teachers, "I don't know what is happening to me, but I'm turning into a student!" Equally rewarding has been the connection that these previously disenfranchised youths have made in their new environment. For Valentine's Day, the students wrote poems about love in their English class. One student wrote an especially touching poem. When he was praised for his work, he beamed and asked, "Will you please make me a copy of it so I can give it to my mentor?"

# New school for problem kids will lean on founder's track record

## EDUCATION

### Emphasis will be on giving back to the community

BY LAURA PETERSON

How do you turn the most chronic and violent juvenile criminals into proud, productive members of society? By teaching them to bake scones, to haul lumber, and to fix a car, along with good old math and English.

That's the philosophy behind the Life Learning Academy, the latest addition to the San Francisco Unified School District's cadre of charter schools. Pioneered by Mimi Silbert, the force behind the Delancey Street Foundation, the school will provide academic and rehabilitative programs for 60 delinquent youths by using the same methodology that has made Delancey Street one of the most successful and imitated drug and alcohol programs in the country: Learn by doing and give back to the community that teaches you. Self-respect comes from being able to give back to those who have given to you.

"It's a reciprocal process," says Silbert. "Kids need to learn how to give — they should not just be passive receivers. We want a student

that doesn't just passively learn but who learns through projects that he or she is creating for the benefit of other students, for their teachers, for the world," she says.

The academy is a project of the San Francisco Juvenile Justice Plan, a collaboration among numerous city law-enforcement and social-service agencies that aims to overhaul the fragmented and uncoordinated juvenile-justice system. Silbert, who holds doctorates in criminology and psychology, was invited to join the task force behind the plan because of her success with Delancey Street, which she helped found in 1971. In addition to having a low participant relapse rate, Delancey Street is completely self-sufficient. It is financed by several business ventures, such as a restaurant, moving company, and marketing firm, all completely staffed by program residents.

#### Giving a way to give back

Between November 1996 and March 1997, the task force interviewed more than 400 people in the juvenile-justice system in regard to how they thought the system should change. It also conducted "simulated placement" exercises in which groups of participants, including parents and youths as well as probation officers and judges, met for hours to come up with "ideal" placements

for every youth in custody.

After all the data was in, the task force came to essentially the same conclusion that Silbert arrived at years ago: that when offenders acquire skills that allow them to give back to the community, they develop a sense of responsibility and self-worth along with practical abilities that will help them find a place in society.

"A lot of people think that to help criminal offenders you just need to give and give and give them services," said Eugene Clendinen of the Mayor's Criminal Justice Council. "What they actually need is responsibility, accountability, and ownership of what they did so they're not just taking all the time — they're part of the healing process," he said.

#### Further findings

The task force also found that though serious and violent offenders comprise only 10 percent of youths in crime, they commit 75 percent of all serious juvenile offenses. It is this 10 percent that Life Learning Academy aims to serve. Under the charter-school proposal, 60 boys and girls already in the juvenile-justice system can voluntarily choose the program as an alternative to group homes or institutions. Students will be enrolled in the school for varying lengths of time, during which they will participate in

# ACADEMY: New school

*continued from page 3*

group counseling, academics, and recreational activities in addition to what silbert calls "life skills" classes, where they study manners, dress, and other codes of mainstream society.

But alongside their math, science, and English instruction, students will partake in a variety of vocational programs with the hands-on Silbert touch. First, the students will help rehabilitate the school's future home in the YMCA on Golden Gate Avenue, guided by licensed contractors. Silbert says she has lined up several executives, from the local Bank of America chairman to the CEO of the Gap, Inc., to talk to students about the worlds of finance and economics. Students can also work at a cafe in the building, where they will not only cook food but package and sell it.

## **Filling a need**

Though the school district has been criticized for diverting resources into the increasing number of charter schools, Board of Education members praised the proposal when they approved it January 13 for filling what they admitted was a sizable gap. "The inability to do a better job in reaching these students has been my single greatest frustration on



*Mimi Silbert*

this board," said board member Steve Phillips. "No one has ever come forward before and really said, "We want to dedicate ourselves to working with the students who have been forgotten. I'm delighted to see a proposal which finally speaks to these students" he said.

Silbert hopes to get the school up and running this spring, after a seismic review of the YMCA building is completed. Planners are still ironing out the details of how students will be admitted to the school, though Silbert knows she would like to see their numbers grow.

"I hope to make it one day the kind of place where there are 6,000 students trying to get in because it's fun, it's exciting, it's productive," she said.