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AMERICANS MUST LEARN TO EARN. PARENTS, YOUR CHILDREN CAN GO TO COLLEGE!

A Supplement to the 21st Century Scholars Certificate

College Is MORE AFFORDABLE than Most People Realize

DID YOU KNOW... AVERAGE COLLEGE TUITION PER YEAR* IS:

- \$1,627 for a two-year community college
- \$3,356 for a four-year state college or university
- \$15,380 for a four-year private college

*1999-2000. For specific figures in your area visit www.ed.gov/thinkcollege/

HERE'S INFORMATION TO HELP:

- 1. Encourage your children to take challenging courses.** By taking core courses such as algebra and geometry in the eighth and ninth grades, your child will be better prepared for high school courses in chemistry, physics, trigonometry, and calculus. Taking three to four years of a foreign language as well as Advanced Placement (AP) courses can help them get into college. High school students who pass the AP exams can earn college credit while they are still in high school.
- 2. Talk with your children about their future.** Encourage them to set goals and ask them to talk to their teachers, guidance counselors and others who can help them think about, picture, and prepare for promising careers and professions. Take them on college visits, suggest they take Saturday classes and participate in after-school activities, and let them know you value their hard work.
- 3. Ask your child's school** about plans for parent meetings for college preparation and financial aid information.
- 4. Find out how to pay for college.** Financial aid—money to pay for college—comes from many sources, including the federal government, your state government, private organizations, and the college your child will eventually choose to attend. Federal student aid includes:
 - grants (which you do not pay back)
 - work-study (which you earn by working part-time), and
 - low-interest student loans (which you must pay back)
 - Get more information from your child's school guidance counselor, call a college financial aid officer at a local college or university, call 1-800-4FED-AID, visit us on the Internet at www.ed.gov/thinkcollege/ or call the TDD number at 1-800-730-8913.
 - If you fill out a 1040 tax form, ask the IRS for its "Tax Benefits for Higher Education" (Publication 970) by calling 1-800-TAX-FORM or by visiting the website at www.irs.ustreas.gov. For example, you may be eligible to claim up to \$1,500 in Hope Scholarship tax credits for each

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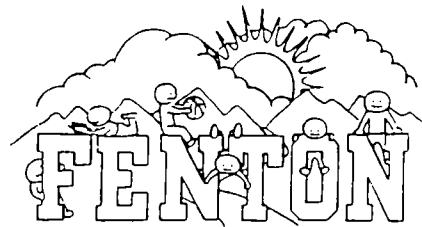
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Joe Lucente
Executive Director

Irene Sumida
Director of Instruction



CLIMBING NEW HEIGHTS TOGETHER

FENTON AVENUE CHARTER SCHOOL

A California Public Charter School

11828 Gain Street • Lake View Terrace, CA 91342
(818) 896-7482 • FAX (818) 890-9986

March 27, 2000

Bethany Little
White House Domestic Policy Counsel
The White House
Washington, D.C. 20001

Dear Ms. Little,

This will serve to memorialize our conversation on March 21, 2000 during which I extended an invitation for the President and First Lady and/or the Vice President to come to Fenton Avenue Charter School on May 1, 2000 to kick-off National Public Charter Schools Week with a live broadcast to all 1700 charter schools across the nation via the Internet. Fenton Avenue Charter School is the only public elementary school in the state of California with a broadcast studio and only one of a handful across the nation. This would be an incredible opportunity to showcase a school, once considered one of the worst in the Los Angeles Unified School District, which is now a California Distinguished School giving its predominately at-risk, disadvantaged students an "advantaged" environment in which they can and are succeeding. Although we are the largest totally autonomous public elementary charter school in the nation, our 1350 students experience low class size, outstanding teachers, incredible state-of-the-art technological tools (1 computer per every 1.6 on-track students), outstanding physical and human resources and strong parental and community support.

This could be a great opportunity to show strong democratic support for public charter schools. Our state and the area in which our school is located are somewhat unusual with both U.S. Senators, our U.S. Congressman, Governor, State Superintendent of Public Instruction, State Secretary of Education, State Senator, State Assemblymember, and City Councilman -- all democrats! Obviously if May 1 is not possible, any day during National Public Charter Schools Week would be appropriate. Since our modest broadcast studio is small and would not accommodate the number of people involved in a Presidential and/or Vice-Presidential visit, our business and community partners have already pledged to assist us in relocating our broadcast studio to our auditorium for the day. Although we would be open to any

format, we thought it might be appropriate to have our fifth grade student "anchors" interview the President, First Lady and/or the Vice-President in a discussion of charter school related topics. If this visit were to occur, it would undoubtedly draw strong national media coverage.

We are a "can do" school community. In October of 1996, we completed wiring all classrooms to the Internet and on October 21, 1996 our students participated in a live online cyberchat with First Lady Hillary Rodham Clinton. A month later, we opened our broadcast studio and its inaugural broadcast featured a live broadcast to all classrooms of an interview of our State Superintendent of Public Instruction and our City Councilman. In August of 1998, my co-director and I represented one of five charter schools invited to the Executive Offices for the "Conference for Promising Practices for Public Charter Schools in the District of Columbia" hosted by the USDE. We were able to speak with the First Lady and personally delivered the attached letter of invitation. Her response is also attached. On March 3, 2000, my co-director Irene Sumida came to Washington to testify before the Congressional Subcommittee on Oversight and Investigations, Committee on Education and the Workforce, on the topic, "Charter Schools: Successes and Challenges." Her testimony is attached for your information.

Our school community anxiously awaits your response. Should you require any additional information, feel free to contact me at anytime.

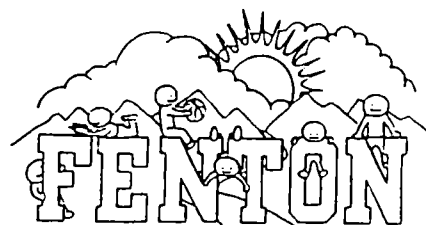
Sincerely,



Joe Lucente
Co-Director, Fenton Avenue Charter School
President, California Network of Educational Charters (CANEC)

cc - U.S. Senator Barbara Boxer
U.S. Senator Diane Feinstein
U.S. Congressman Howard Berman
Governor Gray Davis
State Senator Richard Alarcon
State Assemblymember Tony Cardenas
State Superintendent of Public Instruction Delaine Eastin
State Secretary of Education Sue Burr
Los Angeles City Councilman Alex Padilla

Joe Lucente
Executive Director



CLIMBING NEW HEIGHTS TOGETHER

FENTON AVENUE CHARTER SCHOOL

A California Public Charter School

11828 Gain Street • Lake View Terrace, CA 91342

(818) 896-7482 • FAX (818) 890-9986

Irene Sumida
Director of Instruction

August 4, 1998

Dear President and Mrs. Clinton,

Fenton Avenue Charter School, with an enrollment of nearly 1300 students in grades pre-kindergarten through fifth grade, is the largest elementary charter school in the nation. Prior to becoming a charter school on January 1, 1994, our school community was entrenched in helplessness and despair reflected by our single-digit test scores, continuous vandalism, and high student transiency rate. During the past four and one half years, our charter status has allowed every member of the school community: students, teachers, parents, and staff, to participate fully in the transformation of our school. The result of our efforts is total accountability in every aspect of the management, operation, and governance of the school; higher student achievement across all grade levels; and continuous focus on a schoolwide vision. Our efforts in technology and bilingual education particularly are clearly aligned with the President's views and direction for education in the 21st century. Our students, who were once viewed as "disadvantaged" are very quickly becoming "advantaged".

The case study and evaluation commissioned by the Los Angeles Unified School District and conducted by West Ed was the most comprehensive study to date of charter schools. Realizing your busy schedules, please read just the first few pages of the document. It will give you the overall reason for our success: We are an empowered school community who will no longer accept excuses for failure. We seek only solutions.

Perhaps during your next trip to California to visit Chelsea, you could take a half day to visit our school. What an impact your visit would have on the school and the entire surrounding community! Your visit would serve to validate our accomplishments and confirm what we have always believed - that our children are special and our President and First Lady recognize it. If the time factor is a problem, we also have a broadcast studio from which a live or videotaped message could be transmitted to every classroom in the school.

Thank you for this opportunity to share our thoughts with you. We look forward to hearing from you soon.

Sincerely,

Joe Lucente
Executive Director

Irene Sumida
Director of Instruction

Tony Peña
Family Center Director

Kathy Branam
Community Representative

THE WHITE HOUSE

August 5, 1998

Mr. Joe Lucente, Executive Director
Ms. Irene Sumida, Director of Instruction
Fenton Avenue Charter School
11828 Gain Street
Lake View Terrace, CA 91342

Dear Mr. Lucente and Ms. Sumida:

It was a pleasure to meet you recently at the "Conference for Promising Practices for Public Charter Schools in the District of Columbia." I enjoyed learning about the incredible transformation, under your leadership, of the Fenton Avenue Charter School. Your school serves as a model for others across the country, and we are grateful that you shared important insights with new public charter schools in D.C.

Thank you for your kind invitation for me to visit. I have forwarded your request to my scheduling office for consideration. They will contact you directly in the future.

With best regards, I am

Sincerely yours,


Hillary Rodham Clinton

cc: Patti Solis Doyle, Director of Scheduling

Testimony of Irene Sumida

Director of Instruction

Fenton Avenue Charter School

Friday, March 3, 2000 10:00 A.M.

Hearing on “Charter Schools: Successes and Challenges”

Congressional Subcommittee on Oversight and Investigations

Committee on Education and the Workforce

U.S. House of Representatives

Rayburn House Office Building

Washington, D.C.

FENTON AVENUE CHARTER SCHOOL

Successes...

On July 26, 1993, the Los Angeles Unified School District approved Fenton Avenue Elementary School's charter school petition and Fenton became the state of California's thirtieth public charter school as per California Senate Bill 1448. On January 3, 1994, Fenton Avenue Charter School officially opened as the second independent charter school of the Los Angeles Unified School District.

From January 1994 to the present, Fenton Avenue Charter School has changed little demographically. The ethnic composition of the school has remained relatively constant: 81.8% Hispanic, 13.1% African-American, 2.2% White, and 1.8% Filipino. Factors which are often used to identify "at risk" populations continue to describe Fenton students: 84% of our 1,343 students are identified as Title I; 64% are limited-English-proficient (LEP); and 90% qualify for free or reduced meals.

In contrast to the constancy of Fenton's demographics, indicators of school success reflect a significant change from January 1994 to the present. The first year of charter status, standardized test scores increased by 16% on the California Test of Basic Skills (CTBS) and Aprenda (the test administered to students receiving Spanish language arts instruction). Improvements continued into the 1995-96 school year with a 5.5% increase on the CTBS, and a 28.7% increase on the Aprenda. The number of students scoring at or above the 50th percentile increased by 383% in reading, 253% in mathematics, and 280% in language. First grade CTBS scores in 1993 for reading were at the 18th percentile. In 1999, the average score for first graders on the Stanford 9 was at the 47th percentile in reading.

The first year of charter status, Fenton had the highest rate of gain in student attendance of all schools in the Los Angeles Unified School District. Actual attendance increased from 91.86% to 97.61% and our transiency rate of 57% fell to 32% by the 1996-97 school year.

Parent participation has increased from a handful of parents attending school meetings and events to over four hundred parents a week utilizing Fenton's Family Center. Evening parent outreach meetings attract such large numbers that there is standing-room-only in the auditorium which seats over three hundred fifty. Saturday workshops for parents and students attract from one hundred fifty to two hundred participants, and Saturday field trips must be limited to the first one hundred eighty participants due to the capacity of the buses.

No aspect of Fenton's charter school history better illustrates how our efforts have come together to improve the instructional program than our technology story.

After initial charter approval in 1993, a vision for Fenton's technology delivery system was developed and adopted to utilize the existing stand alone technologies and research the

potential for the transition to a multimedia network. During the 1995-96 school year, generous grants from the Mattel and Riordan Foundations, along with long-term financing from General Telephone and Electronics (GTE) and Educational Management Group (EMG) made the implementation of an integrated sound, image, and data network feasible.

In 1996, we piloted a sixth grade self-contained classroom of the future, calling it the “Virtual Learning System” (VLS). This classroom was equipped with one networked Power Macintosh computer per student (twenty-five computers); two big screen electronic bulletin boards which enabled the teacher to electronically guide students in all disciplines before students explored or implemented on their own, a color scanner, a fax and two networked printers (1 color).

In July 1997, having moved the sixth grade to the middle school level, we instituted VLS classrooms for the entire fifth grade. Far exceeding our expectations, our Stanford 9 results for 1997-98 reflected an increase never experienced previously at our school. Expanding upon this success, by the end of July 1999, all fourth and fifth grade classrooms and three third grade classrooms were equipped to be fully functional VLS programs. This translates into 500 students who all have a computer at their work station. In addition to positively affecting achievement, this technology-enhanced learning environment establishes a context for students that is most analogous to a future work force environment where computers and technology will be an integral part of daily work life.

With the independence and entrepreneurship provided by charter school status, and the prudent, yet visionary fiscal management of Fenton’s Budget, Facilities and Safety Council guided by our Executive Director, equipment has been upgraded and the program has been expanded to include technology opportunities and applications for all grades beginning in pre-kindergarten. (All pre-kindergarten classes have four Power Mac computers; kindergarten classes have five; first grade classes have six; and second and third grades have between seven and ten in each room. All computers are networked and have access to the Internet. A broadcast studio with the capability to send live and videotaped presentations to every classroom in the school, televisions, VCR’s and compact disc interactive players in every classroom complete the technology implementation to date.)

In May 1997, Fenton Avenue Charter School was named a California Distinguished School, and on June 15, 1998, the Los Angeles Unified School District unanimously approved Fenton’s five year renewal petition following the release of the favorable in-depth evaluation by West Ed.

Challenges...

Numerous challenges continue to face charter schools. The most recurring problem for start-up schools is the lack of funding for facilities. “Start-up” charter schools (schools that are being established for the first time) must locate a site and then funding to purchase or lease the

site. Funding may come from private or personal sources, or from operating funds.

The federal government may be of assistance with this key problem by allowing flexibility to states in the use of federal charter schools grant funds. Some states already have provisions for facilities funding; but most do not.

Another problem facing many charter schools is the change in roles required to manage the operation of a fiscally independent school. Charter school operators are usually educators, not business people. But the operation of a charter school is a business. Federal funding has provided for the development of a nationwide charter schools leadership curriculum. Our co-director, Joe Lucente, has participated for two years in the development at the western regional level. The curriculum is now complete and we will need funding to provide the training. Again, flexibility from the federal level which would allow the states to channel federal funds to organizations with the expertise to organize and schedule these training efforts is needed. Examples of such organizations would be statewide charter school associations, charter school resource centers and charter school development centers.

The federal government could also be of assistance with a block grant of federal categorical funds similar to what California has devised for state categoricals. Funding could still be distributed based on need, but this mechanism would relieve charter schools of the cumbersome and time-consuming documentation that is currently required for many of these programs. A block grant would free up more time to work on our primary objective, which is also the primary objective of all federal programs -- to improve student achievement. We are still highly accountable on several levels. Most importantly, if our students and parents are not pleased with our product, they will walk. And ultimately, if we do not meet the student achievement goals outlined in our charters, we will no longer exist -- the ultimate accountability.

And finally, a challenge that many charter school developers must overcome is the sometimes hostile or uncooperative reaction of school boards, district staffs, and labor organizations (institutions of the status quo) to the development of charters within their sphere of influence. Although there is little that can be done on the federal level, it should be noted that the strong federal support of charter schools and the continued bipartisan support from the President on down will continue to gradually change the attitude of those who may currently impede the development of charter schools.

I will close with a quote from Guilbert C. Hentschke, Dean of the Rossier School of Education, University of Southern California, taken from the preface of the soon to be published Innovations for Excellence in Education: The California Charter School Story: "Charter schools are a testimony to the resilience and responsiveness of the American system of government as well as a tangible indicator of our growing recognition on the use of market forces and incentives in providing public services such as schooling...(Charter schools) are radically dissimilar in mission, type of student served, and instructional practices. At the same time, all embody common elements, such as a close connection between mission and everyday work, high

expectations of students, parents, and teachers, clear curriculum standards, and individualized student assessment and attention - elements which we have long been seeking for all public schools.”

A POSITIVE FORCE

The Involvement of Religious Organizations in Charter Schools

By Sharon L. Browne⁽¹⁾

Since passage of California's charter school law in 1992, religious organizations have played a positive role in assisting teachers, parents, and other community organizations in creating charter schools. Charter schools have been housed in buildings owned by religious organizations and religious leaders and members have been active in a number of nonsectarian community programs designed to help the schools. This paper responds to the questions most commonly asked about the role religious organizations can play in expanding educational opportunities under the Charter Schools Act of 1992, as amended in 1998.⁽²⁾

Certainly, any particular case will be viewed in light of the totality of circumstances at a school. Charter schools should seek legal advice on this sometimes murky area of the law before embarking on a specific course of action.⁽³⁾ Nonetheless, we can describe the parameters and define the setting in which those factual determinations must be made. A challenge to the Charter Schools Act is presently pending before a California appellate court and a decision in that case may shed some light on this area of the law.⁽⁴⁾

The answers given here are intended to provide general guidance under the applicable state and federal legal framework. Two crucial themes predominate. First, religious organizations may not legally operate, sponsor, or otherwise exercise control over charter schools.⁽⁵⁾ And, second, while charter schools, like all public schools, must be nonsectarian, the very purpose of charter schools is to foster innovation and creativity.⁽⁶⁾ Within certain legal constraints, therefore, religious leaders and religious organizations can make important contributions to the success of charter schools, as can all private individuals and organizations.

BACKGROUND

In California, the state constitution grants substantial powers to the Legislature for the education of California's children.⁽⁷⁾ Recognizing that California's public schools are failing to educate its youth, the Legislature adopted the Charter Schools Act allowing public schools to experiment with different administrative and educational approaches under a law that waives the statutes, regulations, and policies that apply to other public schools in return for a contractual promise to produce results.⁽⁸⁾ The Charter Schools Act requires charter schools to be nonsectarian.⁽⁹⁾

Likewise, the federal and state Constitutions place limits on the power of government to directly fund religious instruction and activities. The federal Constitution mandates that government "make no law respecting an establishment of religion, or prohibiting the free exercise thereof."⁽¹⁰⁾ The former provision, known as the Establishment Clause, forbids government affiliation with religious beliefs and institutions. Similarly, the California Constitution contains guarantees of the separation of religion and state. In language virtually identical to the First Amendment's Establishment Clause, the state Constitution declares, "[t]he Legislature shall make no law respecting an establishment of religion."⁽¹¹⁾ Although federal cases may supply guidance for interpreting this provision, California courts will independently determine its scope.

In addition, there are two other provisions of the state Constitution, having no counterparts in the federal Constitution, that provide guarantees that religion and government shall remain separate. Section 4 of Article I guarantees the "[f]ree exercise and enjoyment of religion without discrimination or preference." California courts have interpreted the clause

as being more protective of the principle of separation than the federal guarantee.⁽¹²⁾ The California Constitution further provides:

Neither the Legislature, nor any county, city and county, township, school district, or other municipal corporation, shall ever make an appropriation, or pay from any public fund whatever, or grant anything to or in aid of any religious sect, church, creed, or sectarian purpose⁽¹³⁾

Charter schools are an integral part of the California education system.⁽¹⁴⁾ The establishment of charter schools is encouraged by the Legislature.⁽¹⁵⁾ Their uniqueness stems from their exemption from many state and local regulations. Nonetheless, in examining the involvement of religious organizations in charter schools, it is important to keep in mind that charter schools are public schools that are under the exclusive control of officers of the public schools.⁽¹⁶⁾ Officials of charter schools are officers of the public schools to the same extent as are members of other school district governing boards. A charter school that violates any provision of law may have its charter revoked. Charter schools remain public institutions and will be treated as traditional public schools in litigation over church-state issues.

GOVERNANCE

1. May an existing religious school be converted to a charter school?

No. An existing religious school may not be converted to a charter school. The Charter Schools Act specifically prohibits the conversion of a private school to a charter school.⁽¹⁷⁾ The Charter Schools Act only allows for the conversion of an existing public school or the creation of a new charter school.

2. May a religious organization operate a charter school?

No. A religious organization may not operate a charter school.⁽¹⁸⁾ The Charter Schools Act requires charter schools to be nonsectarian in their programs, admission policies, employment practices, and all other operations.⁽¹⁹⁾ A charter may be revoked if the granting authority finds that the charter school violated any provision of law.⁽²⁰⁾ Thus, if a charter school were not nonsectarian, its charter would be revoked. Also, if a charter school were controlled by a church or other religious sect, it would be in violation of federal and state constitutional provisions and its charter would be revoked.⁽²¹⁾

3. What role can religious officials, such as church leaders, play in applying for a charter, establishing a charter school, and serving on the school's governing board?

A religious organization may not control or direct the operation of a charter school but members of religious organizations, including church leaders, may, like all other people, submit a petition to establish a charter school⁽²²⁾ and/or serve on the school's governing board. A high level of involvement by leaders of a particular church in a particular charter school, however, may generate cause for concern. For example, the governing body of a religious organization and the governing body of a charter school should not substantially overlap because it gives the appearance that the charter school is actually under the control or influence of the church. It is imperative that a charter school have its own autonomous organizational structure.

4. Can a religious institution provide services--such as legal, accounting, payroll, maintenance--to a charter school, either for free or for a fee?

Yes. The Charter Schools Act allows schools to accept assistance from "any private person or organization" for "funding or other assistance to the establishment or operation of a

charter school." ⁽²³⁾The Act also states that the charter school may purchase "administrative or other services from the chartering agency or any other source." ⁽²⁴⁾ This means that a charter school may accept assistance from private organizations, including religious organizations, in establishing or operating a charter school. Again, no control by a religious organization should accompany any contribution of services, and charter schools must remain nonsectarian in all their operations.

5. What role can religious organizations play in advertising, marketing, and recruiting students for a charter school?

Religious organizations should not be the sole vehicle for advertising, marketing, and recruiting students but can be utilized as one means of notifying potential students of a charter school so long as care is taken to advertise in other venues. This is because charter schools, in order to receive funding from the state, must remain public and abide by the constitutional requirements of the state. It is important that any advertisements posted at religious institutions or recruiting efforts occurring at religious institutions not give the impression that the charter school is denominational or is controlled or directed by a religious institution. Under the Charter Schools Act, the charter school must remain nonsectarian in its admission policies and shall admit all pupils who wish to attend the school. ⁽²⁵⁾ However, if the number of students who wish to attend the charter school is more than the school can accommodate, students are chosen by lottery with preference given to existing students and those who reside in the district. ⁽²⁶⁾

6. Can religious organizations raise money for and donate funds to charter schools?

Yes. A religious organization, however, when raising money for a charter school, may not imply that the charter school is sectarian or otherwise under the control of a religious organization. ⁽²⁷⁾ Moreover, a religious organization may not be given any degree of control over a charter school in exchange for a donation. A religious organization may, however, give a donation for a specific purpose so long as the purpose does not jeopardize the integrity of the state's policy of nonsectarian schools. Otherwise, all donations should come with "no strings attached."

INSTRUCTION

7. Can charter schools teach classes about religion?

Yes, to the same extent that any public school can. The study of religion, the Bible, the Talmud, and other religious books, when pursued in a nontendentious, pluralistic, objective, and secular setting, has been recognized as being an integral and necessary part of one's education. The Supreme Court has stated that "it might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization. It certainly may be said that the Bible is worthy of study for its literary and historic qualities." ⁽²⁸⁾

Charter schools, like all public schools, may not give direct instruction in religious principles. However, this does not mean that every reference to anything religious is prohibited. ⁽²⁹⁾ Charter schools, for example, may teach comparative religion, the history of religion, the Bible (or other religious books) as literature, and the effect of religion on the history of the United States and the world. Properly presented, such materials need not involve the promotion of religion. ⁽³⁰⁾ These subjects must be taught from an academic perspective; teachers may not endorse any of the religious beliefs to be studied or instruct students to engage in any religious practice. In addition, schools should seek to educate students about all major religions and must not promote or denigrate any specific religious denomination.

8. Can religious persons--such as nuns, clergy, Hasidim--teach at charter schools?

Yes, so long as the teacher does not attempt to convey religious messages.⁽³¹⁾

9. Can charter schools conduct joint activities with private religious schools, including such things as athletics, field trips, or other extracurricular activities?

It is all a matter of degree. Charter schools, for example, may participate in athletic leagues with religious schools, just as other public schools may do so. To the extent, however, that activities between charter schools and religious schools are jointly conducted on a regular basis, concerns could be raised about the appearance of such activities creating a symbolic union of church and state, which is constitutionally impermissible.

SCHOOL FACILITIES

10. May a charter school lease classroom space owned by a religious organization?

Yes,⁽³²⁾ but the propriety of such an arrangement should be evaluated on a case-by-case basis. The charter should specify information regarding the facilities to be utilized by the school.⁽³³⁾ If a charter school chooses to lease classroom space owned by a religious organization, such as a church, there are several precautions that should be taken to guard against legal challenge. For example, church signs and religious symbols, artwork, and literature should be removed from the leased space. A charter school should use a separate entrance from a church's main entrance (the children should not be required to walk through the church to enter the school), and the school should have complete control over the leased premises during the school day. The church and the charter school also should have no more than a landlord-tenant relationship.⁽³⁴⁾ In short, the leased space must offer students a purely secular environment.

11. What limits, if any, exist on the use of charter school facilities by religious organizations outside of school hours?

A charter school may allow religious organizations to use its facilities outside of school hours as part of a formal policy allowing community groups to utilize school facilities. Such a policy should be laid out in writing and made available to members of the general public upon request. A charter school should discriminate neither in favor of religious organizations nor against such organizations in granting outside groups use of its building.⁽³⁵⁾

If a religious organization, however, conducts after school religious instruction in a charter school building, it is important that the charter school in no way encourages students to attend such classes. If after school religious classes are offered, special care must be taken to preserve the independent identity of the charter school.

12. Can a charter school establish a nondenominational "meditation room" available to students and staff?

Although there is no precedent precisely on point, such a room is probably permissible so long as a charter school does not encourage students to use the room for silent prayer. A "meditation room" might also be less problematic from a legal perspective if it was called a "silent activity room."

OTHER

13. Can charter schools have students observe a "moment of silence"?

California law is silent on the question of whether school districts and teachers may begin each school day with a brief period of silent meditation. If a charter school contemplates a "moment of silence," it is important that it is not intended to be a religious exercise.⁽³⁶⁾ Instead, it should be considered as an opportunity for students to reflect on the anticipated activities of the day or to meditate on a religious theme if they so choose.

The United States Supreme Court did strike down an Alabama statute authorizing a one-minute period of silence. In that case, the sponsor of the relevant legislation testified that the only purpose of the law was to return voluntary prayer to the public schools so the justices concluded that the law had no secular purpose. The Court, however, was careful to distinguish between laws, such as Alabama's designed to promote prayer and those recognizing "an appropriate moment of silence during the schoolday."⁽³⁷⁾ A majority of the Court explicitly recognized that certain moment-of-silence statutes may be constitutional so long as their purpose is not to encourage prayer.

Recently, the United States Court of Appeals for the Eleventh Circuit upheld the constitutionality of Georgia's Moment of Quiet Reflection in Schools Act.⁽³⁸⁾ The court reasoned that the purpose of the law was to allow students time to reflect upon the upcoming day and that there was no evidence teachers encouraged students to pray during the moment of silence.

It is possible for California's charter schools to observe a moment of silence so long as it is clear that the purpose of the silence is to provide a time for quiet reflection rather than promoting voluntary prayer. Teachers may not encourage students to pray during this time but may not discourage them from doing so either.

14. Can religious artifacts, such as nativity scenes or menorahs, be displayed at charter schools whether or not the facility is leased from a religious institution?

The display of religious symbols such as a cross or menorah is permitted as a teaching aid or resource provided such symbols are displayed as an example of the cultural and religious heritage or a religion being studied in the academic curriculum and are temporary in nature. Religious artifacts, however, may not be displayed permanently and may not even be displayed temporarily if they have no relation to the curriculum or have the effect of endorsing a particular religion. For example, the Supreme Court has struck down the permanent display of the Ten Commandments in a public school classroom as unconstitutional.⁽³⁹⁾

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2. Educ. Code §§ 47600, *et seq.*

3. Many of the issues regarding the involvement of religious organizations in charter schools have important nationwide impact. A special acknowledgment is given to the Institute for Justice, which developed a briefing paper for the New York Charter School Resource Center.

4. *Wilson v. State Board of Education*, Court of Appeal, First Appellate District, Case No. 1 Civ. A084485.

5. Only a county board of education or the State Board of Education can legally sponsor a charter school. Educ. Code § 47605(b) and (j)(1)(2).

6. Educ. Code § 47601 provides:

It is the intent of the Legislature, in enacting this part, to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure, as a method to accomplish all of the following:

- (a) Improve pupil learning.
- (b) Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.
- (c) Encourage the use of different and innovative teaching methods.
- (d) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the schoolsite.
- (e) Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.
- (f) Hold the schools established under this part accountable for meeting measurable pupil outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems.
- (g) Provide vigorous competition within the public school system to stimulate continual improvements in all public schools.

7. Cal. Const., art. IX, § 1.

8. Educ. Code § 47601.

9. Educ. Code § 47605(d)(1).

10. U.S. Const., Amend. I.

11. Cal. Const., art. I, § 4.

12. *Fox v. City of Los Angeles*, 22 Cal. 3d 792 (1978).

13. Cal. Const., art. XVI, § 5.

14. Educ. Code § 47605(b).

15. *Id.*

16. Educ. Code § 47615; Cal. Const. art. IX.

17. Educ. Code § 47602.

18. Although Education Code § 47604 allows charter schools to operate as nonprofit public benefit corporations, a religious organization qualifying as a nonprofit organization for tax purposes cannot operate a charter school because it would violate the nonsectarian requirement of the Charter Schools Act and the federal and state constitutions.

19. Educ. Code § 47605(d)(1).

20. Educ. Code § 47607(b)(4).

21. First Amendment to the United States Constitution; Art. 1, § 4, of the California Constitution (free exercise of religion without preference); Art. IX, § 8, of the California Constitution (no public money for sectarian or denominational school); Art. XVI, § 5, of the California Constitution (no grant of anything to or in aid of any church, religious sect or sectarian purpose or help to support or sustain any school, college, university controlled by any creed, church or sectarian denomination); Art. XVI, § 3 (no public money for benefit of private organization). *See also*, 60 Ops. Cal. Atty. Gen. 103, 108 (1977) (an institution which is owned by, operated by, affiliated with, or associated with a religious group or sect would not be described as nonsectarian).

22. Educ. Code § 47605(a)(1).

23. Educ. Code § 47603.

24. Educ. Code § 47613.7(d).

25. Educ. Code § 47605(d)(1) and (d)(2)(A).

26. Educ. Code § 47605(d)(2)(B).

27. Educ. Code §§ 47603, 47605(d)(1).

28. *School District of Abington Township v. Schempp*, 374 U.S. 203, 225 (1963).

29. *See* 25 Ops. Cal. Atty. Gen. 316, 325 (1955) (It would be impossible to teach a course in the history of California which did not describe the early Catholic missions; Father Junipero Serra is regarded as one of the great figures in California's history. A high school course in European history could not properly omit reference to the great religious controversies of the middle ages. Similarly, instruction concerning the Constitution would involve the history of the struggle for religious freedom in colonial times. Religious subjects, such as Da Vinci's "Last Supper," Michelangelo's "Moses," and an Indian totem pole, are appropriate for study in a public school class on art. Likewise, passages from Beethoven's "Missa Solemnis" in a music class is appropriate.).

30. For example, Education Code § 51511 recognizes that religious matters such as religious literature, art, or music can be included in courses of study when such references do not constitute instruction in religious principles, do not aid a religious organization, or are incidental to or illustrative of matters properly included in the course of study.

31. It is also possible that the religious dress of such a teacher may be prohibited. *See, e.g., Cooper v. Eugene School District No. 4J*, 76 Or. App. 146, 708 P.2d 1161, 1165-68 (1985), *rev'd on a different ground, Cooper v. Eugene School District No. 4J*, 301 Or. 358, 723 P.2d 298, 313-14 (1986) (regulation banning the wearing by a teacher of religious dress (in this case, the white clothing and turban traditional to the Sikhs) while teaching school did not violate the provisions of the First Amendment to the United States Constitution or the Oregon Constitution guaranteeing freedom of religion, because the aim of the regulation was to guarantee religious neutrality in the public schools), *cited in In re Alcala on Habeas Corpus*, 222 Cal. App. 3d 345, 367 (1990).

32. Educ. Code § 47603.

33. Educ. Code § 47605(g).

34. *See Porta v. Klagholz*, 19 F. Supp. 2d 290 (1998).

35. *See, e.g.,* Educ. Code § 38131, which permits governing boards of any school district to allow the civic center at each public school facility and grounds to be used for religious

services for temporary periods where the "religious organization [] has no suitable meeting place for the conduct of the services, provided the governing board charges the church or religious organization using the school facilities or grounds a fee."

36. Prayers at the beginning of the school day have been held unconstitutional. *Engel v. Vitale*, 370 U.S. 421 (1962); *see also Sands v. Morongo Unified School District*, 53 Cal. 3d 863 (1991) (religious invocations and benedictions at public high school graduation ceremonies violate the federal and state Constitutions).

37. *Wallace v. Jaffree*, 472 U.S. 38, 59 (1985).

38. *Bown v. Gwinnett County School District*, 112 F.3d 1464 (11th Cir. 1997).

39. In *Stone v. Graham*, 449 U.S. 39, 41 (1980), the Supreme Court struck down the permanent display of the Ten Commandments in a public school classroom as unconstitutional stating: "The Ten Commandments are undeniably a sacred text in the Jewish and Christian faiths, and no legislative recitation of a supposed secular purpose can blind us to that fact." The State had argued that the law was designed to provide instruction on a "fundamental legal code," nonetheless, the Court found this reason was "not sufficient to avoid conflict with the First Amendment." *Id.*

**National Education Association
Office of Public Education Advocacy**

November 1999

CHARTER SCHOOL CRITERIA

EDUCATIONAL ACCOUNTABILITY

A charter school will only be as successful as its students. In order to demonstrate achievement gains, a charter school should participate in the same assessments as required by other public schools.

A charter school should be able and willing to educate all students, including those in need of special education services. For-profit companies running charter schools in some states have been attempting to cut costs by providing only one form of special education, inclusion. Some have been found to "counsel out" students needing more extensive special education services.

The teaching and professional staff of a charter school should be professionally certified and licensed. Where non-certified staff are utilized, they should be a small minority of the overall staff and should be supervised or mentored by a certified educator.

A charter school should have programs in place to promote the professional development of its staff. Staff should be involved in designing these programs.

There should be adequate safeguards in place to prevent teacher burnout. Research is showing that teacher burnout is leading to high staff turnover rates in charter schools, a strong factor in determining school success in the long run.

A charter school should provide complete information about its educational program, including making the school's curriculum publicly available without cost.

As a way to enhance a charter school's accountability and promote change within the larger system of public education, its staff should work to share innovations in curriculum or instruction with staff at other public schools.

FISCAL ACCOUNTABILITY

A charter school must not charge fees except on the same basis and to the same extent as other public schools in the local school district.

Charter schools must operate in the open with full disclosure of how their public funds are used. At the least, Generally Accepted Accounting Principles should be utilized to prepare public disclosure reports required by charter school laws.

To the greatest extent possible, charter funds should be spent at the school and classroom levels. In some states, charter operators have been found to be spending larger percentages of their funds on overhead costs than are school districts.

State governments should supply charter schools with adequate start-up funds and should ensure that districts with charter schools should not be fiscally affected in a negative way. Charter schools and the choices that they allow some students should not have a punitive effect on those students remaining in mainstream public schools.

Property acquired by the charter school must remain public property. In the event that a school's charter is revoked, its property must be relinquished to the chartering authority that granted its charter.

PUBLIC ACCOUNTABILITY

Charter schools must recruit and accept students from all sectors of their districts and have the goal of a heterogeneous student body. Studies are showing that in some areas, charter schools are increasingly segregated by race, class and student ability.

Charter schools should provide transportation for students. Failing to provide transportation makes a student's choice hollow and exacerbates socioeconomic segregation.

Charter schools should participate in the federal free and reduced price lunch program in order to provide a needed service to low-income students.

Charter school staff should be free to organize themselves to bargain collectively without intimidation or threat.

Charter schools should show a strong level of community support for their charter.

Charter schools should be nonsectarian in their programs, admission policies, employment practices, materials and general operations.

Charter school governing boards should be elected and should be comprised of people who are representative of stakeholder groups in the community, including staff at the school. The board should be publicly accountable, hold with open meetings and provide full disclosure of its actions, except for those matters relating to personnel or those considered confidential. Nepotism should be avoided in charter school boards.

**National Education Association
Office of Public Education Advocacy**

**In Brief
Charter Schools**

November 1999

Laws allowing the creation of charter schools -- deregulated, autonomous public schools -- have passed in record numbers since 1991. By the end of 1999, three-quarters of all states, the District of Columbia and the Commonwealth of Puerto Rico had passed charter school legislation. And, according to the U.S. Department of Education, nearly 1,800 charter schools were in operation during the 1999-2000 school year.

Charter laws have resulted in the creation of myriad types of schooling. Many of the schools are quite small with fewer than 200 students and feature non-traditional grading configurations, such as K-12 or K-8 schools. Charter schools that are conversions of existing public schools tend to be larger, enroll more diverse student populations, and offer more comprehensive approaches to education. Yet many charter schools have been created with a specific educational or curricular focus. Some have particular cultural, ethnic or bilingual approaches.

There are several characteristics that apply to nearly all charter schools: they are mission driven; they have a school-site governing structure; personnel decisions are made at the school site; school personnel are often more actively involved in decision making about curriculum and instruction, and parent involvement at the schools is high and sometimes a requisite for student enrollment.

Charter schools are sustaining bipartisan support in many state legislatures and within Congress. In an environment of deregulation and decentralization, charter schools often win support as a way to break the so-called monopoly that school districts have to create and run schools. Much charter legislation addresses the need for these schools to act as pools of innovation for the public education system. But more often charter organization has been about shifting the operating, ownership, and administrative practices to entities other than existing local school boards. And rather than promoting cutting edge innovation, many charter schools are established to fill a market niche for more traditional schooling.

Many proponents say that innovation is less a concern than giving public education clients -- parents in particular -- a choice in education. In other words, charter schools are leading to a de facto creation of boutique schooling. Some charters, especially those created by educators in mainstream public schools who have converted their school to charter status, offer comprehensive approaches to a truly diverse student body. But research is beginning to show that many charter schools are enrolling much more homogeneous student bodies. A recent study from Michigan noted that charter schools there were not creaming the best students, but those least costly to educate. Several studies have pointed to more segregation of students based on race, socio-economic status and academic achievement in charter schools. And the inclusion and treatment of special education students in charter schools has been controversial in a number of states.

Accountability in charter schools has been an elusive issue. Many proponents have promoted charters as being more accountable than mainstream public schools because they can be closed if they do not perform as expected. Yet many acknowledge that good systems of charter

accountability have not yet been developed -- that many charter authorizers or operators have left the issue of accountability vague and ill defined. Many educators in charter schools who are attempting truly alternative approaches to learning and assessment are feeling stymied by having to fit the mold of traditional assessment systems. Research is showing that even by traditional standards, achievement results in charter schools are mixed, often mirroring those of their mainstream counterparts: some charter schools are showing strong academic gains while others are struggling to improve even basic performance levels. As in mainstream schools, charter students' socio-economic status and their parents' educational level are often the defining factors affecting academic achievement.

Hiring and retaining a highly effective staff that produces high quality education is the only way that charter schools can sustain themselves over time. Yet, many charter operators, especially for-profit firms, are hiring teachers with far less classroom experience, generally at lower salaries than their colleagues in mainstream schools earn. Many teachers choosing to work in charter schools are trading lower pay and fewer resources for greater autonomy and flexibility in the classroom. They are happy with smaller classes and schools; a better disciplined student body and the greater parental involvement that charter schools have as their hallmark. Yet, many have expressed skepticism about their willingness or ability to stay at their current school because of salary, workload and school resource considerations.

NEA supports the creation of charter schools as a means to enable educators, along with parents and community stakeholders, to design innovative learning communities that will serve as laboratories for the improvement of all public schools. NEA believes that charter schools must be held to high levels of educational and public accountability, and they must be able and willing to educate all students. NEA is concerned by attempts of profit-making enterprises operating charter schools to promote higher profit margins by denying or reducing services to students, especially those who are more costly to educate, or by diminishing the rights and benefits of school employees.

NEA has helped members in four states -- California, Colorado, Connecticut and Hawaii -- to create charter schools through its Charter Schools Initiative (CSI). In addition to providing resources and technical support to these sites for the past five years, NEA has hired independent evaluators to document all aspects of school formation and implementation. Through this work, NEA hopes not only to assist other members interested in creating charter schools, but also to inform the work of educators engaged in recreating public schools. NEA has also participated in a federally supported project aimed at enhancing the flow of information between charter schools and mainstream public schools.

Op-Ed for Memphis *Commercial Appeal*
(Submitted and published March 1999)

“Which Charters Are Smarter?”

By Bob Chase, President, National Education Association

The last thing public education needs is another big, unaccountable experiment, with school children once again cast as guinea pigs. That is why, as one who sees great promise in the charter school concept, I advocate strong charter laws – laws that give teachers and parents the opportunity to create the schools of their dreams, while ensuring that these schools are accountable to the public and open to all who apply.

For exactly this reason, I urge folks in Tennessee to beware. As you debate the kind of charter school law you want for your state, don't repeat the mistakes of Arizona, Massachusetts, and some other states that have passed weak, permissive charter school legislation. These laws grant charter status not just to legitimate public schools, but also to existing private schools, to home-schoolers, and even to individuals and for-profit companies with no track record whatsoever in education.

For those who want to undermine or “privatize” public education, these permissive charter school laws are a strategic masterstroke. After all, why go through the grief of trying to pass tuition-voucher bills – which fare poorly in opinion polls and have been consistently rejected by voters and the courts – when you can get back-door funding for schools that remain effectively private by re-labeling them as “charters?”

And that's not the only problem with loose, permissive charter laws. They also allow anyone to found a charter school, including people without previous experience as teachers or school administrators. They allow charters to hire uncertified

teachers and to maintain restrictive admissions policies. And, in a number of states, charter laws fail to provide for even the most rudimentary public oversight and accountability.

For example, in Mesa, Arizona, a religious school converted to public charter status but continued to teach creationism in its science classes. In Los Angeles, a charter school principal used school funds to lease a Ferrari and to pay his rent, despite the fact that his school was \$1 million in debt and enrollment was plummeting; the school closed at midyear, and taxpayers were never reimbursed.

This is exactly why I oppose permissive charter school laws – including the one now being debated in Tennessee – that propose indiscriminately to “get rid of all regulations.” The hard reality is that such laws have opened the door to abuses that hurt students -- and will damage, if not discredit, the charter school movement.

Fortunately, Tennessee can learn from the many states that have passed tough-minded charter laws designed to ensure that charter schools are truly public schools, adhering to democratic principles and fully accountable to the public. A strong charter school law should include minimal, prudent requirements, such as:

- School admission must be open to all students.
- Schools must submit to rigorous fiscal and academic accounting.
- Teachers must be certified professionals, with the right to bargain collectively.
- Schools must share what they learn in order to promote improvements in other public schools.

Ironically, the National Education Association supports charter schools for many of the same reasons as people who are very critical of public education. We both see charters as a vehicle for de-bureaucratizing public schools; for increasing parental and community involvement in schools; and for expanding the menu of education choices and options.

But that is where our agreement ends. Our opponents – those who seek to dismantle public education – see permissive charter school laws as a halfway house en route to total privatization. By contrast, we envision charters as a catalyst for innovation in and renewal of public schools. To this end, we insist on rigorous charter laws to ensure that these schools are truly public – democratically governed, open to all students, and fully accountable to taxpayers and communities.

Which Charters Are Smarter?

A Vision for Truly Public Charter Schools

By Bob Chase

Two hostile camps dominate debate about the future of American public education. One camp seeks to reform and revitalize public schools, while the other seeks to dismantle them through tuition vouchers and privatization. Curiously, both sides agree that charter schools are a terrific idea. University of California at Los Angeles professor Amy Stuart Wells calls this the "strange bedfellows" phenomenon. What's going on?

It's easy to see why public education supporters, including public school employee unions, are intrigued by charters. Charter laws give educators and parents the opportunity to create the schools of their dreams. Indeed, dozens of authentically public charter schools already are proving themselves as laboratories of innovation and change. They are helping to strengthen public education.

But charter schools are also attractive to groups that seek to replace public schools with private alternatives. In states from California to Massachusetts, when these groups have failed to pass tuition-voucher bills, they have shifted their energies to passing charter school laws. Why?

The answer lies in their peculiarly permissive notion of what a charter school is. In states such as Massachusetts, Michigan, and Arizona, these groups have succeeded in passing laws that grant charter status not just to legitimate public schools, but also to existing private schools, to home-schoolers, and even to individuals and for-profit companies with no track record in education.

For advocates of private alternatives to public schools, these permissive charter laws are a strategic masterstroke. After all, why go through the grief of trying to pass tuition-voucher bills—which fare poorly in opinion polls and have been consistently rejected by voters and the courts—when you can get back-door public funding for schools that remain effectively private by re-labeling them as "charters"?

"What is called for is an incremental strategy that helps acclimatize the public to school choice, readying them for phase two, vouchers," said voucher activist Roxane Premont, in a speech at the Christian Coalition's annual conference in September. "Christians can enjoy the control they exercise in charter schools even as they push for vouchers."

And that's not the only problem with permissive charter laws. They also allow anyone to found a charter school, including people without previous experience

as teachers or school administrators. They allow charter schools to hire uncertified teachers and to maintain restrictive admissions policies. And, in a number of states, charter laws fail to provide for even the most rudimentary public oversight and accountability.

For example, in Mesa, Ariz., a private Christian school converted to public charter status this year but continues to teach creationism in its science classes. Despite this clear violation of both the Arizona and U.S. constitutions, Mesa's school board has no authority to intervene. In Los Angeles, a charter school principal used school funds to lease a Ferrari and to pay his rent, despite the fact that his school was \$1 million in debt and enrollment was plummeting; the school closed at midyear, and taxpayers were never reimbursed.

Despite these all-too-common abuses and illegalities, advocates of permissive charter laws persist in claiming that such laws are "strong." Likewise, they claim that laws requiring, for example, that charter schools hire certified teachers, be approved by local school boards, and admit all students without discrimination are "weak."

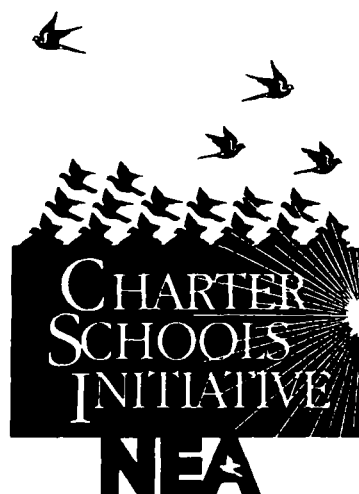
But these semantic somersaults ultimately fall flat. Beyond the superficial appeal of charter laws that "get rid of all regulations," the reality is that such laws have opened the door to abuses that hurt students, and will damage, if not discredit, the charter school movement.

Fortunately, many states have passed tough-minded charter laws designed to

ensure that charter schools are truly public schools, adhering to democratic principles and fully accountable to the public. Likewise, the National Education Association's own charter school initiative—which currently sponsors six charter schools around the country—is premised on principles that should be at the heart of every sound charter school law:

- School admission must be open to, and meet the needs of, all students.
- Staff members, parents, and other stakeholders must be involved in the design and governance of the school.
- Teachers must be certified professionals.
- Schools must submit to rigorous fiscal and academic accountability.

CONTINUED



***Charter schools,
freed from many of the
bureaucratic constraints imposed
on other public schools, provide
places to develop better ways to
improve student learning.***

***If ties to regular schools in
the community are strong,
charter schools can be ...***

***... an important vehicle to improve
education opportunities for all
students.***—This proposition is the basis
for NEA's Charter Schools Initiative (CSI),
a five-year research and development effort
to explore the possibilities of charter
schools.

NEA's charter schools are located in
communities that are demographically
representative of communities across the
United States. NEA's charter schools also
are representative of their communities and
are developed by founders' groups
composed of teachers and other community
leaders working with the Association.

NEA's considerable support to the
charter school sites includes ongoing
technical assistance in curriculum
development, student assessment, staff
development, administration, budgeting,
staff training, and community outreach.
NEA also is underwriting the evaluation of
CSI schools—and the project itself—by an
independent research team from the
University of California, Los Angeles.

CSI Criteria

The following criteria were used to select
the project's schools:

- open admission, tuition-free;
- nonsectarian;
- fiscally accountable;
- clear objectives;
- staff and community involvement in
the design, implementation, and
governance of the school;
- accommodation of the needs of
at-risk students and those requiring
special education services;
- adequate start-up resources and
funding equal to that provided for
students in regular public schools;
- safety and health standards equal to
those of existing public schools;
- compliance with all federal and
state nondiscrimination and equal
education opportunity laws;
- voluntary participation of students,
faculty, and staff; and
- the right to collective bargaining
ensured for all staff.

The logo for Charter Schools Initiative was
designed by the NEA-CSI Founders at their
meeting in San Diego, November 1996.

***A Message from Bob Chase,
President of the National Education Association***

The Charter Schools Initiative, just one of NEA's most exciting school reform efforts, brings together four important potential benefits: freedom and equitable choice for parents; innovative opportunities for educators; explicit accountability for schools; and a genuine laboratory from which schools and school districts can learn. And if charter schools can live up to their potential, the chances are good that today's charter school movement will become tomorrow's public education reality—and one that is here to stay.

As with any new venture, there are inherent risks. But when the possibilities for education success outweigh the possible risks, NEA has always been willing to put its resources behind the opportunity for success. If the CSI schools are as successful as we hope and believe they will be, they will become models of effective school reform for public education.

And because we want the evaluation of our efforts to be critical and unbiased as well as educationally sound, that evaluation will be done by an independent team of educators from UCLA. The results—good, bad, or mediocre—will be shared with our members, school officials, policy makers, the Association, and the media. In other words, if this Initiative doesn't succeed, we'll know why. And you will as well. If it meets our expectations, we'll know why it works and how it can work for you as an important tool to improve student learning.

Risk-takers: We salute you!

Bob Chase

Why CSI?

NEA's Charter Schools Initiative is a project from which public schools can learn. And, schools in the project are a source of ideas for NEA and its affiliates, policy makers, and teacher educators.

Three themes ...

Each CSI school, as does the Initiative itself, stresses:

- **Student Achievement**—All students will achieve at high levels; the dominance of the *bell curve* will diminish; the content and process of student assessment will be consistent with the school's purposes; and accountability for educational outcomes will be an integral part of school success.
- **Teacher Development**—Teachers will explore new forms of teacher leadership and improved teaching methods, but all will be consistent with—and complementary to—the learning characteristics of students as well as the curriculum.
- **Community Participation**—School staff will develop new effective ways to stimulate and sustain community and parental involvement, leading to a sense of *ownership* by the community. The school becomes a resource for the community just as the community becomes a resource for the school.

CSI Staff

The Charter Schools Initiative is a project of the National Education Association and is implemented by a cross-staff team coordinated by the Center for Advancement of Public Education (CAPE) and the National Center for Innovation (NCI).

★ ***For information, contact the CSI Co-Directors:***

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*For more information on
CSI Schools, refer to insert.*

CSI schools:

**** Lanikai Charter School, Kailua, HI:**

Converted to charter status in spring 1996. Elementary school serving grades K-6. School offers curriculum weaving academic subjects with arts, sciences and humanities – focus is interdisciplinary approach.

**** Integrated Day Charter School, Norwich, CT:**

Opened its doors in Sept. 1997. Elementary school serving grades K-7 with plans to add grade 8 for 2000/2001 school year. Highlights of program are mixed-age classes, longer school days, and “active learning” where students are actively involved in both the content and process of learning.

**** CIVA Charter School, Colorado Springs, CO:**

Opened its doors in Sept. 1997. Curriculum emphasizes character, integrity, vision and the arts through a model based on extensive community and parental involvement in the education program for student success.

**** San Diego Charter School, San Diego, CA:**

Opened its doors August 1999. Focus is a community-based school. Now serving elementary grades. Founders strive to create a seamless preK-12 model for education. Partners in project include San Diego State University. The goal is that graduation from the high school will guarantee college admission or a career-path, entry-level job.

Remarks

By

Bob Chase, President

National Education Association

Kwachiiyoa Charter School

San Diego, CA., January 13, 2000

Good afternoon. It's great to be here today.

Kwachiiyoa [koochie-o-lah] school represents the hopes and dreams of some very special people.

You have dared to start a new school from scratch. And you have done so for all the right reasons. You've created a school that fits the child rather than trying to make the child fit the school. You are pioneers, trailblazers, and partners in change.

Martin Luther King, during the civil rights struggle, was speaking to some people who were worried and uncertain about how things would turn out, and urged them to [quote] "take the first step in faith...You don't have to see the whole staircase," Dr. King said, "just take the first step."

Everyone involved in this school—supporting partners, brave parents, risk-taking teachers, and terrific students—took that first step in faith. You stepped off into the unknown.

Knowing what you know now, knowing all it took to get this school up and running, would you take this first step again?

Don't answer that. From what I heard, it's been both an exhilarating and exhausting experience for staff and parents alike.

Know this, however. What you've done here may seem like a small deed in the overall scheme of things, but as educators we know better. It is often the small deeds in this world that send out ripples of hope and encourage other small deeds until ultimately the many small deeds have formed a great wave of change.

The National Education Association supports the development of high-quality charter schools that welcome all students. We do so because we are not content with the state of today's schools.

In ways both large and small, we want to make schools better places for our children: places where learning and learners are deeply respected, places where teaching is exciting again, places where parents feel comfortable.

We want to see gifted teachers able to spend more time with each student. We want to enable parents to make a meaningful contribution to their children's education. We want to see schools wrapped in the warm arms of their community.

That's where we're headed, but like you last August, we don't know exactly how we'll get there. Indeed we're hoping you will help show us the way.

In closing, I want to address a special word to the very special students of Kwachiiyoo.

You're teachers tell me that you are great kids—each and every one of you—and I believe them.

Every school day, many of you have to travel a long way on a bus to get here. And your school is different from other schools, and it has a kind of funny name. But you don't let any of that bother you—you're cool. You are like astronauts exploring a new star in the galaxy.

Students of Kwachiiyoo, your parents and teachers are very proud of you. You're the best.

Thank you all, and may God continue to shine his light upon you.

CHARTER FRIENDS NATIONAL NETWORK

A periodic update on federal legislation and policy of interest to charter schools

FEDERAL POLICY UPDATE

Jon Schroeder, Project Director

March 28, 2000

Defining an appropriate federal role in charter facilities financing

Facilities financing for public schools is gaining increasing attention among federal policy makers. And, while facilities financing will continue to be primarily a state and local responsibility, charter school leaders and supporters can't ignore the growing federal interest.

In response to earlier proposals by the Clinton Administration, House leaders on this issue announced a bi-partisan compromise on a school construction bill on March 21. Representatives Nancy L. Johnson (R-CN) and Charles B. Rangel (D-NY) joined forces to propose legislation that would provide federal tax credits to pay the interest cost on \$24.8 billion in school modernization bonds. \$2.4 billion would go to expansion of an existing program that provides school modernization bonds to schools located in targeted areas with a high percentage of low income students. And \$400 million would be reserved for Bureau of Indian Affairs schools. Of the remaining \$22.0 million, sixty percent would be allocated to states based on their school-age populations. And, forty percent would go to 125 school districts with the nation's largest number of low-income children.

A few days earlier, Representative Heather Wilson (R-NM) introduced legislation that would create a new \$600 million federal loan guaranteed program for charter schools. The program would be administered by the Small Business Administration (SBA).

While facilities financing will continue to be primarily a state and local responsibility, charter leaders and supporters can't ignore the growing federal interest. This edition of CFNN's "Federal Policy Update" is intended to provide both background on the issue and some ideas on how an effective federal role in charter facilities financing might begin to be structured.

High priority needs and important lessons for policymakers and educators

Facilities financing remains one of the greatest challenges facing charter schools nationally. Without a tax base, bonding authority or explicit state or local facilities funding stream, a large majority of charters are forced to shift scarce resources from the classroom to pay their landlords or bankers.

Many charters are forgoing teaching positions, computers, textbooks and other essentials to meet monthly rent or mortgage payments. These realities are especially troubling for charters serving lower income students in big cities -- places where facilities costs are highest and educational needs most severe.

At the same time, charter schools have demonstrated enormous creativity in meeting their facilities needs -- often in ways that, by necessity, have significantly reduced costs and helped create new opportunities for both teaching and learning. There are many lessons for both educators and policy makers in this experience.

- * Lessons about the cost savings and private financial and other support that can be generated through co-locations with businesses, non-profits and other schools;
- * Lessons about the cost savings that can be generated through partnerships with public libraries, YM and YWCAs, park and recreation programs and others that can reduce the need for space and facilities traditionally associated with district public schools; and
- * Lessons about the new sources of revenue for public school facilities -- and new teaching and learning opportunities -- that can be generated through a variety of partnerships with community development agencies, private-sector employers, museums, colleges and universities, general local governments and others.

Five ways charters should be part of the larger policy discussion

As the Administration and Congress work together to craft an appropriate federal role in meeting the facilities needs of all public schools, charter schools must be part of the discussion. Here are five ways:

First, as public schools -- and in many states as independent Local Education Agencies (LEAs) -- charter schools should explicitly be included in any interest subsidy or other federal initiative to help finance public school facilities.

Second, charter schools that are their own LEAs should be guaranteed fair and equal access to any facilities financing assistance channeled through states.

Third, charter schools that are instrumentalities of districts should be guaranteed fair and equal access to any facilities financing assistance channeled through their districts. In cases where instrumentality charter schools are not treated equitably and fairly by their districts, they should be able to apply directly to their state education agency for assistance.

Fourth, charter schools that serve predominantly lower income students should receive priority treatment -- even if they are located in districts that have an overall lower percentage of lower income students.

And, finally, charter schools should be recognized for the contributions they are and can be making to reducing the overall cost of public school facilities. One way to do that would be to give priority in distributing federal facilities assistance to any public school that demonstrates overall cost savings on facilities through co-locations, creative partnerships and other means.

Charter schools, in other words, are not just asking to be treated with equity and fairness in any federal facilities financing initiative. Charter schools can and should be thought of as part of the solution -- including the role they can play in helping to meet the serious financing needs of many urban school districts.

Meeting the goal of creating 3,000 charter schools early in this new century will in large part de-

pend on initiatives to identify and finance facilities. But, just as charters can help promote change and academic improvement for all students, their creativity and frugality can be a valuable model for meeting the broader facilities needs of district public schools, as well.

The Twin Challenges of Charter School Facilities Financing

For the last three years, the Charter Friends National Network's Facilities Financing Initiative has conducted research and produced reports to help state policymakers and charter school operators address the facilities challenge. Based on that school- and state-level work, this Friends Network policy brief outlines some considerations that can inform discussions of an appropriate federal role in this critical policy arena.

Two challenges underlie the problems most charter schools face in financing their facilities: *affordability* and *access*.

Affordability: Charter schools must be able to afford to make their loan or lease payments. This challenge in turn has two parts:

- **Revenue:** Charter schools need adequate revenue to cover their facilities costs. But most states provide no revenue to charter schools for capital expenses.
- **Cost:** Charter schools need economical ways to obtain facilities financing. But for many schools, the primary instrument of low-cost financing for schools — tax-exempt bonds — are not available or feasible for charter schools.

Access: Charter schools must be able to convince lenders and landlords to provide long-term financing or leases, even though the future of individual charter schools is uncertain. Even if they have adequate revenue, charter schools may have difficulty obtaining long-term financing — especially charter schools that are small, inexperienced, or lack wealthy backers.

Policy Solutions: Mostly at the State Level

Policymakers can help address these challenges in many ways, as the Friends Network's *Paying for the Charter Schoolhouse* explores. Some of the possible strategies include:

Per-pupil facilities revenue: Providing annual per-pupil revenue for charter schools to pay for facilities.

Lowering the costs of financing: Authorizing charter schools or other entities to issue tax-exempt bonds for charter school facilities, or subsidize interest rates paid by charter schools.

Charter school finance pools: Creating specialized loan pools that make financing available to charter schools or by guaranteeing debt provided privately.

Incentives to provide facilities: Creating inducements for school districts, employers, and others to provide facilities for charter schools.

For the most part, these solutions are best pursued at the state level. Since state school finance policies and charter school laws differ greatly, the best approaches are likely to be those tailored to state settings. However, federal policymakers can play some important roles in moving these ideas forward.

Crafting an Appropriate Federal Role in Charter School Facilities Finance

Here are seven possible roles for the federal government in assisting charter schools with their facilities challenges:

Include charters in any broader school construction finance initiative. As noted above, the President and Congress may be converging on a bi-partisan national effort to help public schools broadly finance their facilities, through such means as federal interest rate subsidies. Any such legislation should make it possible for charter schools to enjoy the same benefits as regular public schools. To include charters fully, legislation should ensure:

- **Technical eligibility.** The legislation should state explicitly that public charter schools are eligible to receive the benefits available under the policy.
- **Practical eligibility.** The legislation should ensure that in addition to technical eligibility, it is practically feasible for charter schools to receive the benefits. Toward that end, charter schools that are independent of school districts should be able to apply for support directly, without obtaining the approval of a school district. Application procedures should be streamlined enough to be manageable for individual schools.
- **Support for non-traditional approaches to facilities.** The legislation should be crafted so that support is available for schools (both charter and non-charter) that are in non-traditional settings, such as schools-within-schools, schools co-located with other community agencies, or schools housed in office or retail space. If policymakers want to encourage these kinds of creative arrangements, the legislation could even include inducements for them, such as additional funding for break-the-mold approaches by charter and district schools alike.

Make the District of Columbia a model for the nation. As the “state legislature” for the District of Columbia, Congress is in a unique position to craft a charter school facilities policy for DC that can serve as a model for the rest of the nation. Congress has already taken steps in this direction by providing annual per-pupil facilities funding for charter schools, earmarking Housing and Urban Development funding for the development of a pilot credit enhancement program in DC, and attempting, with mixed results, to create incentives for the DC Public Schools to provide charter schools with facilities. Federal policymakers could expand on these early steps by appropriating funds for the establishment of charter school finance pools for the District, creating inducements for employers and developers to make facilities available to charter schools, and strengthening the incentives for the school system to provide charter facilities.

Support state experimentation. Though a few states have begun to pilot mechanisms for helping charter schools gain access to capital, federal funding could induce more states to develop programs

that could become national models. By appropriating a pool of funds made available competitively to states and/or nonprofit assistance providers, the federal government could elicit the best ideas from the field for such mechanisms as loan guarantee programs, efforts to pool charter schools together for common bond issues, direct loan pools for charter schools unable to obtain conventional financing, and other creative approaches.

Continue strengthening charter school access to existing funding streams. Since ability-to-pay is at the heart of the facilities financing challenge, anything the federal government can do to ensure that charter schools have equitable access to existing federal funding streams will help charter schools pay for their facilities. Though not granted for facilities, any additional federal dollars a charter school can obtain through Title I and other programs frees up other resources for facilities without cutting into the school's instructional program. In addition, though federal charter school start-up grants are generally not large enough to cover charter schools' facilities needs, they represent a vital slice of many charter schools' start-up resources. Accordingly, federal policymakers should continue to provide and expand this grant program.

Clarify regulatory issues. Whether charter schools have access to tax-exempt financing is largely a matter of state policy, since state legislatures typically control what types of entities can tap tax-exempt bond funding. But because exemption from federal taxation is the primary financial benefit of tax-exempt finance, the Internal Revenue Service's treatment of interest earned on charter school bonds is critical. Currently, many bond attorneys are unwilling to write opinions stating that charter schools are public entities whose interest payments are exempt from federal taxation because of uncertainty about how the IRS will treat such interest payments. Clarity on this issue from the IRS would make it easier for states to craft policies that open up opportunities for tax-exempt financing for charter schools.

Explore a limited direct federal role. Though support of state-level experimentation is perhaps the most promising route for federal policymakers to pursue, a limited amount of direct federal involvement could help spur thinking about these issues on a national basis. For example, a limited federal loan guarantee program could demonstrate the value of such initiatives to state-level actors.

Use the bully pulpit to encourage states to act. Federal policymakers should not underestimate their ability to help state policymakers understand the importance of these issues and to recognize some of the mechanisms they can use to address them. By talking with state officials, the media, businesses, funders, and the public, national leaders can move forward policy changes and private action within their home states.

* * * * *

Overall, addressing the facilities financing challenge will help charter schools fulfil their potential as innovative schools of choice within American public education. To the extent that charter schools can obtain facilities more economically and easily, they can devote more financial resources and leadership attention to what matters most: providing high-quality instruction for students.

Federal policymakers have an important role to play in tackling these issues. By proceeding with care and focusing energy on supporting state-level efforts to improve facilities financing for charter schools, the nation's leaders can make an important difference for charter schools and their students.

* * * * *

For further information on CFNN's Facilities Financing Initiative...

Charter Friends National Network has produced two previous reports on facilities financing that are available in print versions and on CFNN's Web site:

* "Paying for the Charter School House"... a policy report on major state and private sector facilities financing initiatives around the country

* "Out of the Box"... a resource guide for charter school developers and operators that includes about 20 case studies documenting how individual charters have addressed their facilities and facilities financing needs.

To receive a copy of either report, contact CFNN by e-mail at info@charterfriends.org Electronic versions of both documents are also available along with other information about CFNN's Facilities Financing Initiative on CFNN's Web site at: <http://www.charterfriends.org/cfi-financing.html>

DAN J. TAYLOR

P41

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THE VICE PRESIDENT
WASHINGTON

Dan:
I thought you
may want this.
Kapor
trash it.
Rude

November 17, 1999

Mr. Jamil S. Zainaldin
President
Georgia Humanities Council
50 Hurt Plaza, S.E., Suite 1565
Atlanta, GA 30303-2915

Dear Mr. Zainaldin:

Thank you for informing me of the important work being done by the Georgia Humanities Council to promote character education in the state's schools systems. I appreciate receiving a copy of Dr. Robert Michael Franklin's address that he recently delivered at the 1999 Annual Humanities Lecture in Atlanta.

The character of our citizens has enriched every aspect of our national life and has set an example of civic responsibility for people around the world. The diligence and determination that are part of our nation's work ethic have strengthened our economy, and the firm convictions of our spiritual leaders have helped guide our communities, fostering unity, compassion, and humility.

In this dynamic time of unparalleled opportunity and possibility, our children will encounter a variety of new challenges that will test the strength of their character and convictions. As the dawn of the new millennium fast approaches, we must work together -- parents, public officials, educators, entertainers, and business and religious leaders -- to impart to our youth the core values they need to be good citizens. Rest assured I will be doing my part to act responsibly and promote such decency and values.

Again, thank you for writing. Please accept my warmest regards.

Sincerely,



Al Gore

AG/rar

GEORGIA
HUMANITIES
COUNCIL

50 Hurt Plaza, SE, Suite 1565 • Atlanta, Georgia 30303-2915 • 404.523.6220

November 5, 1999

Vice President Al Gore
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. Vice President:

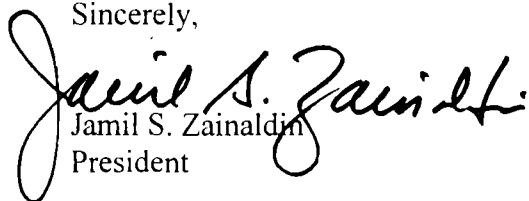
The U.S. Department of Education has awarded a grant to the Georgia Department of Education in support of character education in our state's schools. The Georgia Humanities Council is working with the Georgia education department to assist in providing resources and training for teachers in this important area. The Georgia Humanities Council also is opening the Center for Character Education as a resource for parents, teachers, and community leaders in our state.

We hardly need to stress the importance of character development in our nation's young children. This is a subject that you and Mrs. Gore have devoted yourselves to for a great many years. Your national leadership in this area will greatly enhance the ability of advocates for children everywhere to make the formation of good character an appropriate part of the educational process. We need to educate not only the minds of our children, but also their hearts.

Enclosed is a recent address delivered at the 1999 Annual Humanities Lecture by Dr. Robert Michael Franklin, President of the Interdenominational Theological Center in Atlanta. The Governor of Georgia and the Georgia Humanities Council annually sponsor this important lecture and luncheon. Dr. Franklin's subject is "Moral Literacy: The Knowledge of Truth, Justice, Goodness, and Beauty." He is an avid friend of character education and we commend this publication to your attention.

We would be happy to tell you more about our character education efforts in Georgia, including the leadership of our Governor, Roy Barnes, who has mandated its teaching in all schools in Georgia effective in year 2000.

Sincerely,


Jamil S. Zainaldin
President

Building community, character, and citizenship in Georgia
Home of the Georgia Center for Character Education

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"1999 Georgia Humanities Lecture," Booklet, 22 pages

1999
GEORGIA HUMANITIES
LECTURE

MORAL LITERACY:
THE KNOWLEDGE OF
TRUTH, JUSTICE,
GOODNESS,
AND BEAUTY

by
Robert Michael Franklin

GEORGIA

HUMANITIES

COUNCIL
Atlanta, Georgia