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

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

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

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

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Entity Responsible for Civil Rights Compliance

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

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

Effect of Existing Desegregation Plans on Public Charter Schools

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

A: Charter schools should be designed to promote equal educational opportunity and are not, by their nature, at odds with the purpose of desegregation. Chartering authorities and developers are encouraged to develop charter schools in districts that may be subject to a desegregation plan (as well as in other districts), and should not assume that it is problematic to establish a charter school in such a district. However, steps need to be taken to ensure that the charter school is consistent with the desegregation plan, or if not, that appropriate modifications to the plan are approved. Specifically, when a public charter school is being established in a jurisdiction that is under a Title VI desegregation plan approved by OCR, a court order requiring desegregation, or a desegregation plan approved by any other administrative body of competent jurisdiction pursuant to state law, the charter school must be established and operate in a manner that is consistent with the desegregation plan or order.

Before a charter school may be established in a jurisdiction that is under a Title VI desegregation plan approved by OCR – consistent with existing OCR requirements relating to the establishment of any new public school in the district – OCR must approve the establishment of the charter school as being consistent with the desegregation plan, which may involve approving amendments to the

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plan. OCR will review these requests expeditiously and will consider the positive educational goals served by charter schools. Similarly, before a charter school

may be established in a jurisdiction that is under a court order requiring desegregation or a desegregation plan approved by any other administrative body of competent jurisdiction pursuant to state law, the relevant court or administrative body must approve the establishment of the charter school as being consistent with the desegregation plan or court order, which may involve amendments to the plan or order.

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

Recruitment and Admissions

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

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

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

A: A public charter school must ensure that parents who are not proficient in English are provided with appropriate and sufficient information about the charter school. This information must be effectively communicated to parents who are not proficient in English. For example, if outreach materials are made available to

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parents, in those communities that have significant numbers of LEP parents, these materials may have to be available in languages other than English to ensure effective communication with LEP parents. If the charter school conducts informational meetings with parents or community groups in local

communities that include significant numbers of individuals who have limited English proficiency, then translation services should be available in order to ensure effective communication.

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

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

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

A: Public charter schools may not discriminate on the basis of race, color, or national origin in determining whether the applicant satisfies any admissions requirement. Charter schools receiving federal PCSP funds may set minimum qualifications for admission to the charter school, and thus for inclusion in the lottery, only to the extent that such qualifications are: (1) consistent with the statutory purposes of the PCSP; (2) reasonably necessary to achieve the educational mission of the charter school; and (3) consistent with federal civil rights laws. Regardless of whether charter schools receive federal PCSP funds, if admissions criteria result in markedly disproportionate numbers of students of a certain race, color, or national origin being denied admission to the charter school, as compared to the proportion of students of another race, color, or national origin, the criteria must be necessary to meet the school's educational objectives and there must be no feasible alternative admissions criteria that have less disparate impact and meet the school's educational objectives. For more detailed information about the circumstances under which charter schools receiving federal Public Charter Schools Program funds may set minimum eligibility criteria for admission, see Public Charter Schools Program: Non-Regulatory Guidance.

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Regardless of whether charter schools receive PCSP funds, any admissions criteria must be permitted by state law and the school's charter. Many state charter school laws also have specific provisions that are designed to ensure that charter schools are open to all students. For example, consistent with the federal Public Charter Schools Program, a significant number of states specifically require that public charter schools use a lottery system for admissions

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

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

A: Students with disabilities may not be excluded from admission to a public charter school solely on the basis of their disability. In applying admissions criteria to students with disabilities, individualized determinations must be made as to whether a particular student meets the criteria, and those determinations must be made on a nondiscriminatory basis. In addition, if students must take a written examination as part of the admissions process to a public charter school, any appropriate accommodations or modifications in test administration would need to be provided to applicants with disabilities.

Civil Rights Funding Requirements

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

A: States have broad discretion in determining how and from what revenue sources to fund charter schools. However, SEAs are responsible under civil rights regulations to ensure that their methods of administration for overseeing and supervising the provision of education under state law do not result in discrimination based on race or national origin. Part of that obligation is to ensure that state laws and procedures for financing public education do not have the effect of racial discrimination based on the student composition by race of LEAs. This obligation extends to the method of funding charter schools that are considered LEAs under state charter school laws.

Thus, if charter school-LEAs enroll student bodies that vary significantly in terms of their race or national origin from that of other LEAs in the state, and the state's methods of funding charter schools result in disparate educational resources for charter school-LEAs compared to other LEAs, there would be a possible claim that the state is in violation of Title VI. For example, some charter school-LEAs enroll a higher proportion of minority students than other LEAs; if these charter school-LEAs receive significantly lower levels of public financing per student

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than the other LEAs with corresponding deficiencies in educational resources for students, that could be a claim against the state for violating Title VI.

The state could defend against such a claim by showing that any such disparities are educationally justified. If it succeeded in doing so, there would be a question regarding whether there is a less discriminatory alternative funding method that would satisfactorily meet the state's educational objectives. These issues would need to be examined on a case by case basis.

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

Discrimination on the Basis of Sex

Q: Do charter schools have the same Title IX obligations as other public schools?

A: Yes. Consistent with Title IX, public charter schools must ensure that they do not discriminate on the basis of sex in their programs and activities.

For example, Title IX protects students from unlawful sexual harassment in all of a school's programs or activities, whether they take place in the facilities of the school, on a school bus, or at a class, training program, or other activity sponsored by the school at another location. When a responsible school employee, such as a principal or teacher, learns of possible sexual harassment discrimination by others, Title IX requires the school to immediately investigate, to take appropriate steps to end the harassment, to eliminate the effects of the harassment, and to prevent the harassment from recurring. The Title IX regulation also requires schools to have well-publicized policies against discrimination based on sex, including sexual harassment discrimination; to have effective and well-publicized procedures for students and their families to raise and resolve these issues; and to take prompt and effective action to equitably resolve sexual harassment discrimination complaints.

In order to receive technical assistance regarding Title IX, please contact the OCR enforcement office that serves your state.

Q: Are single sex charter schools permissible?

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

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encouraged to contact OCR for more specific guidance.

Provision of Appropriate Services to Students with Limited English Proficiency

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

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

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

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

Under Title VI, public schools have an obligation to ensure that LEP students are provided meaningful access to the educational program. Public schools must ensure that LEP students are identified, evaluated, and provided with an educational program that enables them to acquire English language skills and provides them with instruction in the knowledge and skills that all students are required to obtain. Staff providing services to LEP students need to be properly trained and the educational program should be periodically evaluated to ensure that it is effective in meeting the educational needs of LEP students. Public schools have broad discretion concerning how to ensure equal educational opportunity for LEP students.

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

Q: Under Title VI, what must a public charter school do to ensure that parents who are not proficient in English are provided with appropriate and sufficient information about school activities?

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A: As with other public schools, charter schools must effectively notify parents who are not proficient in English of school activities that are called to the attention of other parents. Such a notice, to be effective, may have to be provided in a language other than English.

Q: How may charter schools pay for the provision of appropriate educational services to LEP students?

A: The entity responsible for the operation of the public charter school may want to consider applying for Title VII funds from ED's Office of Bilingual Education and Minority Languages Affairs. LEAs are eligible to receive grants under this

program, so the charter school must be a LEA to apply, or the LEA of which the charter school is a part must apply.

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

Site Selection

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

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

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

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

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

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

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

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

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

It is important to note that, under Section 504, where a facility (constructed or altered post-1977) is acquired by a recipient after design and construction or

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

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

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

Provision of a Free Appropriate Public Education to Students with Disabilities

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

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

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

A: Section 504, Title II, and IDEA are related federal laws but are different in many important ways. Section 504 and Title II are civil rights laws that protect persons with disabilities from discrimination on the basis of disability. Section 504 and Title II are enforced by OCR. The IDEA is a federal statute that provides funds to SEAs, and through them to LEAs, to assist in providing a free appropriate public education (FAPE) to children with disabilities in mandatory age ranges and is administered by the Office of Special Education and Rehabilitative Services (OSERS) of the U.S. Department of Education. The IDEA has its own separate requirements that are not discussed in this publication; this publication focuses only on Section 504 and Title II. For information on IDEA and its requirements, contact OSERS' Office of Special Education Programs.

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

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

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

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

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

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

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

A: Yes. As noted above, one way to meet the FAPE requirements of Section 504 and Title II is to comply with the FAPE requirements of the IDEA. Among other things, the IDEA allows a state to designate some other entity as the agency responsible for meeting the IDEA requirements for children with disabilities attending a public charter school. This flexibility is also available for meeting the

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

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

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

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

basis. As noted above, compliance with the relevant IDEA requirements would constitute compliance with these Section 504 and Title II requirements.

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

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

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

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

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

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

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

FAMILIES' GUIDE TO THE TAX CUTS FOR EDUCATION

Many new tax benefits for adults who want to return to school and for parents who are sending or planning to send their children to college are now available. These tax cuts effectively make the first two years of college universally available, and they will give many more working Americans the financial means to go back to school if they want to choose a new career or upgrade their skills. When fully phased in, 13.1 million students are expected to benefit -- 5.9 million under the "HOPE Scholarship" tax credit and 7.2 million under the Lifetime Learning tax credit.

- **Up to a \$1,500 "HOPE Scholarship" tax credit for students starting college**

The "HOPE Scholarship" tax credit helps make the first two years of college or vocational school universally available. Students will receive a 100% tax credit for the first \$1,000 of tuition and required fees and a 50% credit on the second \$1,000. This credit is available for tuition and required fees less grants, scholarships, and other tax-free educational assistance and will be available for payments made after December 31, 1997, for college enrollment after that date. A high school senior going into his or her freshman year of college in September 1998, for example, could be eligible for as much as a \$1,500 HOPE tax credit.

This credit is phased out for joint filers who have between \$80,000 and \$100,000 of adjusted gross income and for single filers who have between \$40,000 and \$50,000 of adjusted gross income. The credit can be claimed in two years for students who are in their first two years of college or vocational school and who are enrolled on at least a half-time basis in a degree or certificate program for any portion of the year. The taxpayer can claim a credit for his or her own tuition expense or for the expenses of his or her spouse or dependent children.

A married couple with an adjusted gross income of \$60,000 has two children in college at least half-time, one at a community college with a tuition of \$2,000 and the other a sophomore at a private college with tuition of \$11,000. Using the HOPE Scholarship tax credit, this couple would have their taxes cut by as much as \$3,000.

- **The Lifetime Learning tax credit**

This tax credit is targeted to adults who want to go back to school, change careers, or take a course or two to upgrade their skills and to undergraduate college, graduate and professional degree students. A family will receive a 20% tax credit for the first \$5,000 of tuition and required fees paid each year through 2002 and for the first \$10,000 thereafter. Just like the "HOPE Scholarship" tax credit, the Lifetime Learning tax credit is available for tuition and required fees less grants, scholarships, and other tax-free educational assistance; families may claim the credit for amounts paid on or after July 1, 1998, for college or vocational school enrollment beginning on or after July 1, 1998. This credit is even available for individuals taking a single course, whether or not the course is taken for academic credit, as long as it is related to his or her job. There is no limit on the number of years a student can claim the Lifetime Learning credit. The maximum credit is determined on a per-taxpayer (family) basis, regardless of the number of post-secondary students in the family and is phased out at the same income levels as the "HOPE Scholarship" tax credit. Families will be able to claim the Lifetime Learning tax credit for some members of their family and the "HOPE Scholarship" tax credit for others who qualify in the same year.

A homemaker whose family has an adjusted gross income of \$70,000, wants to attend a graduate teacher training program at a public university (\$3,500 tuition) after being out of college for 20 years. Using the Lifetime Learning credit, his or her family's income taxes would be cut by as much as \$700.

A married couple has an adjusted gross income of \$32,000. The husband who is working as an automobile mechanic decides to go back to a local technical college to take some computer classes in the hope of getting a better job. He will pay a tuition of \$1,200. Using the Lifetime Learning credit, this family would have their taxes cut by as much as \$240.

- **Parents and grandparents can create education IRAs and make penalty-free withdrawals from other IRAs**

Taxpayers may also withdraw funds from an IRA, without penalty, for their own higher education expenses or those of their spouse, child, or even grandchild. In addition, for each child under age 18, families may deposit \$500 per year into an Education IRA in the child's name. Earnings in the Education IRA will accumulate tax-free, and no taxes will be due upon withdrawal if the money is used to pay for post-secondary tuition and required fees (less grants, scholarships, and other tax-free educational assistance), books, equipment, and eligible room and board expenses. Once the child reaches age 30, his or her Education IRA must be closed or transferred to a younger member of the family.

A taxpayer's ability to contribute to an Education IRA is phased out when the taxpayer is a joint filer with an adjusted gross income between \$150,000 and \$160,000 or a single filer with an adjusted gross income between \$95,000 and \$110,000. There are a few restrictions. A student, for example, who receives the tax-free distributions from an Education IRA may not, in the same year, benefit from the "HOPE Scholarship" or Lifetime Learning tax credits.

- **Greater flexibility for families saving in qualified State tuition plans**

When a family uses a qualified State-sponsored tuition plan to save for college, no tax is due in connection with the plan until the time of withdrawal, as a result of a law passed last year. The recent change in law allows families to use these plans to save not only for tuition but also for certain room and board expenses for students who attend on at least a half-time basis. Tuition and required fees paid with withdrawals from a qualified State tuition plan are eligible for the "HOPE Scholarship" tax credit and Lifetime Learning tax credit. These benefits were available beginning January 1, 1998.

- **Paying back student loans at a lower cost**

For many college graduates, one of their first financial obligations is to repay their student loans, which average about \$13,500 per student. The new student loan interest deduction will reduce the burden of the repayment obligation by allowing students or their families to take a tax deduction for interest paid in the first 60 months of repayment on student loans. The deduction is available even if an individual does not itemize other deductions.

The maximum deduction is \$1,000 in 1998, \$1,500 in 1999, \$2,000 in 2000, and \$2,500 in 2001 and beyond. It is phased out for joint filers with adjusted gross income between \$60,000 and \$75,000 and single filers with adjusted gross income between \$40,000 and \$55,000. The deduction is available for all educational loans, including loans made to students, parents, guaranteed student loans, and loans from private lenders, made before August of 1997 when the new student loan interest deduction became law but only to the extent that the loan is within the first 60 months of repayment.

A senior graduates from college and finds a job paying \$25,000 a year (and has no other income). The student has a total student debt of \$12,000 and is in the 15% federal income tax bracket. The monthly payment for this student's loans is \$148. The total amount of payments for the first year is \$1,776, over half of which is interest (\$960) which can be deducted under the new law. The student's maximum tax benefit can be calculated by multiplying \$960 by 15% for a tax savings of \$144.

- **Going to school while you work**

The recent tax law extends Section 127 of the tax code for three years. Section 127 allows workers to exclude up to \$5,250 of employer-provided education benefits from their income. The assistance must be for undergraduate courses beginning prior to June 1, 2000. This provision will enable many Americans to pursue their goals of lifelong learning.

- **Community service loan forgiveness**

This provision excludes from income student loan amounts forgiven by non-profit, tax-exempt charitable or educational institutions for borrowers who take community-service jobs that address unmet community needs. For example, a recent graduate who takes a low-paying job in a rural school will not owe any additional income tax if in recognition of this service her college or another charity forgives a loan it made to her to help pay her college costs. This provision applies to loans forgiven after August 5, 1997.

The balanced budget bills signed in 1997 by President Clinton includes many other provisions that will help all of the young people in America grow and learn and help families navigate through these changing times. The new tax law includes a provision to encourage computer donations to schools. The balanced budget agreement of 1997 protects and advances President Clinton's top domestic priorities, such as the expansion of Head Start and an increase in the maximum Pell grant for college to \$3,000. All of these benefits and tax cuts have one goal: to give parents the support they need to give their children a first class education and hope for the future.

For information on additional student aid programs that will help meet the costs of college and lifelong learning for you, your children and grandchildren, please call 1-800-4FED-AID. For information on the importance of getting ready for college early, especially middle school students, call 1-800-USA-LEARN.

(This is an informational guide produced by the Department of Education; for detailed tax information and instruction please consult your IRS tax forms and publications to see if you qualify.) January 1999

MEMORANDUM TO BRUCE REED

FROM: Jon Schnur
Bethany Little

DATE: June 21, 1999

SUBJECT: Charter Schools and Religion

> OK w/changes.
Thanks - BR

Some time ago, you asked about guidance for the involvement of religious organizations in charter schools. Attached is some draft guidance from the Department of Education. Jon and I are reviewing it, but given your interest we thought you might also want the opportunity to comment.

Additional Charter School Guidance:

May a public charter school be religious in nature or be affiliated with a religious organization?

Charter schools that receive federal start-up funds must be nonsectarian in their programs, admission policies, employment practices and all other operations, and ~~must not~~ ^{cannot} be affiliated with a sectarian school or religious institution. The charter school's curriculum must be completely secular and no religious instruction of any kind may be provided by the charter school. In addition, the charter school may not have ~~any~~ formal organizational ties with a religious organization. However, there are a number of ways in which religious organizations may partner with charter schools, and members of those organizations may be involved in charter schools.

What are some examples of ways religious organizations and their members may partner with, or be involved in, charter schools?

A faith leader may participate in designing, organizing or operating a charter school in his or her individual capacity—as a member of the community, not as a representative of his or her religious organization. The Department recommends that diverse segments of the local community be included in the initial organization and operation of a charter school, because a charter school that is organized or operated exclusively or primarily by members of one religious organization or group may give rise to questions about the independence and nonsectarian nature of the school.

NO —
This is guidance,
not advice

Likewise, faith leaders or members of religious organizations may work or volunteer in a charter school, as long as the staff and volunteers of the charter school are selected and hired on the basis of secular criteria and not because of religious belief or affiliation with a religious organization.

Finally, like other public schools, charter schools may enter into partnerships with community groups for secular purposes, such as tutoring or recreational activities. Religious groups may be partners for these types of activities, as long as charter schools select partners without regard to their religious affiliation, ensure that no public funds are used for religious purposes and do not engage in or encourage religious activity.

May charter schools use the facilities of a religious organization?

A charter school may use the facilities of a religious organization to the same extent that other public schools may use these facilities. Generally, this means that a charter school may lease space from a religious organization as long as the charter school remains nonsectarian in all its programs and operations, and is not affiliated with the religious organization. A charter school should select space based on its logistical and educational needs, not because the space is located in or near a religious school or institution, or because officials of the charter school are connected to a particular religious organization. ~~The Department strongly recommends that any space used by a charter school for~~

← ?

~~instructional purposes be free of religious symbols and under the full control of the charter school during school hours.~~

May charter schools conduct outreach activities in churches or through religious organizations?

A charter school's outreach and recruitment activities should be designed to reach all segments of the parent community. Thus, a charter school may conduct outreach or recruitment activities in churches or through religious organizations as part of a broad-based and balanced effort to inform the parent community about the charter school and recruit a diverse student body. In order to ensure that recruitment efforts reach all members of the community, these activities should not be conducted exclusively in or through religious organizations.

Is religious expression allowed in charter schools?

Religious expression is allowed in charter schools to the same extent as in other public schools. The Secretary has issued Religious Expression in Public Schools (at www.ed.gov/speeches/08-1995/religion.html), guidelines that address many of the issues facing public schools (including charter schools) with respect to religion, including student prayer and religious discussion, teaching values, teaching about religion and student religious clubs. Although charter schools are not singled out in the Secretary's guidelines, as public schools they are subject to the responsibilities and limitations outlined in the guidelines. These guidelines state "two basic and equally important obligations imposed on public school officials by the First Amendment.

- First, schools may not forbid students acting on their own from expressing their personal religious views or beliefs solely because they are of a religious nature."
- Second, "schools may not endorse religious activity or doctrine, nor may they coerce participation in religious activity. Among other things . . . school administrators and teachers may not organize or encourage prayer exercises in the classroom."

As stated in the Secretary's guidelines, students have the same right to engage in individual or group prayer and religious discussion during the school day as they do to engage in other comparable activity. For example, "students may read their Bibles or other scriptures, say grace before meals, and pray before tests to the same extent they may engage in comparable nondisruptive activities." In informal settings such as cafeterias and hallways, students "may pray and discuss their religious views with each other, subject to the same rules of order as apply to other student activities and speech." In addition, students may "participate in before or after school events with religious content, such as 'see you at the flag pole' gatherings, on the same terms as they may participate in other noncurriculum activities on school premises."

The Secretary's guidelines also state that "[t]he right to engage in voluntary prayer or religious discussion free from discrimination does not include the right to have a captive audience listen or to compel other students to participate. Teachers and school administrators should ensure that no student is in any way coerced to participate in religious activity" and "[t]eachers and school administrators, when acting in those capacities . . . are prohibited . . . from soliciting or encouraging religious activity, and from participating in such activity with students."

Charter schools are encouraged to consult the Secretary's guidelines when questions arise concerning religious expression and to ensure that teachers, administrators, students and parents are fully informed about the contents of the guidelines.

August 1999

Charter Schools

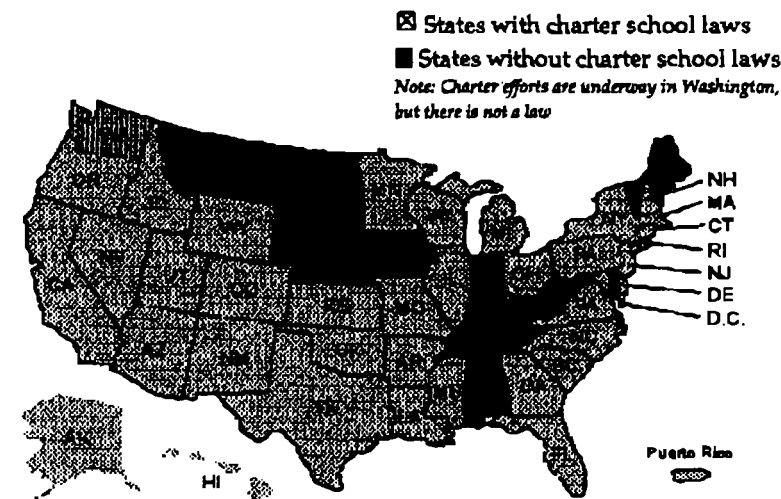
Policy Success Story Begins to Emerge

Bryan Hassel

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

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

Fig 1: States with Charter School Laws, June 1999

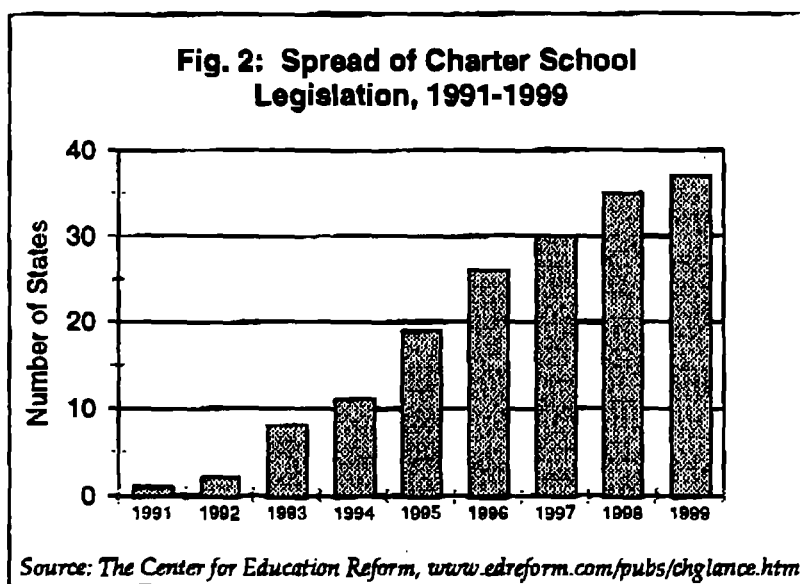


Source: U.S. Charter Schools, www.uscharterschools.org/chrt_exch/exlist.htm

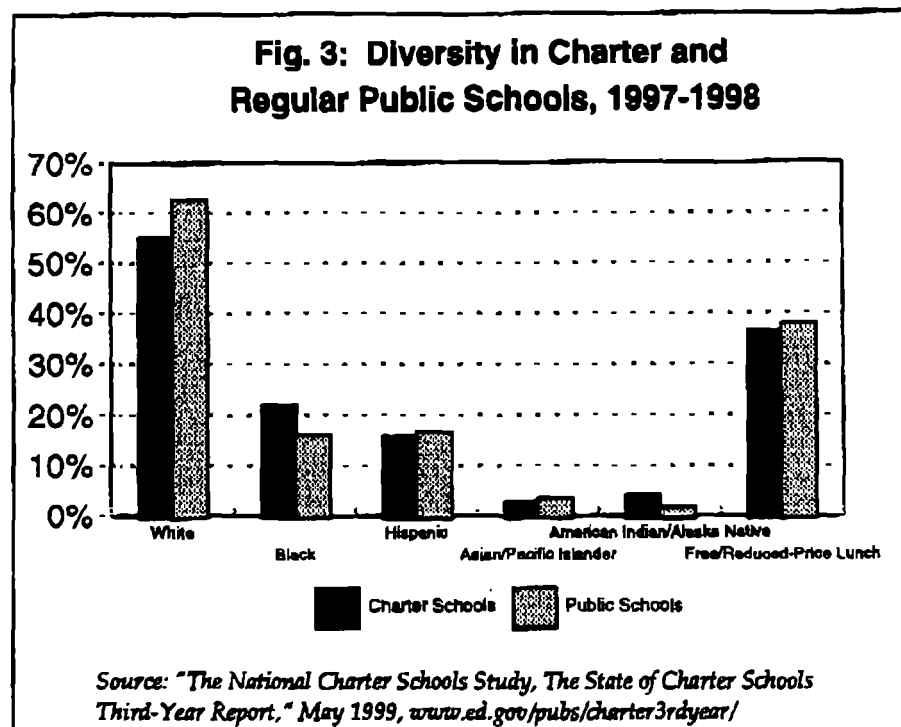
What the Research Says

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

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



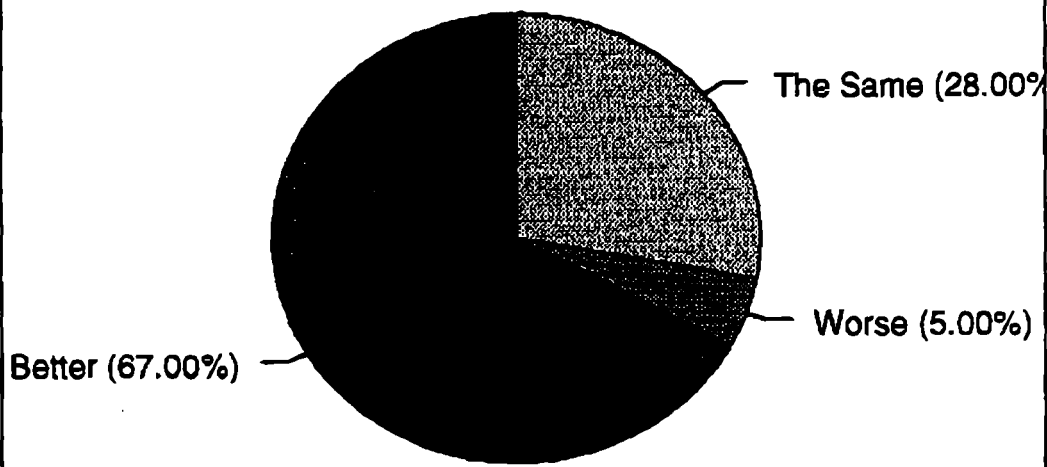
- **Wide variation in laws.** Though most states now have something called a "charter school law," these laws are as different as night and day. Some come very close to the ideal Kolderie set forth in his 1990 PPI monograph; others represent little change from the status quo. For example, 15 of the first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



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

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

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



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

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

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

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

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

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

Benchmarks of Success

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

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

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

Individual Schools Meeting the Benchmarks

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

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

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

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

Is the Charter Strategy Working?

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

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

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

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

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

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

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

Bryan C. Hassel is director of Public Impact, an education and policy consulting firm based in Charlotte, NC. He is co-editor (with Paul E. Peterson) of Learning from School Choice (Brookings, 1998) and author of The Charter School Challenge: Avoiding the Pitfalls, Fulfilling the Promise (Brookings, 1999).

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

Endnotes

¹ Ted Kolderie, *Beyond Choice to New Public Schools: Withdrawing the Exclusive Franchise in Public Education* (Washington, DC: Progressive Policy Institute, 1990).

² Center for Education Reform, "Charter School Highlights and Statistics," updated April 1999. Web: <http://edreform.com/pubs/chglance.htm>.

³ RPP International, *A National Study of Charter Schools: Second Year Report* (Washington: US Department of Education, 1998), Web: <http://www.ed.gov/pubs/charter98>; Gregg Vanourek, Bruno V. Manno, Chester E. Finn, Jr., and Louann A. Bierlein, "The Educational Impact of Charter Schools," Part IV of *Charter Schools in Action: Final Report* (Washington: Hudson Institute, 1997), Web: <http://www.edexcellence.net/chart/charttoc.htm>; Bruno V. Manno, Chester E. Finn, Jr., Gregg Vanourek, and Louann A. Bierlein, "How Charter Schools Are Different: Lessons and Implications," Part VI of *Charter Schools in Action: Final Report*.

⁴ Bryan C. Hassel, *The Charter School Challenge: Avoiding the Pitfalls, Fulfilling the Promise* (Washington: Brookings, forthcoming in 1999), Chapter 7.

⁵ RPP International, *The State of Charter Schools: Third Year Report*, pp. 30-37, Web: <http://www.ed.gov/pubs/charter3rdyear>. Overall public school data from the 1996-97 school year.

⁶ For example, see Chester E. Finn, Jr., Bruno V. Manno, Louann A. Bierlein, and Gregg Vanourek, "The Birth-Pains and Life-Cycles of Charter Schools," Part II of *Charter Schools in Action: Final Report*; RPP International, *A National Study of Charter Schools*; RPP International, *The State of Charter Schools*; Charter Friends National Network, *Paying for the Charter Schoolhouse: Policy Strategies for Charter School Facility Financing* (St. Paul, MN: The Network, 1999), Web: <http://www.charterfriends.org/facilities.html>; Seymour B. Sarason, *Charter Schools: Another Flawed Educational Reform?* (New York: Teachers College Press, 1998).

⁷ Gregg Vanourek, Bruno V. Manno, Chester E. Finn, Jr., and Louann A. Bierlein, "Charter Schools as Seen by Students, Teachers, and Parents," in Paul E. Peterson and Bryan C. Hassel, eds., *Learning from School Choice* (Washington: Brookings, 1998).

⁸ RPP International, *The State of Charter Schools*, p. 1.

⁹ RPP International, *The State of Charter Schools*, pp. 20-21.

¹⁰ For example, Stella Cheung, Mary Ellen S. Murphy, and Joe Nathan, *Making a Difference? Charter Schools, Evaluation and Student Performance* (Minneapolis, MN: Center for School Change, 1998); Paula Morgado and David May, "Achievement," Part I of *Charter Schools: A Progress Report* (Washington: Center for Education Reform, 1999), Web: <http://edreform.com/pubs/chachie.htm>.

¹¹ Eric Rofes, *How Are School Districts Responding to Charter Laws and Charter Schools? A Study of Eight States and the District of Columbia* (Berkeley, CA: Policy Analysis for California Education, 1998), pp. 11-

12. See also Robert Maranto, Scott Milliman, Frederick Hess, and April Gresham, "Arizona Charter Schools and District Schools," in Maranto, Milliman, Hess and Gresham, eds. *The Frontiers of Public Education: Lessons From Arizona Charter Schools* (Boulder, CO: Westview, forthcoming in 1999).

¹² David DeSchryver, "The Closures," Part II of *Charter Schools: A Progress Report*, Web: <http://edreform.com/pubs/CharterClosures99.htm>.

¹³ Paul T. Hill, Lawrence C. Pierce, and Robin Lake, "How Are Public Charter Schools Held Accountable?" Working Paper, University of Washington, 1998.

¹⁴ Amy Stuart Wells and colleagues, *Beyond the Rhetoric of Charter School Reform: A Study of Ten California School Districts* (Los Angeles: UCLA Charter School Study, 1998), pp. 19-24, Web: <http://www.gseis.ucla.edu/docs/charter.pdf>; Bruno V. Manno, Chester E. Finn, Jr., Louann A. Bierlein, and Gregg Vanourek, "Charter School Accountability: Problems and Prospects," Part IV of *Charter Schools in Action*.

¹⁵ Ted Kolderie, "What Does It Mean to Ask, 'Is "Charter Schools" Working?'" Working paper, Charter Friends National Network, 1998. Web: <http://www.charterfriends.org/working.html>.

¹⁶ Cheung, Murphy, and Nathan, *Making a Difference?*, pp. 15-19; Morgado and May, "Achievement."