



Charter Schools

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE GENERAL COUNSEL

October 28, 1998

NOTE TO ADDRESSEES

RE: Charter School Expansion Act of 1998

Attached, FYI, are the following items:

(1) Public Law 105-278, the Charter School Expansion Act of 1998, as signed by the President on October 22.

(2) The President's statement on signing the Act, as printed in the Weekly Compilation of Presidential Documents.

(3) A markup of the charter-school statute (along with affected sections in Titles VI and XIV of the ESEA) showing the amendments made by the Act.

(4) A recent floor statement on the legislation by Senator Coats.


Paul Riddle

Attachments

cc: Lidice Rivas, OS
Heidi Ramirez, ODS
Ann O'Leary, ODS
Ellen Conway, OESE
Connie Deshpande, OESE
Art Cole, OESE
John Fiegel, OESE
Alex Medler, OESE
Sandra Cook, OLCA
Tom Corwin, OUS/BS
David Cleary, OUS/BS
Carol Cichowski, OUS/BS
Greg March, OSERS
Judith Anderson, OERI
Phil Rosenfelt
Steve Freid
Cathy Grimes-Miller
Kay Rigling
Lisa Wells-Harris

Susan Craig
Steve Schatken
Jack Kristy
Leslie Somerville
Connie Bowers, OMB
Jon Schnur, DPC

H. R. 2616

PUBLIC LAW 105-278

OCT. 22, 1998

112 STAT. 2682

One Hundred Fifth Congress
of the
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Tuesday,
the twenty-seventh day of January, one thousand nine hundred and ninety-eight*

An Act

To amend title VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Charter School Expansion Act of 1998".

SEC. 2. INNOVATIVE CHARTER SCHOOLS.

Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.) is amended—

(1) in section 6201(a) (20 U.S.C. 7331(a))—

(A) in paragraph (1)(C), by striking "and" after the semicolon;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

"(2) support for planning, designing, and initial implementation of charter schools as described in part C of title X; and"; and

(2) in section 6301(b) (20 U.S.C. 7351(b))—

(A) in paragraph (7), by striking "and" after the semicolon;

(B) by redesignating paragraph (8) as paragraph (9); and

(C) by inserting after paragraph (7) the following:

"(8) planning, designing, and initial implementation of charter schools as described in part C of title X; and".

SEC. 3. CHARTER SCHOOLS.

(a) PURPOSE.—Section 10301(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8061(b)) is amended—

(1) in paragraph (1)—

(A) by inserting "planning, program" before "design"; and

(B) by striking "and" after the semicolon;

(2) in paragraph (2), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(3) expanding the number of high-quality charter schools available to students across the Nation."

(b) CRITERIA FOR PRIORITY TREATMENT.—Section 10302 of such Act of 1965 (20 U.S.C. 8062) is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (A), by striking “and” after the semicolon;

(B) in subparagraph (B), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(C) not more than 2 years to carry out dissemination activities described in section 10304(f)(6)(B).”;

(2) by amending subsection (d) to read as follows:

“(d) LIMITATION.—A charter school may not receive—

“(1) more than one grant for activities described in subparagraphs (A) and (B) of subsection (c)(2); or

“(2) more than one grant for activities under subparagraph (C) of subsection (c)(2).”;

(3) by adding at the end the following:

“(e) PRIORITY TREATMENT.—

“(1) IN GENERAL.—

“(A) FISCAL YEARS 1999, 2000, AND 2001.—In awarding grants under this part for any of the fiscal years 1999, 2000, and 2001 from funds appropriated under section 10311 that are in excess of \$51,000,000 for the fiscal year, the Secretary shall give priority to States to the extent that the States meet the criteria described in paragraph (2) and one or more of the criteria described in subparagraph (A), (B), or (C) of paragraph (3).

“(B) SUCCEEDING FISCAL YEARS.—In awarding grants under this part for fiscal year 2002 or any succeeding fiscal year from any funds appropriated under section 10311, the Secretary shall give priority to States to the extent that the States meet the criteria described in paragraph (2) and one or more of the criteria described in subparagraph (A), (B), or (C) of paragraph (3).

“(2) REVIEW AND EVALUATION PRIORITY CRITERIA.—The criteria referred to in paragraph (1) is that the State provides for periodic review and evaluation by the authorized public chartering agency of each charter school, at least once every 5 years unless required more frequently by State law, to determine whether the charter school is meeting the terms of the school’s charter, and is meeting or exceeding the academic performance requirements and goals for charter schools as set forth under State law or the school’s charter.

“(3) PRIORITY CRITERIA.—The criteria referred to in paragraph (1) are the following:

“(A) The State has demonstrated progress, in increasing the number of high quality charter schools that are held accountable in the terms of the schools’ charters for meeting clear and measurable objectives for the educational progress of the students attending the schools, in the period prior to the period for which a State educational agency or eligible applicant applies for a grant under this part.

“(B) The State—

“(i) provides for one authorized public chartering agency that is not a local educational agency, such as a State chartering board, for each individual or entity seeking to operate a charter school pursuant to such State law; or

“(ii) in the case of a State in which local educational agencies are the only authorized public chartering agencies, allows for an appeals process for the denial of an application for a charter school.

“(C) The State ensures that each charter school has a high degree of autonomy over the charter school’s budgets and expenditures.

“(f) AMOUNT CRITERIA.—In determining the amount of a grant to be awarded under this part to a State educational agency, the Secretary shall take into consideration the number of charter schools that are operating, or are approved to open, in the State.”.

(c) APPLICATIONS.—Section 10303 of such Act (20 U.S.C. 8063) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting “and” after the semicolon;

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

“(2) describe how the State educational agency—

“(A) will inform each charter school in the State regarding—

“(i) Federal funds that the charter school is eligible to receive; and

“(ii) Federal programs in which the charter school may participate;

“(B) will ensure that each charter school in the State receives the charter school’s commensurate share of Federal education funds that are allocated by formula each year, including during the first year of operation of the charter school; and

“(C) will disseminate best or promising practices of charter schools to each local educational agency in the State; and”; and

(D) in paragraph (3) (as redesignated by subparagraph (B))—

(i) in subparagraph (E), insert “planning, program” before “design”;

(ii) in subparagraph (K), by striking “and” after the semicolon;

(iii) by redesignating subparagraph (L) as subparagraph (N); and

(iv) by inserting after subparagraph (K) the following:

“(L) a description of how a charter school that is considered a local educational agency under State law, or a local educational agency in which a charter school is located, will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act;

“(M) if the eligible applicant desires to use subgrant funds for dissemination activities under section 10302(c)(2)(C), a description of those activities and how those activities will involve charter schools and other public schools, local educational agencies, developers, and potential developers; and”; and

(2) in subsection (c), by striking “10302(e)(1) or”; and

(3) in subsection (d)(1)—

(A) by striking “subparagraphs (A) through (L)” and inserting “subparagraphs (A) through (N)”;

(B) by striking “subparagraphs (I), (J), and (K)” and inserting “subparagraphs (J), (K), and (N)”.

(d) ADMINISTRATION.—Section 10304 of such Act (20 U.S.C. 8064) is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking “and” after the semicolon;

(B) in paragraph (5), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

“(6) the number of high quality charter schools created under this part in the State; and

“(7) in the case of State educational agencies that propose to use grant funds to support dissemination activities under section 10302(c)(2)(C), the quality of those activities and the likelihood that those activities will improve student achievement.”;

(2) in subsection (b)—

(A) in paragraph (5), by striking “and” after the semicolon;

(B) in paragraph (6), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(7) in the case of an eligible applicant that proposes to use grant funds to support dissemination activities under section 10302(c)(2)(C), the quality of those activities and the likelihood that those activities will improve student achievement.”;

(3) in subsection (f)—

(A) in paragraph (1), by inserting before the period the following: “, except that the State educational agency may reserve not more than 10 percent of the grant funds to support dissemination activities described in paragraph (6)”;

(B) in paragraph (2), by inserting “, or to disseminate information about the charter school and successful practices in the charter school,” after “charter school”;

(C) in paragraph (5), by striking “20 percent” and inserting “10 percent”; and

(D) by adding at the end the following:

“(6) DISSEMINATION.—

“(A) IN GENERAL.—A charter school may apply for funds under this part, whether or not the charter school has applied for or received funds under this part for planning, program design, or implementation, to carry out the activities described in subparagraph (B) if the charter school has been in operation for at least 3 consecutive years and has demonstrated overall success, including—

“(i) substantial progress in improving student achievement;

“(ii) high levels of parent satisfaction; and

“(iii) the management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school.

“(B) ACTIVITIES.—A charter school described in subparagraph (A) may use funds reserved under paragraph

(1) to assist other schools in adapting the charter school's program (or certain aspects of the charter school's program), or to disseminate information about the charter school, through such activities as—

“(i) assisting other individuals with the planning and start-up of one or more new public schools, including charter schools, that are independent of the assisting charter school and the assisting charter school's developers, and that agree to be held to at least as high a level of accountability as the assisting charter school;

“(ii) developing partnerships with other public schools, including charter schools, designed to improve student performance in each of the schools participating in the partnership;

“(iii) developing curriculum materials, assessments, and other materials that promote increased student achievement and are based on successful practices within the assisting charter school; and

“(iv) conducting evaluations and developing materials that document the successful practices of the assisting charter school and that are designed to improve student performance in other schools.”.

(f) NATIONAL ACTIVITIES.—Section 10305 of such Act (20 U.S.C. 8065) is amended to read as follows:

“SEC. 10305. NATIONAL ACTIVITIES.

“(a) IN GENERAL.—The Secretary shall reserve for each fiscal year the greater of 5 percent or \$5,000,000 of the amount appropriated to carry out this part, except that in no fiscal year shall the total amount so reserved exceed \$8,000,000, to carry out the following activities:

“(1) To provide charter schools, either directly or through State educational agencies, with—

“(A) information regarding—

“(i) Federal funds that charter schools are eligible to receive; and

“(ii) other Federal programs in which charter schools may participate; and

“(B) assistance in applying for Federal education funds that are allocated by formula, including assistance with filing deadlines and submission of applications.

“(2) To provide for the completion of the 4-year national study (which began in 1995) of charter schools.

“(3) To provide for other evaluations or studies that include the evaluation of the impact of charter schools on student achievement, including information regarding—

“(A) students attending charter schools reported on the basis of race, age, disability, gender, limited English proficiency, and previous enrollment in public school; and

“(B) the professional qualifications of teachers within a charter school and the turnover of the teaching force.

“(4) To provide—

“(A) information to applicants for assistance under this part;

“(B) assistance to applicants for assistance under this part with the preparation of applications under section 10303;

“(C) assistance in the planning and startup of charter schools;

“(D) training and technical assistance to existing charter schools; and

“(E) for the dissemination to other public schools of best or promising practices in charter schools.

“(5) To provide (including through the use of one or more contracts that use a competitive bidding process) for the collection of information regarding the financial resources available to charter schools, including access to private capital, and to widely disseminate to charter schools any such relevant information and model descriptions of successful programs.

“(b) CONSTRUCTION.—Nothing in this section shall be construed to require charter schools to collect any data described in subsection (a).”

(g) COMMENSURATE TREATMENT; RECORDS TRANSFER; PAPERWORK REDUCTION.—Part C of title X of such Act (20 U.S.C. 8061 et seq.) is amended—

(1) by redesignating sections 10306 and 10307 as sections 10310 and 10311, respectively; and

(2) by inserting after section 10305 the following:

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

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

“(b) ADJUSTMENT AND LATE OPENINGS.—

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

“(2) RULE.—For charter schools that first open after November 1 of any academic year, the State, in accordance with guidance provided by the Secretary and applicable Federal statutes and regulations, shall ensure that such charter schools that are eligible for the funds described in subsection (a) for

such academic year have a full and fair opportunity to receive those funds during the charter schools' first year of operation.

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

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

"SEC. 10308. RECORDS TRANSFER.

"State educational agencies and local educational agencies, to the extent practicable, shall ensure that a student's records and, if applicable, a student's individualized education program as defined in section 602(11) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(11)), are transferred to a charter school upon the transfer of the student to the charter school, and to another public school upon the transfer of the student from a charter school to another public school, in accordance with applicable State law.

"SEC. 10309. PAPERWORK REDUCTION.

"To the extent practicable, the Secretary and each authorized public chartering agency shall ensure that implementation of this part results in a minimum of paperwork for any eligible applicant or charter school."

(h) PART C DEFINITIONS.—Section 10310(1) of such Act (as redesignated by subsection (e)(1)) (20 U.S.C. 8066(1)) is amended—

(1) in subparagraph (A), by striking "an enabling statute" and inserting "a specific State statute authorizing the granting of charters to schools";

(2) in subparagraph (H), by inserting "is a school to which parents choose to send their children, and that" before "admits";

(3) in subparagraph (J), by striking "and" after the semicolon;

(4) in subparagraph (K), by striking the period and inserting "; and"; and

(5) by adding at the end the following:

"(L) has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school."

(i) AUTHORIZATION OF APPROPRIATIONS.—Section 10311 of such Act (as redesignated by subsection (e)(1)) (20 U.S.C. 8067) is amended by striking "\$15,000,000 for fiscal year 1995" and inserting "\$100,000,000 for fiscal year 1999".

(j) TITLE XIV DEFINITIONS.—Section 14101 of such Act (20 U.S.C. 8801) is amended—

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(1) in paragraph (14), by inserting “, including a public elementary charter school,” after “residential school”; and

(2) in paragraph (25), by inserting “, including a public secondary charter school,” after “residential school”.

(k) CONFORMING AMENDMENT.—The matter preceding paragraph (1) of section 10304(e) of such Act (20 U.S.C. 8064(e)) is amended by striking “10306(1)” and inserting “10310(1)”.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

Six years ago I put in place an economic strategy, which helped produce a cycle of lower deficits, lower interest rates, stronger investment, higher incomes, and greater confidence. That virtuous cycle opened the door of homeownership to millions of Americans. Now the challenge is to keep our economy strong—which is why we must continue to maintain fiscal discipline, invest in our people, and lead the global economy. I will continue to work hard to take the steps necessary to make the dream of homeownership a reality for more Americans.

Statement on Signing the Charter School Expansion Act of 1998

October 22, 1998

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

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

As the charter school movement spreads throughout the country, it is important that these schools have clear and measurable educational performance objectives and are held accountable to the same high standards expected of all public schools. To further this goal, H.R. 2616 requires the Department of Education to give priority in awarding grants to States in which the performance of every

charter school is reviewed at least once every 5 years to ensure the school is fulfilling the terms of its charter and students are meeting achievement requirements and goals. It also will reward States that have made progress in increasing the number of high-quality, accountable charter schools. Finally, it makes clear that any charter school receiving funding under this program must be measured by the same State assessments as other public schools. These important quality-control measures will help charter schools fulfill their potential to become models of accountability for public education.

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

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

William J. Clinton

The White House,
October 22, 1998.

NOTE: H.R. 2616, approved October 22, was assigned Public Law No. 105-278.

~~Letter to Congressional Leaders~~ Reporting Budget Deferrals

~~October 22, 1998~~

~~Dear Mr. Speaker: (Dear Mr. President:)~~

~~In accordance with the Congressional Budget and Impoundment Control Act of~~

AMENDMENTS MADE BY P.L. 105-278, THE CHARTER SCHOOL EXPANSION ACT OF 1998
OCTOBER 22, 1998; 112 STAT. 2682

Elementary and Secondary Education Act of 1965

**TITLE VI—INNOVATIVE EDUCATION
PROGRAM STRATEGIES**

PART B—STATE PROGRAMS

SEC. 6201. [20 U.S.C. 7331] STATE USES OF FUNDS.

(a) **AUTHORIZED ACTIVITIES.**—A State educational agency may use funds made available for State use under this title only for—

(1) State administration of programs under this title including—

(A) supervision of the allocation of funds to local educational agencies;

(B) planning, supervision, and processing of State funds; and

(C) monitoring and evaluation of programs and activities under this title; ~~and~~

→ (2) support for planning, designing, and initial implementation of charter schools as described in part C of title X; and

(3) ← ~~(2)~~ technical assistance and direct grants to local educational agencies and statewide education reform activities including effective schools programs which assist local educational agencies to provide targeted assistance.

(b) **LIMITATIONS AND REQUIREMENTS.**—Not more than 25 percent of funds available for State programs under this title in any fiscal year may be used for State administration under subsection (a)(1).

PART C—LOCAL INNOVATIVE EDUCATION PROGRAMS

SEC. 6301. [20 U.S.C. 7351] TARGETED USE OF FUNDS.

(a) GENERAL RULE.—Funds made available to local educational agencies under section 6102 shall be used for innovative assistance described in subsection (b).

(b) INNOVATIVE ASSISTANCE.—The innovative assistance programs referred to in subsection (a) include—

(1) technology related to the implementation of school-based reform programs, including professional development to assist teachers and other school officials regarding how to use effectively such equipment and software;

(2) programs for the acquisition and use of instructional and educational materials, including library services and materials (including media materials), assessments, reference materials, computer software and hardware for instructional use, and other curricular materials which are tied to high academic standards and which will be used to improve student achievement and which are part of an overall education reform program;

(3) promising education reform projects, including effective schools and magnet schools;

(4) programs to improve the higher order thinking skills of disadvantaged elementary and secondary school students and to prevent students from dropping out of school;

(5) programs to combat illiteracy in the student and adult population, including parent illiteracy;

(6) programs to provide for the educational needs of gifted and talented children;

(7) school reform activities that are consistent with the Goals 2000: Educate America Act; ~~and~~

→ (8) planning, designing, and initial implementation of charter schools as described in part C of title X; and

(9) ← (8) school improvement programs or activities under sections 1116 and 1117.

TITLE X—PROGRAMS OF NATIONAL SIGNIFICANCE

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PART C—PUBLIC CHARTER SCHOOLS

SEC. 10301. [20 U.S.C. 8061] FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) enhancement of parent and student choices among public schools can assist in promoting comprehensive educational reform and give more students the opportunity to learn to challenging State content standards and challenging State student performance standards, if sufficiently diverse and high-quality choices, and genuine opportunities to take advantage of such choices, are available to all students;

(2) useful examples of such choices can come from States and communities that experiment with methods of offering teachers and other educators, parents, and other members of the public the opportunity to design and implement new public schools and to transform existing public schools;

(3) charter schools are a mechanism for testing a variety of educational approaches and should, therefore, be exempted from restrictive rules and regulations if the leadership of such schools commits to attaining specific and ambitious educational results for educationally disadvantaged students consistent with challenging State content standards and challenging State student performance standards for all students;

(4) charter schools, as such schools have been implemented in a few States, can embody the necessary mixture of enhanced choice, exemption from restrictive regulations, and a focus on learning gains;

(5) charter schools, including charter schools that are schools-within-schools, can help reduce school size, which reduction can have a significant effect on student achievement;

(6) the Federal Government should test, evaluate, and disseminate information on a variety of charter school models in order to help demonstrate the benefits of this promising educational reform; and

(7) there is a strong documented need for cash-flow assistance to charter schools that are starting up, because State and local operating revenue streams are not immediately available.

(b) PURPOSE.—It is the purpose of this part to increase national understanding of the charter schools model by—

(1) providing financial assistance for the design and initial implementation of charter schools; ~~and~~ → planning, program

(2) evaluating the effects of such schools, including the effects on students, student achievement, staff, and parents; →; and

→ (3) expanding the number of high-quality charter schools available to students across the Nation.

10301

SEC. 10302. [20 U.S.C. 8062] PROGRAM AUTHORIZED.

(a) IN GENERAL.—The Secretary may award grants to State educational agencies having applications approved pursuant to section 10303 to enable such agencies to conduct a charter school grant program in accordance with this part.

(b) SPECIAL RULE.—If a State educational agency elects not to participate in the program authorized by this part or does not have an application approved under section 10303, the Secretary may award a grant to an eligible applicant that serves such State and has an application approved pursuant to section 10303(c).

(c) PROGRAM PERIODS.—

(1) GRANTS TO STATES.—Grants awarded to State educational agencies under this part shall be awarded for a period of not more than 3 years.

(2) GRANTS TO ELIGIBLE APPLICANTS.—Grants awarded by the Secretary to eligible applicants or subgrants awarded by State educational agencies to eligible applicants under this part shall be awarded for a period of not more than 3 years, of which the eligible applicant may use—

(A) not more than 18 months for planning and program design; ~~and~~

(B) not more than 2 years for the initial implementation of a charter school; ~~and~~

(C) not more than 2 years to carry out dissemination activities described in section 10304(f)(6)(B).

~~(d) LIMITATION.—The Secretary shall not award more than one grant and State educational agencies shall not award more than one subgrant under this part to support a particular charter school.~~

(d) LIMITATION.—A charter school may not receive—

(1) more than one grant for activities described in subparagraphs (A) and (B) of subsection (c)(2); or

(2) more than one grant for activities under subparagraph (C) of subsection (c)(2).

(e) PRIORITY TREATMENT.—

(1) IN GENERAL.—

(A) FISCAL YEARS 1999, 2000, AND 2001.—In awarding grants under this part for any of the fiscal years 1999, 2000, and 2001 from funds appropriated under section 10311 that are in excess of \$51,000,000 for the fiscal year, the Secretary shall give priority to States to the extent that the States meet the criteria described in paragraph (2) and one or more of the criteria described in subparagraph (A), (B), or (C) of paragraph (3).

(B) SUCCEEDING FISCAL YEARS.—In awarding grants under this part for fiscal year 2002 or any succeeding fiscal year from any funds appropriated under section 10311, the Secretary shall give priority to States to the extent that the States meet the criteria described in paragraph (2) and one or more of the criteria described in subparagraph (A), (B), or (C) of paragraph (3).

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(e)(1)

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(2) REVIEW AND EVALUATION PRIORITY CRITERIA.—The criteria referred to in paragraph (1) is that the State provides for periodic review and evaluation by the authorized public chartering agency of each charter school, at least once every 5 years unless required more frequently by State law, to determine whether the charter school is meeting the terms of the school's charter, and is meeting or exceeding the academic performance requirements and goals for charter schools as set forth under State law or the school's charter.

(3) PRIORITY CRITERIA.—The criteria referred to in paragraph (1) are the following:

(A) The State has demonstrated progress, in increasing the number of high quality charter schools that are held accountable in the terms of the schools' charters for meeting clear and measurable objectives for the educational progress of the students attending the schools, in the period prior to the period for which a State educational agency or eligible applicant applies for a grant under this part.

(B) The State—

(i) provides for one authorized public chartering agency that is not a local educational agency, such as a State chartering board, for each individual or entity seeking to operate a charter school pursuant to such State law; or

(ii) in the case of a State in which local educational agencies are the only authorized public chartering agencies, allows for an appeals process for the denial of an application for a charter school.

(C) The State ensures that each charter school has a high degree of autonomy over the charter school's budgets and expenditures.

(f) AMOUNT CRITERIA.—In determining the amount of a grant to be awarded under this part to a State educational agency, the Secretary shall take into consideration the number of charter schools that are operating, or are approved to open, in the State.



SEC. 10303. [20 U.S.C. 8063] APPLICATIONS.

(a) APPLICATIONS FROM STATE AGENCIES.—Each State educational agency desiring a grant from the Secretary under this part shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

(b) CONTENTS OF A STATE EDUCATIONAL AGENCY APPLICATION.—Each application submitted pursuant to subsection (a) shall—

(1) describe the objectives of the State educational agency's charter school grant program and a description of how such objectives will be fulfilled, including steps taken by the State educational agency to inform teachers, parents, and communities of the State educational agency's charter school grant program;



and

10302(c)(2) -

10303(b)(1)

- (2) describe how the State educational agency—
(A) will inform each charter school in the State regarding—
(i) Federal funds that the charter school is eligible to receive; and
(ii) Federal programs in which the charter school may participate;
(B) will ensure that each charter school in the State receives the charter school's commensurate share of Federal education funds that are allocated by formula each year, including during the first year of operation of the charter school; and
(C) will disseminate best or promising practices of charter schools to each local educational agency in the State; and

(3) ← (2) contain assurances that the State educational agency will require each eligible applicant desiring to receive a subgrant to submit an application to the State educational agency containing—

(A) a description of the educational program to be implemented by the proposed charter school, including—

(i) how the program will enable all students to meet challenging State student performance standards;

(ii) the grade levels or ages of children to be served; and

(iii) the curriculum and instructional practices to be used;

(B) a description of how the charter school will be managed;

(C) a description of—

(i) the objectives of the charter school; and

(ii) the methods by which the charter school will determine its progress toward achieving those objectives;

(D) a description of the administrative relationship between the charter school and the authorized public chartering agency;

(E) a description of how parents and other members of the community will be involved in the design and implementation of the charter school;

(F) a description of how the authorized public chartering agency will provide for continued operation of the school once the Federal grant has expired, if such agency determines that the school has met the objectives described in subparagraph (C)(i);

(G) a request and justification for waivers of any Federal statutory or regulatory provisions that the applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school;

→ planning, program

(H) a description of how the subgrant funds or grant funds, as appropriate, will be used, including a description of how such funds will be used in conjunction with other Federal programs administered by the Secretary;

(I) a description of how students in the community will be—

(i) informed about the charter school; and

(ii) given an equal opportunity to attend the charter school;

(J) an assurance that the eligible applicant will annually provide the Secretary and the State educational agency such information as may be required to determine if the charter school is making satisfactory progress toward achieving the objectives described in subparagraph (C)(i);

(K) an assurance that the applicant will cooperate with the Secretary and the State educational agency in evaluating the program assisted under this part; ~~and~~

(L) a description of how a charter school that is considered a local educational agency under State law, or a local educational agency in which a charter school is located, will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act;

(M) if the eligible applicant desires to use subgrant funds for dissemination activities under section 10302(c)(2)(C), a description of those activities and how those activities will involve charter schools and other public schools, local educational agencies, developers, and potential developers; and

(N) ~~(I)~~ such other information and assurances as the Secretary and the State educational agency may require.

(c) CONTENTS OF ELIGIBLE APPLICANT APPLICATION.—Each eligible applicant desiring a grant pursuant to section ~~10302(c)(1) or~~ 10302(b) shall submit an application to the State educational agency or Secretary, respectively, at such time, in such manner, and accompanied by such information as the State educational agency or Secretary, respectively, may reasonably require.

(d) CONTENTS OF APPLICATION.—Each application submitted pursuant to subsection (c) shall contain—

(1) the information and assurances described in subparagraphs (A) through ~~(G)~~ of subsection (b)(3), except that for purposes of this subsection subparagraphs ~~(I), (J), and (K)~~ of such subsection shall be applied by striking “and the State educational agency” each place such term appears; and

(2) assurances that the State educational agency—

(A) will grant, or will obtain, waivers of State statutory or regulatory requirements; and

(B) will assist each subgrantee in the State in receiving a waiver under section 10304(e).

(N)

(J), (K), and (N)

10303(6)(3)(H) -

(d)

SEC. 10304. [20 U.S.C. 8064] ADMINISTRATION.

(a) SELECTION CRITERIA FOR STATE EDUCATIONAL AGENCIES.—The Secretary shall award grants to State educational agencies under this part on the basis of the quality of the applications submitted under section 10303(b), after taking into consideration such factors as—

(1) the contribution that the charter schools grant program will make to assisting educationally disadvantaged and other students to achieving State content standards and State student performance standards and, in general, a State's education improvement plan;

(2) the degree of flexibility afforded by the State educational agency to charter schools under the State's charter schools law;

(3) the ambitiousness of the objectives for the State charter school grant program;

(4) the quality of the strategy for assessing achievement of those objectives; ~~and~~

(5) the likelihood that the charter school grant program will meet those objectives and improve educational results for students;

(6) the number of high quality charter schools created under this part in the State; and

(7) in the case of State educational agencies that propose to use grant funds to support dissemination activities under section 10302(c)(2)(C), the quality of those activities and the likelihood that those activities will improve student achievement.

(b) SELECTION CRITERIA FOR ELIGIBLE APPLICANTS.—The Secretary shall award grants to eligible applicants under this part on the basis of the quality of the applications submitted under section 10303(c), after taking into consideration such factors as—

(1) the quality of the proposed curriculum and instructional practices;

(2) the degree of flexibility afforded by the State educational agency and, if applicable, the local educational agency to the charter school;

(3) the extent of community support for the application;

(4) the ambitiousness of the objectives for the charter school;

(5) the quality of the strategy for assessing achievement of those objectives; ~~and~~

(6) the likelihood that the charter school will meet those objectives and improve educational results for students;

; and

(7) in the case of an eligible applicant that proposes to use grant funds to support dissemination activities under section 10302(c)(2)(C), the quality of those activities and the likelihood that those activities will improve student achievement.

10304(a) -
(b)

(c) PEER REVIEW.—The Secretary, and each State educational agency receiving a grant under this part, shall use a peer review process to review applications for assistance under this part.

(d) DIVERSITY OF PROJECTS.—The Secretary and each State educational agency receiving a grant under this part, shall award subgrants under this part in a manner that, to the extent possible, ensures that such grants and subgrants—

(1) are distributed throughout different areas of the Nation and each State, including urban and rural areas; and

(2) will assist charter schools representing a variety of educational approaches, such as approaches designed to reduce school size.

(e) WAIVERS.—The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority except any such requirement relating to the elements of a charter school described in section ~~10306(1)~~ if—

(1) the waiver is requested in an approved application under this part; and

(2) the Secretary determines that granting such a waiver will promote the purpose of this part.

(f) USE OF FUNDS.—

(1) STATE EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under this part shall use such grant funds to award subgrants to one or more eligible applicants in the State to enable such applicant to plan and implement a charter school in accordance with this part.

10310(1),

, except that the State educational agency may reserve not more than 10 percent of the grant funds to support dissemination activities described in paragraph (6)

(2) ELIGIBLE APPLICANTS.—Each eligible applicant receiving funds from the Secretary or a State educational agency shall use such funds to plan and implement a charter school in accordance with this part.

(3) ALLOWABLE ACTIVITIES.—An eligible applicant receiving a grant or subgrant under this part may use the grant or subgrant funds only for—

(A) post-award planning and design of the educational program, which may include—

(i) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and

(ii) professional development of teachers and other staff who will work in the charter school; and

(B) initial implementation of the charter school, which may include—

(i) informing the community about the school;

(ii) acquiring necessary equipment and educational materials and supplies;

(iii) acquiring or developing curriculum materials; and

(iv) other initial operational costs that cannot be met from State or local sources.

, or to disseminate information about the charter school and successful practices in the charter school,

(4) ADMINISTRATIVE EXPENSES.—Each State educational agency receiving a grant pursuant to this part may reserve not more than 5 percent of such grant funds for administrative expenses associated with the charter school grant program assisted under this part.

(5) REVOLVING LOAN FUNDS.—Each State educational agency receiving a grant pursuant to this part may reserve not more than ~~20~~ percent of the grant amount for the establishment of a revolving loan fund. Such fund may be used to make loans to eligible applicants that have received a subgrant under this part, under such terms as may be determined by the State educational agency, for the initial operation of the charter school grant program of such recipient until such time as the recipient begins receiving ongoing operational support from State or local financing sources.

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(6) DISSEMINATION.—

(A) IN GENERAL.—A charter school may apply for funds under this part, whether or not the charter school has applied for or received funds under this part for planning, program design, or implementation, to carry out the activities described in subparagraph (B) if the charter school has been in operation for at least 3 consecutive years and has demonstrated overall success, including—

- (i) substantial progress in improving student achievement;
- (ii) high levels of parent satisfaction; and
- (iii) the management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school.

(B) ACTIVITIES.—A charter school described in subparagraph (A) may use funds reserved under paragraph (1) to assist other schools in adapting the charter school's program (or certain aspects of the charter school's program), or to disseminate information about the charter school, through such activities as—

- (i) assisting other individuals with the planning and start-up of one or more new public schools, including charter schools, that are independent of the assisting charter school and the assisting charter school's developers, and that agree to be held to at least as high a level of accountability as the assisting charter school;
- (ii) developing partnerships with other public schools, including charter schools, designed to improve student performance in each of the schools participating in the partnership;
- (iii) developing curriculum materials, assessments, and other materials that promote increased student achievement and are based on successful practices within the assisting charter school; and
- (iv) conducting evaluations and developing materials that document the successful practices of the assisting charter school and that are designed to improve student performance in other schools.

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(g) TRIBALLY CONTROLLED SCHOOLS.—Each State that receives a grant under this part and designates a tribally controlled school as a charter school shall not consider payments to a school under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2507) in determining—

- (1) the eligibility of the school to receive any other Federal, State, or local aid; or
- (2) the amount of such aid.

~~SEC. 10303. [20 U.S.C. 8005] NATIONAL ACTIVITIES.~~

~~The Secretary may reserve not more than ten percent of the funds available to carry out this part for any fiscal year for—~~

- ~~(1) peer review of applications under section 10304(c);~~
- ~~(2) an evaluation of the impact of charter schools on student achievement, including those assisted under this part; and~~
- ~~(3) other activities designed to enhance the success of the activities assisted under this part, such as—~~

~~(A) development and dissemination of model State charter school laws and model contracts or other means of authorizing and monitoring the performance of charter schools; and~~

~~(B) collection and dissemination of information on successful charter schools.~~

SEC. 10305. NATIONAL ACTIVITIES.

(a) IN GENERAL.—The Secretary shall reserve for each fiscal year the greater of 5 percent or \$5,000,000 of the amount appropriated to carry out this part, except that in no fiscal year shall the total amount so reserved exceed \$8,000,000, to carry out the following activities:

- (1) To provide charter schools, either directly or through State educational agencies, with—

(A) information regarding—

(i) Federal funds that charter schools are eligible to receive; and

(ii) other Federal programs in which charter schools may participate; and

(B) assistance in applying for Federal education funds that are allocated by formula, including assistance with filing deadlines and submission of applications.

- (2) To provide for the completion of the 4-year national study (which began in 1995) of charter schools.

(3) To provide for other evaluations or studies that include the evaluation of the impact of charter schools on student achievement, including information regarding—

(A) students attending charter schools reported on the basis of race, age, disability, gender, limited English proficiency, and previous enrollment in public school; and

(B) the professional qualifications of teachers within a charter school and the turnover of the teaching force.

- (4) To provide—

(A) information to applicants for assistance under this part;

(B) assistance to applicants for assistance under this part with the preparation of applications under section 10303;

(C) assistance in the planning and startup of charter schools;

(D) training and technical assistance to existing charter schools; and

(E) for the dissemination to other public schools of best or promising practices in charter schools.

(5) To provide (including through the use of one or more contracts that use a competitive bidding process) for the collection of information regarding the financial resources available to charter schools, including access to private capital, and to widely disseminate to charter schools any such relevant information and model descriptions of successful programs.

(b) CONSTRUCTION.—Nothing in this section shall be construed to require charter schools to collect any data described in subsection (a).

10304(g)-

10305

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

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

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

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

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

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

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

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SEC. 10308. RECORDS TRANSFER.

State educational agencies and local educational agencies, to the extent practicable, shall ensure that a student's records and, if applicable, a student's individualized education program as defined in section 602(11) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(11)), are transferred to a charter school upon the transfer of the student to the charter school, and to another public school upon the transfer of the student from a charter school to another public school, in accordance with applicable State law.

SEC. 10309. PAPERWORK REDUCTION.

To the extent practicable, the Secretary and each authorized public chartering agency shall ensure that implementation of this part results in a minimum of paperwork for any eligible applicant or charter school.

SEC. 10310 [20 U.S.C. 8066] DEFINITIONS.

As used in this part:

(1) The term "charter school" means a public school that—

(A) in accordance with ~~an enabling State statute~~ is exempted from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

(B) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

(D) provides a program of elementary or secondary education, or both;

(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

(F) does not charge tuition;

(G) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;

(H) admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

a specific State statute authorizing the granting of charters to schools,

is a school to which parents choose to send their children, and that

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10310(1)(4)

(I) agrees to comply with the same Federal and State audit requirements as do other elementary and secondary schools in the State, unless such requirements are specifically waived for the purpose of this program;

(J) meets all applicable Federal, State, and local health and safety requirements; ~~and~~

(K) operates in accordance with State law; and

(L) has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school.

(2) The term "developer" means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

(3) The term "eligible applicant" means an authorized public chartering agency participating in a partnership with a developer to establish a charter school in accordance with this part.

(4) The term "authorized public chartering agency" means a State educational agency, local educational agency, or other public entity that has the authority pursuant to State law and approved by the Secretary to authorize or approve a charter school.

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SEC. ~~(934)~~. [20 U.S.C. 8067] AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this part, there are authorized to be appropriated ~~\$15,000,000 for fiscal year 1998~~, and such sums as may be necessary for each of the four succeeding fiscal years.

\$100,000,000 for fiscal year 1999

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TITLE XIV—GENERAL PROVISIONS

PART A—DEFINITIONS

SEC. 14101. [20 U.S.C. 8801] DEFINITIONS.

Except as otherwise provided, for the purposes of this Act, the following terms have the following meanings:

(14) ELEMENTARY SCHOOL.—The term “elementary school” means a nonprofit institutional day or residential school that provides elementary education, as determined under State law. → , including a public elementary charter school,

(25) SECONDARY SCHOOL.—The term “secondary school” means a nonprofit institutional day or residential school that provides secondary education, as determined under State law, except that such term does not include any education beyond grade 12. → , including a public secondary charter school,

buzzling manufacturing processes to clean, energy-efficient ones.

An example of seemingly mundane but significant environmental innovation comes from Micell Technologies, a start-up firm based in North Carolina, in the heart of the famed Research Triangle.

Formed in 1995 by three scientists—Joseph DeSimone, Timothy Romack and James McClain—Micell employs just 26 people. This small team is on the verge of solving one of this nation's most pervasive environmental problems.

Today, most dry cleaners rely on toxic solvents, such as perchloroethylene, or PERC, which can contaminate ground water and may cause cancer in humans after long-term exposure. While liquid carbon dioxide has long been seen as an environmentally positive alternative, it has not fared well in the marketplace because it simply cannot clean garments to acceptable standards by itself.

Led by DeSimone, a soft-spoken chemistry professor who co-invented the process with his students, scientists at UNC-Chapel Hill, developed new detergents that dissolve in liquid CO₂.

Not only is the toxic substance PERC removed from the dry cleaning equation, but Micell's two new cleaning systems, Micare and Miclean, separate and recover the CO₂ and detergents they use. Those waste products can then be recycled—an important factor in preventing run-off pollution from reaching sensitive waterways.

Just as important, Micell's innovation also will play a major role in protecting the health of tens of thousands of employees in America's dry cleaning industry—and quite likely millions of their customers as well.

The firm's accomplishment caught the eye of R&D Magazine, which named it a winner of its annual R&D 100 Awards, long regarded as the "Oscars of Invention."

Thus, a humble dry cleaner joins the fax machines, antilock brakes, and the ubiquitous ATM created by far larger corporations as a leader in cutting-edge technology.

Micell's experience shows that academic research and small company entrepreneurship may be the fastest—and greenest—path to the marketplace.

Congress should speed the discovery process by establishing new R&D tax credits and low-interest loans to encourage small businesses and universities to expand research activities.

The House and Senate Appropriations Committees recently pledged to double funding for the National Institutes of Health over five years—for starters—increasing NIH funding by \$2 billion this year. Experts in the medical community believe the funding increase will pay huge public health dividends.

Similarly, significant increases in federal funding that supports research for new environmental technologies also will produce big benefits for Americans—less pollution-driven disease, a greener planet and new industries that create jobs and enhance prosperity.

Continuing technological innovation is the key to America's economic and environmental health as it enters the 21st century. Congress should move quickly to bolster R&D and tax incentives in this key area. The time to act is now, while the U.S. still enjoys global economic dominance.●

RECOGNITION FOR RID-REMOVE INTOXICATED DRIVERS

● Mr. D'AMATO. Mr. President, 1998 marks the 20th anniversary of RID-Remove Intoxicated Drivers. Formed in 1978 by Doris Aiken in New York, the

organization has focused its efforts on educating the public on the impact of abusive alcohol use, offering support for the victims of drunk drivers and advocating for stricter laws on DWI.

RID has lobbied for the enactment of laws that will eliminate plea bargains for repeat offenders and funds for anti-DWI enforcement. With all their hard work, RID is able to claim credit for high safety ratings experienced in New York State. RID has also advocated for the lowering of the blood alcohol content from .1% to .08% as well as enhanced penalties for drunk drivers whose passengers are minors.

The National Highway Traffic Safety recognized the accomplishments of RID and awarded them the 1998 Public Service Award for their effective campaign to deter drunk driving. Their efforts contributed to New York being selected as having one of the safest records against drunk driving in the Nation for the fifth year.

In 1996, over 17,000 people died in drunk driving accidents, accounting for 41% of the total traffic fatalities of that year. While there was a 29% reduction from the alcohol related fatalities in 1986, it is still high—17,126 people too high. The senseless death of these individuals, the pain and anguish experienced by the family and friends and the hundreds of thousands who were injured can never truly be expressed through statistics. RID's accomplishments are for these victims and for potential victims of alcohol-related accidents.

I would like to add my congratulations to the many that RID has already received—on being recognized for their achievements in curbing drunk driving and on their 20 years of public service.●

COMMENDING THE BAY COUNTY WOMEN'S CENTER

● Mr. ABRAHAM. Mr. President, I rise today to recognize an important event in my home state of Michigan. In conjunction with National Domestic Violence Awareness Month, the Bay County Women's Center has planned a Candlelight Vigil and Speakout. The vigil recognizes survivors, family members, and those who have lost their lives to domestic violence. In addition to educating the community about the resources available to the victims of domestic violence.

The Bay County Women's Center reaches out to survivors of physical, emotional, and sexual abuse. It provides a safe, supportive, non-judgmental environment for survivors to make decisions about their lives and families. In addition to offering extensive counseling, the Center goes so far as to assist with job search skills, housing options, and child care services.

The Vigil and Speakout draw attention to a problem that is all too common in hopes that we can work together toward a solution. It will join citizens, groups of professionals, and

community leaders in an effort to stress to the Bay community that violence is inexcusable and will not be tolerated. Because the tragedy of domestic violence affects far too many American families, I commend the tireless work of the Bay County Women's Center in helping reverse domestic violence statistics and assist the victims of violence. The Center is truly an invaluable asset to Michigan's families.●

RECOGNITION OF PHILIP AND MARGE ODEEN

● Mr. JOHNSON. Mr. President, I want to take this opportunity to recognize Philip and Marge Odeen of Virginia. These two natives of Yankton, South Dakota have been selected by the Northern Virginia Community Foundation to receive the 1998 Northern Virginia Community Founder's Award. The Founder's Award is presented each year to those citizens who have consistently demonstrated a commitment to both civic and humanitarian concerns, while making a substantial contribution to improving the quality of life in Northern Virginia. The Founder's Award is a tribute to the Odeens' leadership in all of these areas.

From the time they moved east in 1960, the Odeens made an immediate impact in the areas of commerce, public affairs, the arts, and community improvement. Phil distinguished himself in the public sector at the National Security Council, later as a co-founder of the World Affairs Council, and most recently in his work with BDM International and TRW. Marge's endeavors on behalf of Northern Virginia Community College and the Women's Center have also been noted for their success.

Throughout their professional careers Phil and Marge have always found a way to donate time and effort to worthy causes such as the Salvation Army, Childhelp USA, the Heart Association, and the Wolf Trap Foundation. They have given freely to non-profit organizations in terms of time and money, have consistently taken the lead in getting others involved, and most importantly have positively affected the lives of numerous men, women, and children in the Washington area.

I would like to commend the Odeens for their numerous contributions to the Northern Virginia Community; their community leadership serves as a model for the citizens of both Virginia and South Dakota to emulate.●

THE CHARTER SCHOOL EXPANSION ACT OF 1998

● Mr. COATS. Mr. President, I am pleased with the passage by UC of the bipartisan substitute amendment to HR 2616, the Charter School Expansion Act. Senator LIEBERMAN and I introduced this bill last November to help further expand the charter school movement which is so successfully providing new educational opportunities

for children all around this country. This bill passed unanimously out of the Labor Committee and was unanimously approved by the Senate last night.

This important bill builds upon the great success of the original charter school legislation which Senator LIEBERMAN and former Senator Durenberger introduced in 1994. The Federal Charter School Grant Program provides seed money to charter school operators to help them pay for the planning, design and initial implementation of a charter school. Since this program's inception, the number of charter schools has tripled, with over 1100 charter schools now operating in 33 States and the District of Columbia.

Charter schools are independent public schools that have been freed from onerous bureaucratic and regulatory burdens in order to pursue clear objectives and goals aimed at increasing student achievement. To increase student achievement, charter schools are able to design and deliver educational programs tailored to meet the needs of their students and their communities.

It is the individualized education available to students through charter schools that makes this a desirable educational alternative for many families. Charter schools give families an opportunity to choose the educational setting that best meet their child's needs. For many low-income families in particular, charter schools provide their first opportunity to select an educational setting which is best suited for their child.

Parents and educators have, in turn, given these programs overwhelmingly high marks. Broad-based studies conducted by the Department of Education and the Hudson Institute show that charters are effectively serving diverse populations, particularly disadvantaged and at-risk children, that traditional public schools have struggled to educate.

With results like these, it is no wonder that some of the strongest support for charter legislation comes from low-income families. Not only do these parents now have real educational choices, but they are actually needed in the charter school environment for everything from volunteering to coaching, fundraising, and even teaching. This direct involvement of families is helping to build small communities centered around the school.

Charter schools can be started by anyone interested in providing a quality education: Parents, teachers, school administrators, community groups, businesses and colleges can all apply for a charter. And, importantly, if these schools fail to deliver a high-quality education, they will be closed—either through a district or State's accountability measures or from lack of students. Accountability is literally built into the charter school process—the school must comply with the provisions in its charter, and unhappy parents and students can leave if they are not satisfied.

Additionally, a survey conducted last fall by the National School Boards Association (NSBA) found that the charter movement is already having a positive ripple effect that is being felt in many local public school districts. The NSBA report cites evidence that traditional public schools are working harder to please local families so they won't abandon them to competing charter schools, and that central administrators often see charters as "a powerful tool" to develop new ideas and programs without fearing regulatory roadblocks.

Several other studies have recently been released highlighting the success of charter schools around the country. Among other things, these studies have shown that charter schools have successfully met and surpassed the standards outlined in their charters, attracted significant proportions of minority and low-income students, and have higher parental approval rates than public schools.

The results of these studies point to important ways to improve and reinvent public education as a whole. The implications from the success of charter schools indicate that public schools should be consumer-oriented, diverse, results-oriented, and professional places that also function as mediating institutions in their communities.

The purpose of this bill is to further encourage the growth of high-quality charter schools around the country. This bill provides incentives to encourage States to increase the number of high quality charter schools in their State. To qualify for funding under this bill, States must satisfy two criteria. First, they must provide for review and evaluation of their charter schools by the public chartering agency at least once every five years to ensure that the charter school is meeting the terms of its charter and meeting its academic performance requirements. And second, States meet at least one of three priority criteria:

The State has demonstrated progress in increasing the number of high quality charter schools that meet clear and measurable objectives for the educational progress of their students;

The State provides an alternative to the local educational agency as the public chartering agency through either another authorized public chartering agency or an appeals process; or

The State ensure that each charter school has a high degree of autonomy over the charter school's budgets and expenditures.

These priority criteria were included to encourage States to develop charter school laws that promote diversified educational opportunities balanced with high expectations, clear objectives, and strong accountability measures.

This bill continues the primary focus of charter school grants for the planning, design and implementation costs of new charter schools. This bill adds another purpose for which grants can

be used by States—States may now reserve up to 10 percent of their grant funds to support the dissemination activities of successful charter schools. These dissemination grants can go to charter school operators to help encourage education reform by spreading the lessons learned by successful charter schools and assist in the creation of new charters and the reform and reinvigoration of other public schools.

To help ensure that the amount of the federal grants are proportional to the level of charter school activity in the State, this bill directs the Secretary to take into consideration the number of charter schools in operation, or that have been approved to open.

During drafting of this bill, the single greatest concern I heard from charter school operators related to their ability to access their fair share of federal education funding. And so, to ensure that charter schools have enough funding to continue once their doors are opened, this bill provides that charter schools get their fair share of federal programs for which they are eligible, such as Title I and IDEA. The bill also directs States to inform their charter schools of any Federal funds to which they are entitled.

This bill also increases the financing options available to charter schools and allows them to utilize funds from the Title VI block grant program for start-up costs.

Because it is so important that charter schools are held accountable in return for the flexibility they are given from Federal, state and local laws and regulations, this amendment includes several significant provisions which strengthen accountability. First, under the priority criteria, States must review and evaluate their charter schools at least once every five years to ensure that they are meeting the terms of their charter and their academic performance requirements. They are rewarded for increasing the number of high quality charter schools that are "held accountable in their charter for meeting clear and measurable objectives for the educational progress of their students."

The definitions section of the bill also stresses accountability by requiring a written performance contract with the authorized chartering agency in the State. These written performance contracts include clearly defined objectives for the charter school to meet in return for the autonomy they are given. The performance objectives in the contract are to be measured by State assessments and other assessments the charter wishes to use.

I am confident that this amendment will build on and contribute to the success of the charter school movement. This bill stresses the need for high quality, accountable schools which are given autonomy they need to provide the best educational opportunity for their students.

With the passage of this bill, a strong signal will be sent to parents and

teachers all across this country that they are not alone in their struggle to improve education. We hope to ease their struggle by enabling new charter schools to be developed. More charter schools will result in greater accountability, broader flexibility for classroom innovation, and ultimately more choice in public education. I urge my colleagues to increase educational opportunities for all children by supporting this bill.

Mr. President, I would like to thank Senator LIEBERMAN for his tremendous leadership in the area of educational reform. He and I have worked closely on a number of issues over the last several years, and I want to commend him, in particular, for his strong support and leadership on issues concerning increasing educational opportunities for low-income children. He understands so clearly the fundamental importance of providing a high quality education in a safe environment to our neediest children. In addition to this charter schools bill, which will help to increase educational opportunities for low-income children, Senator LIEBERMAN and I have worked closely for the last 4 years to gain support for publicly-funded scholarships for low-income children. I want to thank him for his unwavering commitment to this issue and his vitally important leadership. His efforts have done much to win bipartisan support for both charter schools and low-income scholarships and I thank him for his strong commitment to our country's neediest children. With the passage of this charter schools bill, Senator LIEBERMAN and I have the pleasure of seeing the first of our joint educational reform initiatives move closer to becoming law.

Mr. President, I ask that a summary of the study results to which I referred be printed in the RECORD.

The summary follows:

FINDINGS FROM KEY STUDIES ON CHARTER SCHOOLS

The Department of Education released its first formal report on its study of charter schools in May 1998. Key first-year findings include:

The two most common reasons for starting public charter schools are flexibility from bureaucratic laws and regulations, and the chance to realize an educational vision.

In most states, charter schools have a racial composition similar to statewide averages or have a higher proportion of minority students.

Charter schools enroll roughly the same proportion of low-income students, on average, as other public schools.

The Hudson Institute has also undertaken its own two-year study of charter schools, entitled "Charter Schools in Action." Their research team traveled to 14 states, visited 60 schools, and surveyed thousands of parents, teachers, and students. Some of this study's key findings include:

Three-fifths of charter school students report that their charter school teachers are better than their previous school's teacher.

Over two-thirds of parents say their charter school is better than their child's previous schools with respect to class size, school size, and individual attention.

Over 90 percent of teachers are satisfied with their charter school's educational philosophy, size, fellow teachers, and students.

Among students who said they were failing at their previous school, more than half are now doing "excellent" or "good" work. These gains were dramatic for minority and low-income youngsters and were confirmed by their parents.

Most of the top charter schools are not only meeting the high standards they have set for themselves, but surpassing them.

• Mr. LIEBERMAN. Mr. President, last night the Senate unanimously approved H.R. 2616, the Charter School Expansion Act, a piece of legislation that Senator COATS and I, along with many others, have been working on for the better part of the past two years. The House is expected to pass this bill today under suspension and send on to the President, who has pledged to sign it into law.

I rise today to express my deep appreciation to our colleagues for their strong bipartisan support of this bill, and to add a few brief words about the significance of its passage, which I am afraid may get lost amidst the last-minute flurry of activity this week before Congress adjourns.

It would not be too difficult to overlook this legislation. Compared to some of the high-profile education bills we have considered recently, this is a modest and largely anonymous proposal, which will strengthen our support for charter schools and encourage states to create more of these innovative, independent programs. It will not fix all or even much of what ails our public education system. It will not singlehandedly sate the demands of parents for safer schools, better teachers, smaller classes, and smarter students. Nor will it settle the longstanding and often inflammatory debate over education reform that has divided the parties and effectively stymied the efforts of this Congress to respond to the public's growing concerns.

But nevertheless, I believe that this may turn out to be one of the most important and constructive bills that we enact into law during this season. What we have agreed to do today will help take the charter school model from novelty to the norm in this country, and thereby bolster the most promising engine of education reform at work in America today. The Charter School Expansion Act will spur the growth of hundreds of high-quality and highly-accountable schools of choice, which in the next few years will expand the educational opportunities available to thousands of American children, and could over the long haul help to reshape the public school for the 21st Century.

Perhaps just as noteworthy as what this legislation will do, though, is the simple fact that we agreed to do it. As my colleagues are well aware, we have struggled throughout this Congress to reach a consensus on how to improve our schools, fighting a series of pitched partisan battles that have bogged down several thoughtful proposals from both sides, and leaving the public to question our ability to address these critical issues. By adopting this bill with

unanimous support, I think we have made an important statement that we can get things done, that we can find common ground to strengthen the common school. And I am hopeful, despite the deep policy differences still dividing many of us, that this bill will lay the groundwork for more bipartisan cooperation next year as we prepare to reauthorize the massive Elementary and Secondary Education Act and proceed with what may be the most consequential education debate of our lifetime.

In marking this accomplishment, I want to thank Senator COATS, who I have had the great pleasure of working on many education reform initiatives over the last few years, and our fellow cosponsors, Senators KERREY of Nebraska, D'AMATO, and LANDRIEU, who made this a bipartisan effort from the start. I will sorely miss Senator COATS' partnership next year as this great education debate continues, but I am glad that, after many years of frustratingly close votes we have endured together, he can leave on a resounding note of success.

I particularly want to thank the chairman and ranking member of the Labor Committee, Senators JEFFORDS and KENNEDY, for their leadership in shepherding this bill to the floor. I know there were some difficult issues that had to be resolved to bring our proposal out of committee, and I am grateful to my colleagues from Vermont and Massachusetts for the time and energy they devoted to getting that done. We simply could not have beat the legislative clock were it not for their persistence and skilled bridge-building.

I also want to pay tribute to our former colleague, Senator Durenberger, whose vision and creativity made this legislation possible in the first place. In 1992 and 1993, a band of pioneering teachers and parents in Minnesota founded the nation's first charter schools, and their efforts inspired Senator Durenberger to propose a national pilot program to help other communities around the country experiment with this progressive reform model. I was proud to join with Senator Durenberger four years ago in cosponsoring the bill authorizing this pilot program, now known as the Federal Charter School Grant Program. Congress approved this initiative with strong bipartisan majorities, and in the years since it has provided \$75 million to help new charters to defray the burdensome cost of starting a school from scratch.

Today, thanks in part to this Federal seed money, the charter school movement has quickly spread throughout the nation. As of this fall, more than 1,100 charters are operating in 26 states, including my home state of Connecticut, as well as the District of Columbia, quadrupling the number that were in business just four years ago. In the past nine months alone, four additional states passed new charter laws, and more than a half dozen

others strengthened their laws and significantly expanded their programs. In California, for example, the state legislature broadly supported a move to raise the state cap on charters from 100 to 250 of this year and allow the creation of 100 additional schools each succeeding year. And just last month in Texas, the state board of education approved the creation of 85 new schools, more than doubling the existing number.

This is truly a grass-roots revolution, led by parents and teachers and community activists, which is seeking to reinvent the public school and take it back to the future, reconnecting public education to some of our oldest, most basic values—ingenuity, responsibility, accountability—and refocusing its mission on doing what's best for the child instead of what's best for the system.

The results so far have been quite encouraging. Parents of charter school students overwhelmingly give their programs high marks, particularly for their responsiveness and the sense of community they foster. Also, broad-based studies done by the Hudson Institute and the Education Department show that charters are effectively serving diverse populations, especially many of the disadvantaged and at-risk children that traditional public schools have struggled to educate. And while it's too soon to determine what impact charter schools are having on overall academic performance, the early returns suggest that charters are succeeding where it matters most, in the classroom.

A survey done last fall by the National School Boards Association found that the charter movement is already having a positive ripple effect that is being felt in many local public school districts. The NSBA report cites evidence that traditional public schools are working harder to please local families so they won't abandon them to competing charter schools, and that central administrators often see charters as a "a powerful tool" to develop new ideas and programs without fearing regulatory roadblocks.

The most remarkable aspect of the charter movement may be that it has managed to bring together citizens, educators, business leaders and politicians from across the political spectrum in support of a mutual goal to better educate our children through more choice, more flexibility and more accountability in our public schools. In these grass-roots, as I suggested above, may lie the roots of a consensus for renewing the promise of public education and ending the left-right stalemate that has too often impeded the reform debate.

We want to build on that broad agreement at the local and state level and do what we can at the Federal level to support and encourage the growth of this movement, which is just what the legislation we approved today will do. It starts by revamping the charter grant program to focus it more

on helping states and local groups create new schools and meet the President's goal of creating 3,000 charters by the year 2000.

Specifically, it calls for gradually increasing the grant funding over the next several years, and then better targeting those additional dollars to the states that are serious about expanding their charter program. It would do so by establishing several "priority" criteria that would give preference in awarding start-up grants to those states that show real progress in creating high-quality, highly-accountable charters. Our hope is that these changes will give states that have been slow to embrace the charter movement an incentive to get on board. The intent is not to punish those states that are moving cautiously, but instead to reward the ones that are prepared to harness this progressive force for change and encourage others to do the same.

The CSEA would also tighten some unintended loopholes in the original statute that have hampered the effectiveness of the program, ensure that charter schools receive their fair share of funding from the major Federal categorical grant programs, and take some initial steps to widen the pool of funding sources for those charters that are struggling to stay alive. And to enhance the potential for all children to benefit from charter successes, this legislation directs the Secretary of Education to work with the states to in effect establish an "innovation pipeline" that would share information about what is working in charter schools to public school districts around the country.

That, in the end, is really what this bill and the charter school movement in general are all about, which is improving the whole of our public education system. As Norman Atkin, a founder and director of the North Star Academy Charter School in Newark, has said, charter schools have the potential to serve as the "R&D arm" of public education, incubating new ideas that could benefit millions of students. And in time hopefully every public school will put into practice the principles undergirding the charter model, and every public school will be liberated from some of the top-heavy bureaucracy that too often suffocates them and in turn pledge to meet high standards of achievement for which they will be held strictly accountable, and every public school will benefit from the positive forces of choice and competition.

For now, we have taken an important step toward that goal today, and passed a piece of legislation that I am confident will make a real and immediate difference in the lives of many children in this country. I again want to thank my colleagues for their broad vote of confidence in the charter movement, and I look forward to working with them next year on new blueprint for education reform that will incor-

porate the substance and spirit of what we have achieved today.●

UNANIMOUS CONSENT AGREEMENT—HOUSE JOINT RESOLUTION CONTINUING GOVERNMENT FUNDING

Mr. COATS. Mr. President, I ask unanimous consent that when the Senate receives from the House the House joint resolution that will continue Government funding until midnight Monday, October 12, 1998, with no amendments, it be considered agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a-1928d, as amended, appoints the following Senators as members of the Senate Delegation to the North Atlantic Assembly during the Second Session of the 105th Congress, to be held in Edinburgh, United Kingdom, November 9-14, 1998:

The Senator from Utah (Mr. HATCH);
The Senator from Virginia (Mr. WARNER);

The Senator from Iowa (Mr. GRASSLEY);

The Senator from Pennsylvania (Mr. SPECTER);

The Senator from Arkansas (Mr. HUTCHINSON);

The Senator from Alabama (Mr. SESSIONS);

The Senator from Oregon (Mr. SMITH);

The Senator from Tennessee (Mr. THOMPSON);

The Senator from Arkansas (Mr. BUMPERS);

The Senator from Maryland (Ms. MIKULSKI); and

The Senator from Hawaii (Mr. AKAKA).

EXPRESSING SENSE OF SENATE ON COMPLETION OF CONSTRUCTION OF WORLD WAR II MEMORIAL

Mr. COATS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 296 submitted earlier today by Senator KERREY.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 296) expressing the sense of the Senate that, on completion of construction of a World War II Memorial in Area I of the District of Columbia and its environs, Congress should provide funding for the maintenance, security, and custodial and long-term care of the memorial by the National Park Service.

DEBT FREE
Breaking Out of Plastic Prison

U.S. News & World Report

The Great School Experiment

Charter schools are the cutting edge of education reform. Are they right for your children?

**PLUS: LEGAL
GONE-UPS FOR
WINDOWS 95**

**10 REASONS
WHY SCHOOLS
ARE FOREVER**



April 27, 1998

The New Education Bazaar



Charter schools represent the free market in action—with all its problems

BY THOMAS TOUL

David Mackey liked the idea of running his own school. So last year he got a franchise to open a branch of Life School College Preparatory, a new kind of "public" school. The company holds a charter to educate Arizona kids with public funds outside the regular school system and offers franchises to operators for a fee of \$1,000 per student. Now Mackey, who once taught public school in Utah and worked as education curator at a Phoenix firefighting museum, teaches math, science, history, and English to two dozen students, grades seven through 12, in a small room in a single-story, downtown professional building in Mesa, Ariz. He had to recruit the students himself, and if his enrollment drops, he does his \$40,000 income—each student brings about \$4,500 in state funding. The founder of Life School, James Alverson, a former public school teacher himself, says he borrowed the single-person franchise idea from Annway, the home-products distributor.

Until recently, the notion of maximizing profits and creating incentive schemes had little to do with running a public school. But Mackey and hundreds of other charter-school operators like him around the country are part of a bold new experiment in education reform. For over a century, local school boards have held a tight monopoly on where and how students can receive schooling, at public expense.

But deepening dissatisfaction with traditional public schools has changed the landscape. Conservative thinkers have long argued that public schools would do a better job if they had to compete for customers, as private firms do. Now, a hybrid "free market" system, in which students and parents exercise choice but the public pays the costs.

IN THE BEST CASE

Charter schools do offer more choices for kids with different learning styles.

Left, the Westtown Education Center charter in Mass., Ariz.

PHOTOGRAPHY BY SCOTT GILBERT FOR ENR

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schools—many occupy a few rooms in commercial buildings—are often very few. Marilyn Henley, Arizona's curriculum director in the mid-1980s, who last year visited more than 140 of the state's charter schools, calls the computer coursework "work sheets on screens—mostly at a seventh- or eighth-grade level." Many "courses" last only a few weeks. There is typically no homework. And many students get credits for after-school work, including, in the case of students at the Arizona Career Academy, a nonprofit charter in Tempe, jobs in fast-food restaurants.

Standards in many of Arizona's for-profit charter high schools with conventionally taught courses aren't any higher. At the Loma Group's new Apache Trail High School in Apache Junction, where staffers are paid bonuses for raising enrollment, 30 students taking a course called "American literature through cinema" listened (with the exception of those asleep at their desks) to the soundtrack from *Lost of the Mohicans*. Defenders of the charter high schools say the schools offer a second chance to students abandoned by traditional public education.

But to some, No one would dispute that bad teaching and scarce resources plague many traditional public schools. But shortages are so severe in some charter schools in Arizona and Michigan that it's hard to see how any learning can take place. Many of the charters' teachers are low-paid neophytes; as a result, staff turnover is high. Labs and libraries are few. Even basic classroom supplies are often lacking. The kindergarten teacher at Bio-Tech Agricultural Charter School in Chandler, Ariz., for example, appeared to have little more than paper and pencils available for her students. And there are plenty of charter schools housed in buildings few



would deem conducive to learning. Students at the West Michigan Academy of Environmental Science spent more than a year teaching 200 students at picnic tables and old desks in the Oakland Annex in Grand Rapids, briefly vacating the building for a stable and gun show.

Even worse detaching is the opportunity for profiteering created by charter laws in Arizona and Michigan. When William and Mary Delaney opened Warwick Pointe Academy, a private classical

atory school they owned and operated in Grand Blanc, Mich., into a public charter school in 1990, they began charging the school \$200,000 a year in rent for the building and furnishings—over three times the per-foot rate paid by several public schools and another charter school in the area. William Delaney declined to discuss the rent.

A study of Arizona's charters conducted last year turned up a number of instances where the enrollments schools

submitted to claim state aid differed sharply from the schools' average attendance. In Michigan, the Kalamazoo public school system sought to profit from another market reform—the state's new school-choice law. Located just west of Detroit, the Kalamazoo system opened a school within the Detroit school district's borders. It enrolled about 2,300 students, including many dropouts, offering as one attraction a \$50 "signing bonus." The school qualified for \$14 million in

state aid, but only about a fifth of the students continued to attend the school. (Last year, the Michigan legislature outlawed such practices in Detroit, causing the school to close.)

Traditional public-school systems have the ability to grant charters in Arizona. Most of those that have done so, however, have been tiny, cash-strapped rural school systems out to make money by changing charters less of up to 10 percent of the charter schools' revenues. The Arizona charter law also let sponsoring school systems count charter students as their own for state-aid purposes, a since-revoked double-dipping opportunity that gave the 3,300-student Window Rock school district, located on the Navajo Indian reservation in northern Arizona, an additional \$200,000 to a budget of \$30 million.

Nepotism is widespread in Arizona and Michigan charter schools. One example is MFL-YET Academy, a 620-student elementary school in Phoenix. The school's founder and chief executive is Armando Ruiz, a former state senator and adviser to former Gov. Fife Symington. His twin brother, Fernando, is the school's budget director; his younger brother Rayen is the school's "spiritual development" director; his mother, Rosalia, is an administrator; his father, Rayen Sr., is a school carpenter; his sister, Rebecca, is a teacher. While the family-run model is ideal for many small businesses, the potential for abuse in public contracting is obvious; the law in Arizona bans nepotism in regular public schools but not in charter schools.

Such problems have multiplied in the absence of rigorous oversight. "We have not found a single [state] with a well-

formed plan for dealing with problem schools or outright failures," write conservative education expert Chester Finn Jr. and his coauthors in their 1997 report, "Charter Schools in Action." Local school systems have largely sidestepped the task of monitoring the 50 or so charter schools they sponsor in Arizona. Window Rock, for instance, hasn't assigned any staff to keep tabs on the dozen schools it has chartered, the closest of which is 440 miles away. Window Rock's new school superintendent, Paul Hensley, did

Flashback

With its tiny crew of students and no concrete teachers, Kalamazoo's MFL-YET Academy might be considered a white school.

move to clear four schools last fall, including two run by Reed Gaddie, who in 1989 was sentenced to jail on a drug paraphernalia charge. One of Gaddie's schools, Community Campus, had no building and was conducting classes in a park; the other, the Arizona Career and Technology High School, on one occasion last fall resorted to "locking down" students in their classrooms with construction and construction workers patrolling the halls to keep order.

State chartering boards haven't been eager to crack down on abuses, either. Last year's evaluation of Arizona's charter schools was conducted by the staff of Lisa Graham Krogan, Arizona's elected state superintendent of schools, after Krogan's office began receiving many complaints about the schools. But Krogan's department didn't make the evaluation's troubling findings public until nearly a year later—after the state school board association lawyer filed a freedom-of-information request, and after Krogan's top charter-school aide removed evaluators' handwritten notes on their school visits, as allowed by law. Says Krogan about the evaluators' report: "I would prefer that

REVIVING A REVOLUTION

Sugar daddies for charters

Foundations created by wealthy, industrial-era families like the Fords and the Chrungs have been the traditional benefactors of public school reform. But today's market-driven experiments are drawing a new generation of underwriters. They include:

■ **Gluski and Boris Fisher.** The billionaire founders of the Gap

Inc. have pledged \$25 million through a new foundation to help reinvent Pennsylvania's public schools into the Edison Project, a for-profit operator of both traditional and charter public schools, and use of money two dozen new companies drawn to the business of public education by the chance to compete for students. "Edison has a good [education] model

and we want to give Bay-area schools a chance to use it," says Donald Fisher, 65, himself a product of the Edison public schools. Bringing in an outside firm like Edison, Fisher says, gives public-school systems a concept for reform "without getting caught up in the voucher debate." (The Fishers' son John independently owns about a percent of the Edison Project.)

■ **A. Alfred Reinman.** A shopping-mall developer and chair-

man of Bethesda's, the New York section house, Reinman, 75, is using his war wealth—pugged at \$400 million—to launch the Loma Group, a Michigan-based, for-profit operator of charter schools. Loma already has won contracts to run 15 charters in Michigan and Arizona by helping charter-school founders secure start-up loans backed by Reinman's millions. The company expects to have three dozen charter schools open by September and hopes to expand nationally.



Students at the Michigan International Academy, a charter school

■ **J. C. Hinzberg.** This wealthy manufacturer and evangelical Christian founded his own for-profit charter school company—National Heritage Academy—which runs eight charter schools in the Grand Rapids, Mich., area steering traditional values (each school has a "moral focus" committee). Hinzberg, cousin of entrepreneur Wayne Hinzberg, also plans to expand.

■ **The Walton family.** The heirs of Wal-Mart founder Sam

Walton are using part of their \$30 billion fortune to encourage the shift of students from traditional public schools to both charters and private schools. The family foundation has donated \$250,000 over the past two years to a national group that helps launch charter schools, for example, and John Walton, 51, has contributed \$3 million to help District of Columbia students attend private schools, one of three dozen such efforts begun nationally in the 1990s. —T.T.

supported by a self-assessment procedure. Some children showed the tendency to use more sanctions before applying the violent direction of special education in the Central Republic area, whereas not before using the violent direction in the metropolitan area. As a consequence, it has been

consequently, says that her financial resources for the schools were no more than three parts of equal val-ue versus to a student in a wealthy area that they were five parts of equal val-ue. And that they were the parents of children who were more likely to be allowed to attend the schools. "We tell them upfront that there's



10

may be better off elsewhere," says Vandeel. "I'd rather suffer outside than inside."

best that money, and capital. Arizona's charter high school charter may permit troubled students, but only charter operators want to keep such

statements and Henry here "zero tolerance," emphatic perfects that they discuss in long, presidential interviews with parents and students as a way to demonstrate potential bad apples. "We're trying to get our share of good kids," says

Twenty percent of Arizona charter schools and nearly half the charters in other states.

centrations are neither private schools, that committed to charter status, frequently as a way to follow their economies. Many of these "conversion" schools - including

ers and drivers, so a third of students leave early—at a price of \$1,300 per student, nearly as much as the teachers themselves.

the youngsters under control. Overhead cameras have enough picture records to provide watcher seats for all 77,000 public school students. Already, 23 of the city

289 Catholic schools by the city's largest source of private education—parish-

Journal of Democracy

To celebrate their 70th birthday, they have decided to travel around the world. They will visit all seven continents and see some of the most beautiful places on earth.

ability to do so. The traditional days, like the Fourth of July, are not about "letting children do what they want to do with us," but about teaching them the "values" espoused by the curriculum.

of many charter schools, racial, and religious and church-state controversies. Academy Inc.

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**National Education Association
Center for the Advancement of Public Education
April 1998**

Charter Schools: A Look at Accountability

Accountability in charter schools is a bottom line concern in this new experiment in public schooling. Charter schools receive freedom and autonomy in exchange for improvements in learning and climate. Are charter schools indeed accountable to their constituencies: students, their parents, and the taxpaying public at large? This paper looks at the issue of accountability in three broad categories: student learning; equity concerns, and public accountability. In each category, the goal is to raise points that can, in the long run, lead to the weakening of this experiment. Policymakers owe it to students, their parents, educators and the public to ensure that charter laws and the oversight of charter implementation will lead to strong performance and equitable outcomes for all involved.

Student Learning

- **Standards not Clear**

There is now general recognition of the importance of setting high standards for student achievement. Yet, not all charter laws require charter schools to develop programs conforming with state or local standards; most charter laws do not require that charters participate in the state accountability system.

- **Baseline Data Lacking**

Few charter laws require reporting of systematic base-line data on the academic achievement of students before they enroll in charter schools. This makes it difficult to know whether charter students have made improvements over their previous school experience.

- **Assessment and Reporting Systems Weak**

Charter law reporting systems generally do not provide ways to determine whether students in charter schools are performing as well or better than students in traditional public schools.

Even though it presents challenges to educators attempting innovative approaches, NEA recommends that charter students take state achievement tests so that the public has a way of knowing whether this experiment is indeed leading to learning improvements for large numbers of students.

- **Accountability Plans Lacking**

In Minnesota, a late 1996 report on charter schools stated that fewer than 50% of the charter schools' accountability plans could be implemented as specified without further refinement; only 56% of the schools produced an annual program evaluation report for '95-96 school year; few charter teachers or parents could describe the key indicators of performance for which the school strives.

Analysis of charter legislation shows Massachusetts to have strong language on accountability compared with other state charter laws. Yet researchers for the Consortium for Policy Research in Education in a recent study noted that "it is not evident what level of school performance is good enough for renewal...or whether Massachusetts can close a school for not performing as specified."

A 1997 evaluation of California charter schools revealed that the charter schools examined had measurable academic goals included in their charters. Most reported however that they were not being held accountable for reaching these goals by their sponsoring district or county.

- **Teacher Qualifications**

In recent years, a number of states have enacted measures requiring public school teachers to jump through an increasing number of hoops to keep their certification. Yet many charter laws encourage the hiring of uncertified and unqualified people to teach. While the majority of charter schools are hiring certificated educators, there are still instances where laws would be used to defeat this goal. For example, a proposed re-write of the current Georgia charter law in 1997 would not even have required charter teachers to have a high school diploma.

Equity Concerns

- **Disaggregating the Data**

Overall, research is showing that charter schools are serving low-income and minority group students. However, little research has disaggregated the data to determine whether charter schools are actually exacerbating existing inequities within public education by creating more racial and economic stratification. This is a steady concern whenever systems of choice or options are in place. Neither has research focused on whether schools in different neighborhoods have different resource bases and how that affects educational opportunities and outcomes for students.

In California, the 1997 evaluation of charter schools revealed that on the whole, most charter schools mirrored the ethnic ratios of the districts' non-charter schools regarding all enrolled ethnic groups except for Hispanics. The comparisons between white and Hispanic student enrollment showed rather wide discrepancies. In a fifth of the charter

schools, white students exceeded the average percentage of Hispanic students enrolled in other district schools by more than 25 points.

Also revealed in this same study was the fact that statewide, 43% of charter school students were eligible for the school lunch program. Yet, district level comparisons showed that in more than one-third of charter schools, the proportion of school-lunch-eligible students was 20 percent less than in non-charter schools.

With regard to special education services within charters in California, the study showed that there was a major difference between start-up and conversion schools. A quarter of all start-up schools did not enroll any special education students, compared with only 6 percent of conversion schools which did not.

A similar discrepancy showed in the California evaluation regarding limited English proficient (LEP) students. Statewide, there was only a four percentage point discrepancy in the number of LEP students enrolled at non-charter and charter schools, with non-charters enrolling more LEP students. However, a quarter of the charter schools studied enrolled 20 percent fewer LEP students than did non-charter schools. Again, the discrepancy was starker when comparing start-up schools and conversions. Less than half of the start-up schools enrolled LEP students, compared with 87% of the conversion schools which did.

In Minnesota, a 1996 evaluation of charter schools revealed that half of charter schools enrolled fewer than 20% students of color; half enrolled over 60% students of color, including 5 schools serving 80% or more of students of color. This report stated that "concentrations of students of color and students at risk for school failure are selecting schools that are not funded at the level of schools in the sponsoring school district."

A 1997 evaluation of twenty-four charter schools in Colorado revealed that when compared with average enrollments in the district schools in which the charter schools were located, 18 of the charter schools had fewer free-lunch-eligible students; 19 had fewer students of color, and 16 had fewer students identified as needing special education services.

In South Carolina, the state board of education reversed the Beaufort County school board's decision to reject an application to open a charter on predominantly white, affluent Hilton Head Island because of concerns that the school could become a white enclave in a district that is half black and half white. The school's founding committee was all white.

- **Transportation: Who Goes Where**

Providing transportation for programs promoting options in education is one important way to help promote equitable choices. Yet, only half of charter school laws include a transportation provision, usually a reimbursement for low-income parents to drive students to school.

- **Parent Contracts: Could Promote Subtle Discrimination**

Charter schools are noted for their impressive parental involvement. Yet, when mandated, such involvement can have discriminatory effects. California's charter law allows charter schools to mandate a parent contract. A 1995 study by the SouthWest Regional Lab (SWRL) showed that charter schools in low-income areas tended to use parent contracts more often. Two schools actually expelled students because parents failed to live up to the contract. Contracts, according to SWRL study, "are viewed as means of obtaining compliance rather than as a positive vehicle for encouraging the growth of a more inclusive school community."

- **Students with Special Needs Underserved**

In school year '95-96 in Arizona, only 17 of 46 charters reported serving disabled children; only 262 of nearly 7,000 students enrolled in charters in Arizona that year were served as special education students.

A 1998 U. S. News and World Report article noted that a for-profit group running charter schools in Michigan provides only three hours of special-ed services to a student each week and counsels parents of students needing more to look elsewhere.

- **Who's In/Who's Out**

Based on data from school year '95-96 of Massachusetts charter schools, 50% had one or no special needs students; 2/3 had fewer than 10 children with special needs. Only about 7% of children enrolled in charters were identified by schools as special ed students, compared with more than twice that number reported statewide. Of these schools, only 3 schools reported any children with severe disabilities requiring separate special ed programming; more than 75% of the schools were serving no children with severe disabilities.

Sabis International Charter in Springfield, Mass. acquired a school building from the Springfield district. Prior to Sabis running the school, the building had been modified to provide access for children with disabilities, including a specially-designed classroom. The Springfield district agreed to authorize all the students who had been attending classes in this building to enroll in the charter school as "school choice" students except for the students in the special ed classroom.

- **One Size Fits All Special Ed**

The Edison-run Renaissance School in Boston let parents know that the school made special education available in one form only -- full inclusion. Parents were encouraged to remove their children if they believed this model would not meet their children's needs.

More than 16 children with special needs withdrew from one Worcester charter within the first two weeks of the school year in 1996-97.

- **State Charter Office: Friend or Foe**

The Massachusetts Department of Education has allowed charter schools to encourage parents to waive all their rights under the special education laws and to enter into contracts for services for their children with disabilities.

Public Accountability

- **Schools Closing Can Mean Taxpayers Lose**

When the Los Angeles-based EDUTRAIN charter school failed due to fiscal improprieties late in 1995, California taxpayers lost more than a million dollars in funds that will never be recovered because the charter law does not require such recovery.

- **Gift of Public Funds**

Arizona's charter law was modified in 1996 to allow charter schools to take ownership of the equipment or buildings they had purchased with public funds, making it more difficult to retrieve public money if a school closed. The founders of one Arizona charter, Citizen 2000, declared bankruptcy when the state board of education threatened to close the school. School founders were indicted by a grand jury with 31 counts of theft, fraud and the misuse of \$179,000 in public funds. Although most of the money was repaid, some lawmakers have called for a revision of the charter law to prevent such transgressions.

- **District Schools Re-absorb Charter Students**

Recent reports from Michigan and Arizona show that district schools are having to re-absorb students who were either pushed out of charter schools or who were harmed when charter schools were closed due to mismanagement or other administrative problems. Sometimes, they are not promptly reimbursed for those students.

In Lansing, Michigan, early in 1998, the superintendent took a stand against immediately accepting students who were pushed out of a Lansing charter school because they had committed various offences, including assault on school personnel. The superintendent stated that requiring district schools to provide an education for students deemed too dangerous for the charter school allows the charter schools "the ability to exercise a selection process excluding difficult students and dumping them into other public schools." The superintendent reported previously accepting "hundreds of students" who have transferred from charter schools over the last several years.

In Arizona in early 1998, the closure of a charter school for alleged mismanagement forced the Mesa district to accept fifty-one students. Because of the way state payments

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are made for students, Mesa will not be eligible for funding for these students for the remainder of this school year. The charter for the closed school had been granted by the Window Rock school district located hundreds of miles from Mesa.

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Resources

American Federation of Teachers. (1996) Charter School Laws: Do They Measure Up? Washington, DC: Author. To order, call 202/879-4458.

Anderson, L., Blackorby, J., Finnegan, K., Marsh, J., Powell, J., (1997). Evaluation of Charter School Effectiveness. Menlo Park, California: SRI International. To order, call 415/326-6200.

Center for Applied Research & Educational Improvement, College of Education and Human Development, University of Minnesota. (1996). Minnesota Charter Schools Evaluation: Interim Report. St. Paul, MN: Author. To order, call 612/296-4213.

Center for Education Reform. (1996). National Charter School Directory. Washington, DC: Author. To order, call 202/822-9000.

Commonwealth of Massachusetts Department of Education. (1997). Test Results from Massachusetts Charter Schools, A Preliminary Study. Boston: Author. To order, call 617/727-0075.

Commonwealth of Massachusetts Department of Education. (1996) The Massachusetts Charter School Initiative, 1996 Report. Boston: Author. To order, call 617/388-3300.

Corwin, R. & Flaherty, J.F. (1995). Freedom and Innovation in California's Charter Schools. Los Alamitos, CA: Southwest Regional Laboratory. To order, call 415/565-3000.

Education Commission of the States. (1995). Charter Schools: What Are They Up To? Denver CO: Author. To order, call 303/299-3692.

Education Industry Report. (February 1997). St. Cloud, MN. "Seizing Charter Opportunities."

Finn, C.E., Manno, B.W., & Bierlein, L. (1996). Charter Schools in Action: What Have We Learned? Indianapolis: Hudson Institute. To order, call 800/Hudson-0.

Indiana Education Policy Center. (1996) Charter Schools: Legislation and Results After Four Years. Bloomington, IN: Author. To order, call 812/855-1240.

Mattern, H. (December 26, 1996). *Arizona Republic*. "Education firm aims at Arizona."

Mattern, H. (March 25, 1997). *Arizona Republic*. "Charter-school founder, aide indicted."

CHARTER SCHOOLS

Executive Summary

CHARTER SCHOOLS IN THE UNITED STATES

Charter schools are public schools under contract, or charter, from a public agency to groups of parents, teachers, school administrators, or others who want to create alternatives and choice within the public school system. Museums, local businesses, and community groups are among the partners involved. They are free, open to all, and designed to be publicly accountable, as well as creative, flexible, and responsive to student and parent needs. The schools also must meet standards set forth in the law, their charters, and the academic goals stated in their charter, or risk losing the charter.

Charter schools supported by the U.S. Department of Education do not limit admissions based on achievement or aptitude. They may not be religiously affiliated and must abide by civil rights, health, and safety laws.

Nationally, charter schools are extraordinarily diverse, both in their programs and missions, and in their approach to management and policies. Most of the schools are small (60% serve fewer than 200 students) and can be designed to serve special populations. Evidence shows that charter schools are also racially diverse--sometimes more diverse than state schools--and that they enroll about the same proportion of low-income students as other public schools. While a slightly lower proportion of students with disabilities are enrolled on average, a number of charter schools are designed specifically to serve special needs students. Limited English Proficient students are represented in about equal proportions at charter and public schools.

Under the U.S. Department of Education's Public Charter Schools Program, passed into law in 1994 as part of the Improving America's Schools Act, states conduct competitions and award sub-grants to provide start-up funds for new or recently established charter schools. These funds help pay for planning, design, and start-up costs--areas often identified as critical for successful charter schools. Other federal funds are also provided, for example, from Titles I, II, IV, VI, VII, and Goals 2000 programs.

Charter schools are the fastest growing public school choice movement of the 1990s. This Administration has supported the development of public charter schools as a promising element in an overall education reform package to improve public schools. Currently, 25 states and the District of Columbia have enacted laws authorizing the creation of charter schools. Up to 500 public charter schools were estimated to be in operation nationwide in 1998, with the U.S. Department of Education awarding \$80 million in funds.

THE DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOLS

There is a growing demand for public charter schools in the District of Columbia. DC is projected to have eighteen new charter schools by September 1998, with at least two of these schools expected to have multiple sites. Of these schools, one had its charter approved in 1996, but requested a delay in its opening date to September 1998. As the number of students enrolled in these schools increase, the schools are expected to play a much more vital role in public education in DC. In the 1997-98 school year, 250 students were enrolled in charter schools; in the 1998-99 school year, almost 6,000 students are expected to enroll in charter schools.

All DC charter schools are Local Educational Agencies (LEAs). For special education purposes, they can elect not to be an LEA. The schools are autonomous, and can choose their own curriculum, hire their own teachers, select and buy their own books. Each charter school is held accountable for the academic achievement of its students, and for its business and financial operations. Local funds are provided based on a per-pupil formula.

DC has two chartering boards: the DC Public Charter School Board and the Board of Education, also known as the elected school board. Each board is authorized to grant up to ten charters each year. Charters are renewable and granted for a period of 15 years. The boards' responsibilities include receiving and reviewing applications to develop public charter schools; establishing criteria for evaluating charter school applications; awarding or denying requests for new charters; monitoring the operations of public charter schools, as well as the progress of students in those schools; offering technical assistance and access to resources; and renewing or revoking charters of schools that fail to carry out the terms of the law, its charter, or the academic goals stated in the charter.

In the 1997-98 school year, three charter schools were operating in DC: Children's Studio, Options, and Marcus Garvey. In May 1998, the Board of Education voted to revoke the charter for Marcus Garvey, an action which will take effect at the end of the school year. We expect this decision to be challenged in court.

DC is now concluding the second cycle for approving charter schools. This is the first time each of the two boards were involved in approving charters.

THE DC PUBLIC CHARTER SCHOOL BOARD

The DC Public Charter School Board was created by the U.S. Congress in the District of Columbia School Reform Act of 1995, and has been operating since February 1997. Seven board members were appointed by the Mayor of the District of Columbia from a list of 15 nominees presented by the U.S. Secretary of Education.

In March 1998 this board approved 10 out of 26 applicants wanting to establish charter schools in DC, after conducting a rigorous, two-stage application review process that included reviews of

technical quality by experts in selected areas, applicant interviews, and a public hearing. Nine charters will begin operations in September 1998; one will begin in September 1999.

THE BOARD OF EDUCATION

When the Emergency Transitional Education Board of Trustees was created in November 1996, it took over most of the Board of Education's responsibilities. One significant responsibility the Board of Education retained was its power to act as a chartering authority for DC. The Board of Education created a Subcommittee on Charter Schools made up of five board members to make recommendations and handle its specific responsibilities. Final decisions on granting charters are made by the full board.

During the current charter school application cycle, this board approved nine charters: eight are expected to begin operations in September 1998; one will begin in September 1999. In 1996 this board approved five charters; three were operating in the 1997-1998 school year.

COLLABORATIVE EFFORTS

Recently the DC Public School Charter Board began a joint effort with the DC Board of Education, with the objective of coordinating support to public charter schools in selected areas, and to share information about resources of the District of Columbia Public Schools (DCPS).

DCPS and the U.S. Department of Education have also expended efforts to provide technical assistance to the chartering boards and charter schools. A conference has been scheduled for June 12, 1998, sponsored jointly by DCPS and the Department, to provide prospective and current charter school representatives information on which federal funds they are eligible for and how to gain access to these funds.

List of appendices:

- A: DC Charter Schools Issues/Concerns
- B: Summary of Pertinent Statutory Provisions on Monitoring and Oversight of DC Public Charter Schools
- C: Possible Legislative Proposals for DC Charter Schools
- D: Copy of an October 1997 U.S. Department of Education Proposal for a DC Public Charter School Initiative
- E: List of DC Public Charter School Board and Board of Education members
- F: Summary of Newly Approved Charter Schools
- G: Recent Newspaper Articles

DC PUBLIC CHARTER SCHOOLS ISSUES/CONCERNS

POSITIVES OF DC PUBLIC CHARTER SCHOOLS:

- The **DC Public School's leadership** and each of the **DC Public Charter Schools** are working to enhance educational opportunities for students in DC, addressing the problems of mediocre and failing public schools.
- **There is a rapid expansion of charter schools.** In 1997-98, charter schools in the DC district served 250 students and they are **projected to serve 5,947 students for the 1998-99 school year.**
- **Successful charter schools will benefit the entire public school system.** However, public schools must provide a place for returning students if the charter schools fail.
- **DC Public Charter Schools will provide some program options now unavailable in the traditional public schools system** (e.g. residential charter schools for at-risk students), making the DCPS as a whole more attractive (e.g., additional international baccalaureate programs). A comprehensive plan should be developed to accommodate both traditional public schools and public charter schools if education reform in the District is to be successful.
- Additionally, charter schools offer the **possible benefits of smaller class and school sizes** and the most **appropriate educational opportunities for various student needs.**

CONCERNS/ISSUES SURROUNDING CHARTER SCHOOLS, THE LAW ESTABLISHING THEM, THEIR EMERGENCE AND IMPACT:

Accountability and Monitoring of Charter Schools

- **There is concern that the Chartering Boards are abrogating (or would abrogate) their responsibilities.** However, in such an instance, the rule of the marketplace is expected to prevail: *Given real school choice, parents would not patronize bad schools,* and lacking enrollment, bad charter schools would fail. (NOTE: No information is yet available on student achievement. However, the Stanford-9 assessment of school-by-school scores from the recent Stanford-9 tests which apply to charter school students as well as students of traditional DCPS school students are expected soon.)
- **There is concern that the reviewing and revocation processes which monitor charter schools are too slow to act,** as with the case of Marcus Garvey in which, starting as far back as 1996, the Board of Education was criticized for granting the charter.

1. The counter argument is that this process, while not immediate, provides more accountability than is now in the traditional public schools where poor performance has been allowed to go on indefinitely.
2. Additionally, one could take the position that charter schools need sufficient time to prove their effectiveness.

- **Authority over charter schools is divided:**

1. The DCPS Superintendent and the chartering authorities have some monitoring responsibilities.
2. The chartering authorities have some enforcement authority through granting and revocation of charters.
3. The DC City Council appears to have some authority to review some actions of the chartering authorities, such as their denial of a renewal application.
4. The Control Board through their broad emergency authority may have authority to take over functions of the chartering authorities.

Approval of Charters: How well Charter School applicants are Screened?

- Schools must compete to obtain a charter. **There is a discrepancy between the number of charters approved by the DC Public Charter School Board** (approximately 1/3 of the applicants, most of which will fill critical gaps in the current DCPS) **and those approved by the Board of Education** (all nine of their applicants were approved). This brings up the concern of the screening process:
 1. Procedures for review of applications and criteria for granting charters are not standardized.
 2. There is no clear body with the authority to review the actions of the chartering boards and take action to ensure that their actions are appropriate.
- The DCPS Superintendent has authority to review charter applications **only** for completeness and technical sufficiency and does not appear to have enforcement authority over the charter schools or the chartering authorities.
- **There is also concern regarding who receives the charters** as many applicants are either coming from the outside, without a background in school administration, or are for-profit enterprises.
- **Rigorous and consistent initial screening of charter school applicants could head off future failures** and enhance possibilities for success of the charter schools that do pass.

Possible legislative proposals to respond to concerns of accountability and approval:

1. An amendment to the DC School Reform Act to establish a clear, single authority to ensure that the review of charter school petitions are fair and effective.
2. Clarification the scope of the chartering board's monitoring responsibilities.
3. Establishment of an expedited process for charter review and revocation.
4. Granting the SEA (now the Emergency Board/Control Board) the power to monitor the chartering authorities and to act on their behalf when they do not act.
5. Standardized criteria for approval and review.

Proliferation of Charter Schools

- **A the rate of increase of 20 charter schools a year**, will there be too many created in too short a time to ensure proper operation and oversight of these schools?
- **What will happen if good, existing public schools become charter schools?** How does this affect the existing DCPS system?
- There is concern that **charter schools could under-cut public schools** by draining limited resources and siphoning-off the best of the traditional public schools and programs and some of the brightest students. (Some of the charter schools organizers are marketing to these schools. E.g., Banneker Senior High School.)

Resources for New Charter Schools are not Truly Equitable:

- **Do DC charter schools have access to appropriate facilities** and property and to sufficient resources to provide their students a good learning environment?
- **Will they attract experienced and talented instructional and administrative staff** to maximize the learning opportunities given their funding restraints?
- **Charter schools in DC do not have access to the same resources as the traditional public school**, particularly in terms of facilities and teacher retirement. The per-pupil funding formula approved by the DC Council is the same as that used by the school system. However, charter schools must pay for significant costs such as costs for facility rental and payments into retirement systems, that the traditional schools are not required to fund with their per-pupil allocations.
- **The two boards are funded by different sources.** The DC Charter School Board received specific funds from Congress this year to support its existence. The elected DC Public School Board receives its funding from the Emergency School/Control Board at

their discretion. There is a request for more funding for this year due to the increased number of charter schools for the 1998-99 school year.

- **Title I funds schools based on enrollment figures from the prior year.** Although there are guidelines to help new schools get around this problem, DC currently is not planning to follow these guidelines meaning that schools may not get necessary first year funding from Title I funds.

Equitable Access to Available Charter Schools

- **DCPS does not have a systematic way of disseminating information to parents about the charter schools and programs they provide that do and will exist in the city.** Without a system in place to make this information equally available to all, DC charters will not be a truly accessible and viable alternative in public school choice.
- **The issue of transporting students has not yet been addressed system wide** and is a concern in making charter schools a readily available option of public school choice. Students do, however, receive a 50% discount on the city's public transportation system, METRO.
- **Charter schools need to be *aligned* with traditional public schools,** instead of in opposition to them in order to enhance school choice for all DCPS.

Possible legislative proposal:

1. Propose an amendment to the DC School Reform Act to vest responsibility for dissemination of information in one entity (e.g., the SEA, the Board of Education, etc.)

**Monitoring and Oversight of D.C. Public Charter Schools:
Summary of Pertinent Statutory Provisions**

Below is a brief summary of various provisions of the District of Columbia School Reform Act of 1995, the District of Columbia Financial Responsibility and Management Assistance Act of 1995, and Title 31 of the D.C. Code that address the question of which entities in the District of Columbia have oversight responsibility for D.C.'s public charter schools program and the two authorized chartering authorities. Please note that the provisions cited below do not incorporate the statutory requirements governing participation in the Department's public charter schools program. D.C. has received a grant from the Department under this program and has awarded subgrants to all of its charter schools. Therefore, these charter schools are required to meet the requirements of the federal Public Charter Schools statute as well as the specifications in D.C.'s approved application for funding under the program. The primary oversight responsibility for compliance with these requirements rests with D.C.'s state education agency (SEA), as grantee.

District of Columbia School Reform Act of 1995

- ◆ Section 2002(17) defines an "eligible chartering authority" as (1) the D.C. Board of Education; (2) the Public Charter School Board (appointed by Mayor Barry in accordance with section 2214(b) of the Act); and (3) an entity designated by the D.C. Council.
- ◆ Section 2203(j)(1) prohibits any "governmental entity, elected official, or [D.C. employee]" from making, participating in the making, or intervening in the making of the decision of an eligible chartering authority to approve or deny a petition to establish a public charter school. See also D.C. Code 31-2853.13(1).
- ◆ Section 2203(j)(2) provides that a "decision by an eligible charter authority to deny a petition to establish a public charter school shall be subject to judicial review by an appropriate court of [D.C.]," and section 2212(d)(6) subjects to judicial review a decision by an eligible chartering authority to deny an application to renew a charter. See also D.C. code 31-2853.13(2).
- ◆ Section 2204(a) requires a public charter school to comply with the terms and provisions of its charter, and section 2204(c)(11) requires a public charter school to submit an annual report to the eligible chartering authority that approved its charter.
- ◆ Section 2204(c) specifies the procedures a public charter school must follow when awarding a contract in excess of \$10,000, and requires the school to submit to the Authority "all bids for the contract received by the school, the name of the contractor who is awarded the contract, and the rationale for the award of the contract."

- ◆ Section 2204(c)(3)(B) exempts public charter schools from “[D.C.] statutes, policies, rules, and regulations established for [DCPS] by the Superintendent, Board of Education, Mayor, [D.C.] Council, or authority, except as otherwise provided in the school’s charter of this subtitle.”
- ◆ Section 2211(a) describes the responsibility of the eligible chartering authority to oversee the public charter schools to which it has granted charters. In general, the eligible chartering authority must (1) monitor the operations of the schools, (2) ensure that the schools comply with applicable laws and the provision of the charter, and (3) monitor the schools’ progress in meeting student academic achievement expectations. Section 2213(a) authorizes an eligible chartering authority to revoke a charter under certain circumstances. See also D.C. Code 2853(a).
- ◆ Section 221(d) requires each eligible chartering authority to submit an annual report to the Mayor, the D.C. Council, the Board of Education, the Secretary of Education, Congress, and the Consensus Commission.

District of Columbia Financial Responsibility and Management Assistance Act of 1995

- ◆ Section 101(a) establishes the District of Columbia Financial Responsibility and Management Assistance Authority (unofficially referred to as the D.C. Control Board).
- ◆ Title II sets forth the responsibilities of the Authority: (1) Section 201, Development of Financial Plan and Budget for [D.C.]; and (2) Section 203, Review of Activities of District Government to Ensure Compliance with Approved Financial Plan and Budget. Additional duties of the Authority are prescribed in section 221.
- ◆ Section 207(a) authorizes the Authority to submit recommendations to “the Mayor, the Council, the President, and Congress on actions the District government or the Federal Government may take to ensure compliance by the District government with a financial plan and budget or to otherwise promote the financial stability, management, and service delivery efficiency of the District government . . . ”
- ◆ Section 207(d) also authorizes the Authority to “issue such orders, rules, or regulations as it considers appropriate to carry out the purposes of this Act and the amendments made by this Act, to the extent that the issuance of such an order, rule or regulations is within the authority of the Mayor or the head of any department or agency of the District government . . . ” That section provides further that “[t]he decision by the Authority to issue an order, rule, or regulation pursuant to this subsection shall be final and shall not be subject to judicial review.”

D.C. Code (Title 31)

- ◆ Section 31-107 requires the Board of Education “[to] appoint 1 Superintendent for all the public schools in the District of Columbia . . . who shall have the direction of and supervision in all matters pertaining to the instruction in all the schools under the Board of Education. He shall have a seat on the Board and the right to speak on all matters before the Board, but not the right to vote.” ****NOTE:** It is unclear whether, or to what extent, the authority of the Superintendent over D.C. public schools has changed as a result of actions by the D.C. Control Board (e.g., revoking many of the Board of Education’s powers).
- ◆ Section 31-2811(c) authorizes the D.C. Council, “upon request by the applicant,” to review a petition to establish a charter school or an application to renew a charter that is denied by the Board of Education. The Council’s decision is final and not subject to judicial review.
- ◆ Section 31-2812(c) requires an applicant seeking to establish a charter school to submit the petition to the Superintendent. Subsection (d) requires an applicant seeking to renew a charter to submit the renewal petition to the Superintendent.
- ◆ Section 31-2813(b) requires the Superintendent to certify the petition to establish a charter school or the application to renew a charter for “completeness and technical sufficiency.” Under subsections (c) and (d), the Board of Education is required to hold a public hearing on the petition or application, and to approve or deny the application.
- ◆ Section 31-2815(j) requires charter schools to submit “a report to the Superintendent and, in a control year, to the [D.C. Control Board].”
- ◆ Section 31-2819(a) provides that “[t]he Superintendent shall monitor, assess, and evaluate the operations of each charter school to determine the extent to which the school complies with its charter and applicable local and federal laws, and the extent to which the school is meeting or making satisfactory progress toward meeting student academic achievement expectations specified in the school’s charter and the minimum academic standard required for [D.C.] public schools.”
- ◆ Section 31-2820(a) provides that, “[u]pon the recommendation of the Superintendent, the Board may, at any time, revoke the charter if it determines that the school has committed a violation of applicable law or a material violation of its charter.” Subsection (b) requires the Board of Education to revoke the charter under certain specified conditions. Subsection (e) authorizes the D.C. Council to review an action by the Board of Education to revoke a charter. The Council’s decision is final and not subject to judicial review.
- ◆ Section 31-2853.13(j)(1) provides that “no governmental entity, elected official, or employee of [D.C.] shall make, participate in making, or intervene in the making of, the decision to approve or deny [a petition to establish a charter school].” Subsection (2)

provides that a decision by the chartering authority to deny a petition for a charter is subject to judicial review by an appropriate D.C. court. See also section 2203(j)(2) of the D.C. School Reform Act.

- ◆ Section 31-2853.21(a) provides that the eligible chartering authority is responsible for monitoring the operations of each charter school to which it has issued a charter. See also section 2211(a) of the D.C. School Reform Act.
- ◆ Section 31-2853.22(d)(6) provides for judicial review of a decision by a chartering authority not to renew a charter. See also section 2212(d)(6) of the D.C. School Reform Act.
- ◆ Section 31-2853.81 and .82 provides for the establishment of the Consensus Commission on Reform in the District of Columbia Public Schools (the Superintendent serves as a member) “to assist in developing a long-term reform plan.” Section 31-2853.86 authorizes the Consensus Commission to investigate any activity that may hinder progress of long-term reform plan and to take whatever actions are necessary to ensure implementation of the long-term reform plan.

Possible Legislative Proposals for D.C. Charter Schools

(1) Propose legislation or propose an amendment to the District of Columbia School Reform Act (Act) to require the District of Columbia Board of Education (or the organization operating as the State educational agency (See the last note below)(the SEA)) to disseminate information about its public charter schools program, including the name and a brief description of each public charter school (and its educational purposes and program) that has pending or has been issued a charter by an eligible chartering authority, to all parents and guardians of children living in D.C. and below the age of compulsory education (the requirement to disseminate “to all parents” may be modified if a charter school only serves certain grades or age levels).

(2) Propose legislation or propose an amendment to the Act to clarify that each eligible chartering authority is required to monitor the day-to-day operations of each public charter school to which it issues a charter to ensure that such charter school complies with applicable laws, the terms of its charter, and the requirements of the D.C. public charter schools subgrant program. Such legislation could also provide an expedited process through which an eligible chartering authority may revoke a charter if it determines that a particular public charter school has failed to comply with the law, the terms of its charter, or D.C. public charter school program requirements.

*****NOTE:** The Act currently contains language requiring eligible chartering authorities to monitor the activities of public charter schools to which they issue charters, and authorizing eligible chartering authorities to revoke the charter from any school that fails to comply with the law or its charter, or to meet academic goals. The current hearing process for revocation of a charter could take 75 days or longer, but it could possibly be expedited.

(3) Enact legislation or amend the Act to require the SEA to monitor the day-to-day operations of eligible chartering authorities to ensure that such entities comply with the Act, including the requirement that eligible chartering authorities monitor the operations of the public charter schools to which they have issued charters to ensure that such public charter schools comply with applicable laws, the terms of the charters, and the requirements of D.C.’s public charter schools program. The legislation could authorize the SEA to act on behalf of an eligible chartering authority that it determines has failed to carry out its statutory responsibilities.

*****NOTE:** Another “twist” to this alternative would be to give the SEA direct responsibility for monitoring the day-to-day operations of public charter schools and/or authority to take appropriate enforcement action, including revoking a charter, regardless of whether the eligible chartering authority has failed to fulfill its responsibilities. Additionally, the SEA could be given authority to “infuse” high educational standards, performance reports and other educational reforms into the charter schools either directly or through the chartering authorities.

*****NOTE:** Under the November 15, 1996 Resolution, Order and Recommendation Concerning the District of Columbia Public School System , the District of Columbia Financial Management and Assistance Authority vested the chief Executive Officer with the authority of the Chief State School Officer and the Emergency Board of Trustees with the authority of the State educational agency (the SEA).

BOARD OF EDUCATION

Chartered Schools, 1998

1. The Community Academy Public Charter School

The Community Academy was founded by the Urban Family Institute, created by Kent Amos, a former VP of Xerox. The Community Academy plans to create a child and family centered community learning environment which offers world-class preschool through 12th grade education to an estimated 300 neighborhood children while serving the diverse educational and social needs of their families. The academy will be based on academic accountability, flexibility, innovation, parental choice, parent-teacher involvement, and public-private partnerships. The Community Academy will target three neighborhoods in Washington, DC: Petworth, Columbia Heights, and Shaw/LeDroit Park.

Contact: Kent Amos

Telephone Number: (202) 234-5437

2. Techworld Public Charter School

The vision of Techworld Public Charter School is to be the most innovative high-tech high school in DC. Its academic focus will be college preparatory mathematics, science, and the analysis, design, development, testing, implementation, and maintenance of Internet and Information Systems solutions through theoretical and hands-on training. Techworld will initially serve 60 9th grade students demographically selected from Wards 1 through 8. The estimated age range of the students will be 14-15. Each student will attend the school from 7:55am to 3:15pm, Monday through Friday and every other Saturday from 9am to 12pm. The school intends to use a bottom-up collegial approach. To encourage student input, self-motivation, and improve the overall learning process, the following methods will be used: *Foundation Skills, Thinking Skills, Life Skills, and Technology Skills.*

Contact: Daanen Strachan

Telephone Number: (202) 832-0846

3. IDEA Academy Charter High School

The Integrated Design and Electronics Academy (IDEA) Charter High School will be a Conversion of the Phelps Career Academy established at Phelps High School in September 1993. The Phelps Academy was one of nine similar programs initiated through a pilot effort in 1993, sponsored by the U.S. Departments of Education and Defense. The Academy was designed on a career model--a career-focus, school-within-a-school that integrates academic and occupational curriculums, increases student career options, and provides a meaningful learning context for both potential dropouts and college-bound youth. The Academy will rely on partnerships with employers in the industry to provide summer and part-time jobs and internships for students, as well as mentors and additional instructional and curriculum supports. It will serve 60 9th grade students.

Contact: Norman Johnson

Telephone Number: (202) 388-5101

4. The Hyde Public Charter School

In 1966, the Hyde School of Bath, Maine admitted its first student. Founder Joe Gauld would like to make this successful model work in an urban setting. The mission of the Hyde School is to develop the character and unique potential of each student through the Hyde family and college preparatory based curriculum. The Hyde School charter was approved in 1998; the school will open in September 1999.

Contact: Joe Gauld

Telephone Number: (202) 443-5584

5. Richard Milburn Public Charter High School

The High School program provides non-traditional educational programs for students to earn high school diplomas, either from RMHS or from the local school district, and to gain employment experience. RMHS offers apprenticeships, an academic core curriculum, and career life skills. It will serve 200 9th through 12 graders.

Contact: William Stephens

Telephone Number: (703) 221-4089

6. World Public Charter School of Washington

Dr. Dorothy Goodman originally founded the Washington International School and hopes to repeat its success with the World School. The curriculum will be devoted to "liberal education," demanding in breadth and depth, and encompassing the main academic disciplines. Students will be taught half and half through English/Arabic, English/Chinese (Mandarin), English/Japanese among other languages. The school intends to serve approximately 320 students ages 4-18.

Contact: Dorothy Goodman

Telephone Number: (202) 362-2946

7. Stokes Community Freedom Public Charter School

The Elsie Whitlow Stokes Community Freedom Public Charter School will be dedicated to providing an exemplary academic experience to culturally diverse young students in DC. Stokes will achieve this goal by creating a nurturing small school community of fifty kindergarten through 5th graders that will provide a core liberal arts and science curriculum. The school will actively involve its students in service to the community, while preparing students for responsible citizenship in a multicultural society.

Contact: Linda Moore

Telephone Number: (202) 882-2102

8. The Village Learning Center Public Charter Schools

The Village Learning Center will operate with the philosophy that “it takes a village to educate a child.” It will be a comprehensive school with a rigorous curriculum that will emphasize the fundamentals of reading, writing, math, and the sciences. It will serve an estimated 120 pre-kindergartners through 8th graders.

Contact: Imani Abdullah

Telephone Number: (202) 396-7585

9. Young Technocrats Math & Science Public Charter Lab School

The Young Technocrats is a science, math, technology, and entrepreneurship program currently operating as an after-school program. The program will expand and become a fully operational school, which will include partnerships with the Howard University Observatory and the Smithsonian Air and Space Museum. The school is designed to serve 500 pre-kindergarten thru 12th grade students, who are considered at-risk because of their poverty. The curriculum will include standard academic courses, but the school’s focus will be to develop a strong foundation in science, mathematics, advanced technology, and entrepreneurship/economic development.

Contact: Myesha Washington

Telephone Number: (410) 451-5835

10. The Next Step Public Charter School (approved 1996)

The mission of The Next Step is to help multicultural pregnant teens and teen mothers who have dropped out of high school overcome obstacles to continuing their education or entering the workforce. Approximately 70% of the estimated 36 participants will be Hispanic and the remaining 30% will be African-American, Vietnamese, and non-Spanish-speaking Caribbean. The teachers will use a curriculum that combines GED and ESL skills with content relating to parenting and work. Young mothers and pregnant teens, with their babies in the school’s nursery or at neighborhood babysitters, attend the school four hours a day, bolstering their basic math, reading, and writing skills.

Contact: Lori Kaplan

Telephone Number: (202) 483-1140

ATTACHMENT D

**OCTOBER 1997, U.S. DEPARTMENT OF EDUCATION'S PROPOSAL
FOR
A DISTRICT OF COLUMBIA CHARTER SCHOOL INITIATIVE**

District of Columbia's Charter School Initiative

I. Description of Initiative and Problems Being Addressed

A. The Initiative

The Department proposes to initiate an aggressive effort to make public school choice a tangible opportunity in the District of Columbia (DC) by ensuring that public charter schools are an easily accessible and high performance alternative for all students. To maximize the impact of these new schools and to make sure that this effort is effective in offering a real choice to parents and students throughout DC will require a focused Initiative in the early years of the DC charter schools' operation. This Initiative would build on the initial efforts in DC to establish charter schools, and would involve three steps that the Department would work on together with the White House, the Office of Management and Budget (OMB) and DC officials. The steps have little or no necessary immediate budget implications. The steps are as follows:

1. Develop a legislative proposal to amend the DC public charter schools law (the DC School Reform Act) to establish a clear, single authority to ensure that the review of charter school petitions are fair and effective; that public charter schools are fully accountable to the public; that admissions are open and fair; that charter schools prepare their students to meet at least as challenging academic standards as those established for other DC public schools; and that the review, revocation, and renewal of charter is reasonable. In order for such an authority to operate effectively it must either work closely with the Chief Executive Officer and the Control Board or be vested initially in the Chief Executive Officer and the Control Board. The legislation would clarify who has oversight authority over charter schools, and create a clear authority that oversees and coordinates the chartering authorities, and further clarify the existing oversight authority of the chartering authorities, and other DC entities.

2. Work with the DC Public Schools (DCPS) and other authorities to establish mechanisms to ensure that complete information is available to all parents and students about choices of public charter schools and to help determine how to provide transportation to students so that they can take full advantage of their charter school opportunities. This effort to arrange for transportation might take some seed money.

3. Initiate an aggressive effort to involve more local DC institutions including Federal agencies such as the Department of Transportation, the Department of Defense, the Smithsonian Institution, and the Library of Congress and local colleges and universities in sponsoring or supporting public charter schools in the District. While some local institutions have become involved in establishing charter schools, substantially more involvement would enhance the charter schools.

B. The Problems That Would Be Addressed

The three step Initiative on the DC charter schools is designed to improve the

effectiveness, accountability and accessibility of the charter schools. At present, the DC School Board (DC School Board) and a Public Charter School Board (PCS Board) responsible to the Mayor each have authority to charter 10 new schools each year. Two charter schools currently are operating, each chartered by the DC School Board. There is likely to be 15 to 20 new charter schools starting up by the Fall of 1998. Currently, no single official or body appears to have clear oversight authority over the charter schools to ensure that they are being implemented in accordance with their charter and are effective in having their students meet challenging standards. While the DCPS' application approved for the Department's Public Charter School program funds provides for oversight by an Office of Educational Accountability, authority for some monitoring and oversight is also split between the two chartering authorities. There appears to be some lack of clarity on who has oversight authority, and what authority they have, which may be causing the existing authorities to be exercising oversight authority less vigorously.

There should be clear oversight authority to insure public accountability and fairness in admissions. Students attending public charter schools should be held to at least as challenging standards as students in other DC public schools. Because the interim Chief Executive Officer and the Control Board appear to have limited responsibility for charter schools, they have not taken steps to insure these minimum procedures. There also appears to be limited information provided about charter schools to parents and students, and no transportation for students who are considering charter schools in areas not near their homes. These shortcomings make it difficult for parents and students to make effective school choices. To maximize the impact of these new schools and to be effective in offering real choice to parents and students throughout the district will require a focused effort in the early years of the schools' operation to ensure effective operation. Finally, few of the local colleges and universities or federal agencies are involved in any of the plans for a new charter school. These issues all require addressing before charter schools can make a substantial positive impact.

C. Background Information. Below is general background on the issues discussed concerning improving the operation of the District of Columbia's charter schools:

1. Accountability and Oversight

- Under District of Columbia School Reform Act of 1995 (the D.C. Reform Act), two existing entities are authorized to issue charters for the establishment of public charter schools: (1) the DC School Board; and (2) the PCS Board. The D.C. Reform Act also authorizes the D.C. Council to designate a third "eligible chartering entity." The seven-member PCS Board was appointed by Mayor Barry in accordance with section 2214(b) of the D.C. Reform Act. The DC School Board is an elected body.

- The DC School Board and the PCS Board, as eligible chartering authorities under the D.C. Reform Act, are responsible for "monitoring the operations" of each public charter school to which each entity grants a charter, and for ensuring that such charter school complies with

applicable laws as well as the provisions of its charter. The D.C. Reform Act also requires the eligible chartering authority to monitor the progress of each school to which it issues a charter in meeting the student academic achievement expectations specified in the charter granted to the school. The chartering authorities can revoke charters and have wide latitude in determining the academic standards that students at public charter schools are required to meet. These chartering bodies, however, have few resources for such efforts. Additionally, for a "State" charter school program, such as D.C.'s program to receive funds under the Department's Public Charter School Program under Title X of the Elementary and Secondary Education Act, it must describe in its application "how the program will enable all students to meet challenging State student performance standards...."

- Although the DC School Board and the PCS Board are required to submit annual reports to various city and Federal entities; including the Mayor, the Secretary, and Congress; the D.C. Reform Act does not identify any one entity as having oversight responsibility over the eligible chartering authorities. To the contrary, the D.C. Reform Act specifically prohibits any governmental entity, elected official, or D.C. employee from intervening in a chartering authority's decision to approve or deny a petition to establish a public charter school. It is unclear whether under current law, a single DC official or board has oversight authority over public charter schools in D.C. The District of Columbia Financial Responsibility and Management Assistance Authority (unofficially referred to as the Control Board) has been granted broad authority under the D.C. Financial Responsibility and Management Assistance Act of 1995 (the D.C. Financial Assistance Act), to take whatever action it deems appropriate to carry out the purposes of the D.C. Financial Assistance Act. Legislation would be helpful to clarify not only the Chief Executive Officer's authority, or lack thereof, over public charter schools, but also, whether the proper administration of D.C.'s public charter schools program falls within the scope of the Control Board's authority.

2. Federal Agency Involvement in DC Charter Schools

- The D.C. Reform Act "encourages" several Federal agencies, including the Library of Congress, the Department of Defense, the National Science Foundation, the Smithsonian Institution, and the United States Department of Education, to explore the feasibility of establishing one or more public charter schools. The Department of Education's authority to sponsor a public charter school is limited by the Department of Education Organization Act. There are currently only very limited efforts underway to involve Federal agencies and local colleges and universities in assisting or sponsoring D.C. charter schools.

3. Public Information on D.C. Charter Schools

- We are unaware of any coordinated effort to disseminate information about public charter schools in D.C. or to ensure that public charter schools are a realistic and practical choice for all students. Although the D.C. Reform Act requires a petition to establish a public charter school to include a description of how parents have been involved in the design and will continue

to be involved in the implementation and operations of the proposed school, it does not require any affirmative action to inform the community of the proposal to establish a public charter school or the existence of the public charter school after it has been established.

4. Transportation for Students

- The D.C. Reform Act does not require public charter school operators to make any provisions for transporting certain classes of students (e.g., very young, low-income, or elementary school students) to and from a charter school. While we are aware that there are discount programs available for D.C. public school students using public transportation, this will not help younger students whose parents may wish them to attend charter schools that are not close to their homes.

II. How the Initiative Will Be Managed

The Initiative will be largely accomplished through legislation and technical assistance. The Department will work in cooperation with OMB, the White House, and DC officials in designing legislative amendments that are needed and in arranging for technical assistance.

III. Expected Costs

The only part of the Initiative that could involve a substantial amount of costs is the transportation. This may involve some start up costs and depending on the solution, may involve a continuing cost to DCPS. The establishment of a single oversight authority may also involve some salaries and expenses, or could be assigned to volunteers or an existing group or individual. Additionally, the dissemination of information on charter schools to the public may also involve some expenses.

IV. Measuring Results

Through this Initiative we are hoping to maximize the positive impact and effectiveness of these new schools. As a result, charter schools in DC must offer a real choice to parents and students throughout the district, must provide an opportunity for all students to attend the charter schools, must be fair in admissions and accountable to the public, and students must achieve to high standards. The Department will develop an evaluation plan to measure the success of the Initiative.

ATTACHMENT E

The District of Columbia Public Charter School Board

1717 K Street, NW, suite 802
Washington, D.C. 20006
(202) 887-5011 fax: (202) 887-5026

current members and lengths of appointments:

Josephine C. Baker, chairperson 3 years
George Washington University
Graduate School of Education
2134 G Street, NW, room 419
Washington, D.C. 20202
(202) 994-4516 fax: (202) 994-3365

Joseph Horning, vice chair 2 years
Horning Brothers
1350 Connecticut Avenue, NW, suite 800
Washington, D.C. 20036
(202) 659-0700 fax: (202) 659-9489

Dr. Hope M. Hill 4 years
Howard University
525 Bryant Street, NW
Washington, D.C. 20059
(202) 806-5199 fax: (202) 882-6229

Thomas P. Loughlin 3 years
KPMG Peat Marwick, LLP
2001 M Street, NW, 9th Floor
Washington, D.C. 20036
(202) 467-3242 fax: (202) 467-4109

Beatriz Ortero 2 years
Calvary Bilingual Multicultural Learning Center
1420 Columbia Road, NW
Washington, D.C. 20009
(202) 332-4200 fax: (202) 745-2562

James Walker

1 year

Urban Technologies, Inc.

714 Seventh Street, SE

Washington, D.C. 20003

(202) 547-4944 fax: (202) 547-9016

The Board of Education of the District of Columbia

415 Twelfth Street, NW
Washington, D.C. 20004
(202) 724-4289 fax: (202) 724-2040

current members and term expiration dates (members of the Subcommittee on Charter Schools are marked with asterisks):

Wilma R. Harvey 12/01

president, Ward 1 Representative
1833 California Street, NW
Washington, D.C. 20009
office: (202) 724-5460 home: (202) 462-3921

Reverend Sandra Butler-Truesdale* 12/98

vice president, Ward 4 Representative
801 Varnum Street, NW
Washington, D.C. 20011
office: (202) 724-5453 home: (202) 882-2600

Reverend Robert Childs* 12/01

at-large representative
1624 Webster Street, NW
Washington, D.C. 20011
office: (202) 724-5456 home: (202) 291-5025

Tonya Vidal Kinlow* 12/01

at-large representative, chair of Subcommittee on Charter Schools
3952 2nd Street, SW
Washington, D.C. 20032
office: (202) 724-5457 home: (202) 563-2131

Jay Silberman 12/98

at-large representative
4801 Chesapeake Street, NW
Washington, D.C. 20016
office: (202) 724-5452 home: (202) 362-5050

Ann Wilcox*

12/98

Ward 2 Representative
1113 Rhode Island Avenue, NW
Washington, D.C. 20005
office: (202) 724-5459 home: (202) 387-2884

Don Reeves

12/01

Ward 3 Representative
4740 Connecticut Avenue, NW
Washington, D.C. 20008
office: (202) 724-5450 home: (202) 364-6402

Angie King Corley

12/01

Ward 5 Representative
3519 14th Street, NE
Washington, D.C. 20017
office: (202) 724-5451 home: (202) 529-7431

Benjamin Bonham*

12/01

Ward 6 Representative
1374 F Street, NE
Washington, D.C. 20002
office: (202) 724-5449 home: (202) 388-5247

Terry Hairston

12/98

Ward 7 Representative
335 Burns Street, SE
Washington, D.C. 20019
office: (202) 724-5447 home: (202) 575-8683

Linda Moody

12/98

Ward 8 Representative
1103 Bellevue Street, SE
Washington, D.C. 20032
office: (202) 724-5461 home: (202) 563-3431

Renee Drumgold

6/98

Student Representative
708 Bonini Road, SE
Washington, D.C. 20032
office: (202) 724-4289 home: (202) 563-7239

NEWS RELEASE**For Immediate Release**

March 10, 1998

Contact: Board staff

(202) 887-5011

FAX (202) 887-5026

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**UPDATE: TEN APPROVED FOR CHARTERS**

The District of Columbia Public Charter School Board is pleased to announce completion of the second and final stage of its 1997-98 application review process. On March 5, 1998, the Board approved seven applications to establish public charter schools in the District of Columbia. The total number of applications approved by the Board during its first competition for charters to establish public charter schools is ten, including the three applications approved in November 1997. The new public charter schools will serve more than 3,000 learners next year.

Josephine C. Baker, Chairperson of the District of Columbia Public Charter School Board, says, "After a tough competition, the Board has now approved a total of ten schools for charters. As a result, more than 3,000 learners of all ages in the District of Columbia will be offered an exciting range of new educational opportunities when school opens next fall. All of us are pleased about the role these schools can play in the effort to improve public education in the nation's capital".

1. **The SEED Public Charter School of Washington, DC** will provide a residential, coed learning environment for academic underperformers, grades 7-12, whose residential settings are disruptive to their education and who desire to attend a boarding school. The school's program is grounded in the philosophy that all children deserve a high quality education and that all students will learn. To that end, SEED Public Charter School of Washington, DC will offer an academic and residential setting that is conducive to healthy student development, a strong remedial program to bring students up to their current grade level, a high school curriculum and program that is similar to that found in some of the best college preparatory schools in the nation. The school will serve 40 seventh grade students during the first year and will add a new class of seventh graders each year until the school encompasses grades 7 through 12.

Contact: Rajiv Vinnakota**Telephone Number:** (202) 712-9134

2. **Washington Mathematics Science Technology Public Charter High School** represents the conversion of an existing school-within-a-school to public charter school status. The school's mission is to provide college-bound students in grades 9-12 a classic liberal education with an emphasis on mathematics and science. Students will use technology as a research and learning tool to enhance development of analytical reasoning. The school intends to use the Modern Red Schoolhouse academic standards as the foundation for curriculum in eight core subjects and will offer an extended school day and longer school year, with wrap-around study enrichment programs. Washington Math Science Technology Public Charter High School will serve 175 students in grades 9 through 12 during its first year of operation and over time reach its full capacity of 420 students.

Contact: Mary H. Johnson or Jack McCarthy

Telephone Number: (202) 645-3365 or 775-5826

3. **Hospitality Public Charter High School** plans to begin operation in school year 1999-2000. The school's purpose is to strengthen and expand the work force available to the hospitality industry of the nation's capital. The school will offer students with potential for higher education a rigorous four year academic program with strong preparation for careers in the fastest growing industry in the metropolitan Washington area. The program will include paid internships, industry related technology systems training, student learning projects, and mentors. The Hospitality Public Charter School of Washington, D.C. will begin enrollment in fall of 1999 with a freshman and sophomore class of 40 students each, building to the ultimate goal of serving 150 students by the year 20002.

Contact: Emily Vetter

Telephone Number: (202) 289-0584

4. **Associates for Renewal in Education, Inc. Public Charter School** will provide an educational program for 100 students from age 14 to 22 who are involved in the juvenile justice system. Since students' lives outside of school affect their ability to learn, teachers in this new public charter school will help them to avoid risky behaviors. The goal is to enable these young people to find responsible ways to meet their needs so they can improve their self-confidence, behave appropriately, develop critical thinking and problem solving skills, and get a high school diploma. Teachers in the school will strive to create a school in which students feel cared about, are encouraged to voice their opinions and make choices about their education, have fun learning and feel free to move at their own pace. Staff also will emphasize to students that completing their education is necessary to their ability to survive in the world outside of school.

Contact: Brenda Strong Nixon

Telephone Number: (202) 483-9424

5. **The Robert Louis Johnson Arts and Technology Academy** was conceived of by a group of parents and community members in response to the closing of the Richardson Elementary School in northeast Washington, DC. Beginning in September 1998, this new public charter school will enroll 540 students in grades pre-K through 5, and will expand to include grade six in the second year of operation. The design of the school's educational program has two key components: strong academics and a performing/communicative arts concentration. Students will develop strong skills in reading, language arts, mathematics, science, history, foreign language, and technology. A founding partnership has been developed with Advantage Schools, Inc., a Massachusetts based educational management firm that will manage the Academy and administer its education program.

Contact: Pamela Lipscomb Gardner

Telephone Number: (202) 829-5980

6. **The School for Arts in Learning** will be an alternative learning community for children with special needs, particularly children with physical or learning disabilities. The school's program will emphasize education in and through the arts to stimulate intellectual, emotional, physical, and social development. The arts will be an educational tool through which the academic curriculum is taught, promoting thinking, creating, and evaluating. Opening in September 1998, the school will serve 72 students in kindergarten through second grade. One grade per year will be added until the school serves 144 students in grades K through five.

Contact: L. Lawrence Riccio

Telephone Number: (202) 884-9040

7. **Cesar Chavez Public Policy Charter High School** will challenge students with a rigorous curriculum that fosters citizenship and prepares them to excel in college and life. Public policy themes will guide instruction and students will have direct experiences with organizations working in the public interest. The school will use the Modern Red Schoolhouse model and offer advanced placement courses in English, history, and U.S. Government. Plans are to have the school open until 7:00 PM each evening and to offer classes on Sundays. In its first year of operation, Cesar Chavez Public Policy Charter High School will serve 60 ninth grade students. Each year a grade level will be added serving 60 students until the school reaches its full capacity of 240 students in grades 9 through 12.

Contact: Irasema Salcido

Telephone Number: (301) 213-5753

The following three schools were approved in November 1997 for charters by the District of Columbia Public Charter School Board.

8. **SEE FOREVER Public Charter School**, an outgrowth of Project Soar/Roma Pizzeria, is a hands-on job training and tutoring program for court involved youth. In its first year, the new public charter school will serve approximately 50 students in grades 9 through 11. The school's special focus is on integrating the world of work into the traditional academic setting by having students take responsibility for a restaurant, and engaging in other workplace experiences. Many students are encouraged to go on to college or other advanced studies, and all students are expected to take full responsibility for their own behavior. Groups of 3-5 students work closely with an advisor and support one another's progress. The school's organization and culture reflect a commitment to each student's learning and growth during their time in the school and afterward.

Contact: David Domenici or James Forman, Jr.

Telephone Number: (202) 216-0206

9. **Edison-Friendship Public Charter School** is a partnership between Friendship House Association, Inc. and The Edison Project, and educational management firm. The new public charter school will open in August 1998 to serve approximately 1,308 children in Pre- School through grade 5. Eventually the school will serve 1,902 students through grade 12. Edison-Friendship Public Charter School will be divided into schools within a school or academies. The school will have longer days and be organized around small academies where teachers stay with the same children for several years. Technology will play an important role; families of students in the third grade and higher will each receive a home computer. The school will have a strong commitment to parents and families and will be governed by a Board of Trustees that will include parents of children attending the school.

Contact: Donald Hense

Telephone Number: (202) 675-9050

10. **The Rosario International Public Charter School** builds on a 26-year history of the former Rosario School. The new public charter school will help the District of Columbia's high school drop-out and at risk youth who are limited English proficient to gain literacy, English language skills, and a high school equivalent diploma. The school also will provide literacy, citizenship, ESL and GED training to the city's adult immigrants and refugees who need to improve their skills to better participate in the workforce and in their

community. Rosario International Public Charter School will serve approximately 890 part-time students, ages 16 to 60 in its first year of operation. The school will reach its full capacity of almost 2000 students in five years.

Contact: Sonia Gutierrez

Telephone Number: (202) 347-3870

The District of Columbia Public Charter School Board invites members of the Press to meet the founders and members of the Boards of Trustees of the new public charter schools on Monday, March 23, 1998 from 4-6 PM at Howard University's Founders Library.

BOARD OF EDUCATION

Chartered Schools, 1998

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Telephone Number: (202) 443-5584

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Telephone Number: (703) 221-4089

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Contact: Dorothy Goodman

Telephone Number: (202) 362-2946

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Contact: Linda Moore

Telephone Number: (202) 882-2102

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Contact: Imani Abdullah

Telephone Number: (202) 396-7585

9. Young Technocrats Math & Science Public Charter Lab School

The Young Technocrats is a science, math, technology, and entrepreneurship program currently operating as an after-school program. The program will expand and become a fully operational school, which will include partnerships with the Howard University Observatory and the Smithsonian Air and Space Museum. The school is designed to serve 500 pre-kindergarten thru 12th grade students, who are considered at-risk because of their poverty. The curriculum will include standard academic courses, but the school’s focus will be to develop a strong foundation in science, mathematics, advanced technology, and entrepreneurship/economic development.

Contact: Myesha Washington

Telephone Number: (410) 451-5835

10. The Next Step Public Charter School (approved 1996)

The mission of The Next Step is to help multicultural pregnant teens and teen mothers who have dropped out of high school overcome obstacles to continuing their education or entering the workforce. Approximately 70% of the estimated 36 participants will be Hispanic and the remaining 30% will be African-American, Vietnamese, and non-Spanish-speaking Caribbean. The teachers will use a curriculum that combines GED and ESL skills with content relating to parenting and work. Young mothers and pregnant teens, with their babies in the school’s nursery or at neighborhood babysitters, attend the school four hours a day, bolstering their basic math, reading, and writing skills.

Contact: Lori Kaplan

Telephone Number: (202) 483-1140

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Upgrading the Public Classroom

Why we need charter schools in D.C. . . .

Sunday, June 7, 1998; Page C08

As parents, we respect and share former D.C. School Superintendent Julius W. Becton Jr.'s concern for accountability and monitoring of charter schools [Close to Home, May 17]. No one wants more mediocre or failing schools at taxpayer expense.

But as parents who also have removed our children from the public system, we disagree with many of Becton's concerns about the proliferation of charters and wonder why he does not require similar measures for accountability and quality control in regular D.C. public schools.

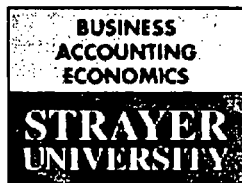
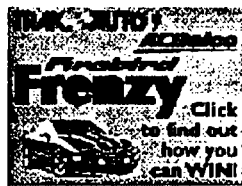
Becton said, "Our education system could be in trouble if charter schools are allowed to undercut the public schools." But the undercutting happened a long time ago, brought about by unenlightened leadership, an unwillingness to provide the quality and quantity of educational programming that parents want and an inability to market public education in ways that capture the public's support and confidence.

Becton said no one is taking responsibility for monitoring charter schools, but his concern is valid only in the unlikely case that both of the two boards involved in chartering abrogate their roles, which is unlikely. But if that should happen, the rules of the marketplace would prevail: Parents won't patronize bad schools, and lacking enrollment, bad charter schools will fail.

Further, by law, charters must be renewed periodically and can be revoked, as was the case with the Marcus Garvey School. This review provides more accountability than is now found in traditional public schools, where poor performance has been allowed to go on indefinitely.

Becton said, "Unless the attitude of the citizens in the nation's capital changes significantly, public schools as we know them won't exist by the year 2003." We agree. Attitudes must change, and public schools as they are now should not exist. Parents and educators are trying to create better schools, which is the driving force behind the charter movement.

Becton said charter schools will siphon off "some of our best and brightest students," with the result that test scores at D.C. Public Schools will sink even lower than their current abysmal level. But scores aren't the issue here. A quality education is, and the "best



students" shouldn't be used as statistical props for an inadequate system.

If the D.C. government really wants to maintain and develop quality educational programs and increase test scores, it will support charter schools. It will provide program options now unavailable in the District, including a math-science high school, an international baccalaureate, an array of intensive second-language programs, a residential school for students from troubled families and, in time, a feeder school to Ellington Performing Arts School.

Finally, Becton said, "D.C. Public Schools are required to fund all charter schools at a cost per student greater than that spent on public school students." That is inaccurate. Charters are not funded at the same level as regular public schools, particularly in terms of facilities and teacher retirement.

Becton also complained that charter schools receive three-quarters of their per-pupil allotment by October 15 and that these funds can't be recovered if a student leaves before the end of the school term. But the same is true when students drop out or are forced out of regular public schools after the fall enrollment count.

Instead of being dismissive of new and innovative approaches offered by charter schools, the D.C. school system should direct its energies and resources toward enriching public school fare in the District by treating charters as expansions of the traditional schools.

-- Harold Bardonille

-- Glenda Partee

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Chartering a New Course for D.C. Schools

Sunday, May 31, 1998; Page C08

Recent Post coverage about charter schools ["Charters: Unsettled Issues," editorial, May 21; "The Charter School Parade," Close to Home, May 17] raised important questions about their emergence and impact on the District.

Charter schools are public schools that operate autonomously, relatively free of the constraints imposed by a centralized administrative bureaucracy. Enrollment is open to all children at no charge.

The Public Charter School Board was created by Congress, and its members were nominated by the U.S. secretary of education and appointed by the mayor to oversee the approval and operation of charter schools in the District. Board members bring skills to the table that are relevant to the educational, operational, facilities management and business aspects of approving and monitoring charter schools.

Schools must compete to obtain a charter. Only one-third of the applicants who went before the Public Charter School Board had their requests approved. In large part, these programs will fill critical gaps in the current school system.

The 10 schools approved include:

Maya Angelou Public Charter High School, which will offer job training and tutoring to youth involved in the court system.

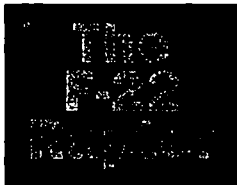
Associates for Renewal in Education, which will meet the educational needs of children involved in the juvenile justice system.

Cesar Chavez Public Policy High School, which will be a multicultural leadership institute with strong community backing.

Edison-Friendship Public Charter School, which will be a collaborative effort of Friendship House, one of the city's oldest and most respected service organizations, and the nationally known Edison Project.

Hospitality Public Charter High School, which will produce skilled graduates for employment in the region's hotel, restaurant and tourism industry.

Robert Louis Johnson Academy, which will be a partnership between



parents and community leaders in Marshall Heights and Advantage Schools Inc., an experienced school-management firm.

Rosario International Public Charter School, which will address the needs of dropouts pursuing a high school equivalency degree, as well as provide training in literacy, English and citizenship primarily for immigrants and refugees.

School for Arts in Learning, which will be an arts-infused program for young children with learning disabilities.

The SEED Foundation, which will be a residential college preparatory program for children who come from residential settings that have been disruptive to their education.

Washington Mathematics Science Technology High School, which will be converted to charter status, as was requested by the teachers of the successful Ballou High School program.

Under existing law, the Public Charter School Board operates independently of the elected Board of Education and the emergency board of trustees. The charter board reports to the mayor, the D.C. Council, the secretary of education and Congress.

Regarding some common misconceptions about charter schools:

The budget threat allegedly posed by charter schools is overstated. Initial indications are that funding for charter schools in 1998-99 will be about \$25 million -- a fraction of the public schools budget.

The per-pupil funding formula approved by the D.C. Council is the same as -- not more favorable than -- that used by the school system. Conversely, charter schools must use these funds to pay for significant costs that the traditional schools are not required to fund with their per-pupil allocations, including the cost of facilities rental and payments into retirement systems.

The Public Charter School Board does not solicit applications from existing public schools, individuals or institutions. The conversion of Ballou was self-initiated.

Suggestions that "certain entrepreneurs" will feed at the charter school trough do a disservice to the professionals who are trying to improve educational opportunities for students in the District.

All charter schools are required by law to achieve accreditation -- a status few of the D.C. public schools have accomplished. Further, all charter schools will be subject to at least the minimum standards established for the public schools, including the Stanford 9 testing regimen. Our board is developing an accountability and monitoring program that we believe has the potential to serve as a national best-practice standard for charter schools.

Alarms are being sounded about a perceived lack of accountability by charter schools. But it is precisely such a lack of accountability within the public school system that has served as the impetus for the charter school movement in the District.

-- Josephine C. Baker

-- Thomas P. Loughlin

are, respectively, chair and vice chair of the D.C. Public Charter School Board.

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Two Approaches for D.C. Schools

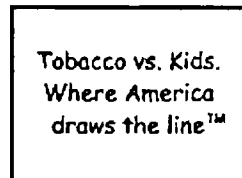
Friday, May 29, 1998; Page A26

Letter to the Editor

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Julius Becton's May 17 Close to Home article warned that charter schools pose a threat to our public school system because of the haphazard way they are being approved and the lack of a plan to rationalize both public and charter schools being funded from the same source.

Plans have been made to open as many as 12 to 15 new charter schools in September. Yet the District has no plans for the public school system to reduce its size and scope to offset the funding it might lose if all authorized charter schools do, in fact, open this fall. The short time between chartering decisions and prospective opening dates coupled with the uncertainty of their opening plans leaves the public schools in the untenable position of not knowing whether a student will be returning the following year until after the year has started.

Everyone underestimated the speed with which charter programs would surface and be approved. Most schools planned for the fall have solid backing and will likely draw many students who are doing well in the public schools. For those charter schools that are successful and live up to the goals set forth in their plans, the school system, as a whole, will benefit. However for those schools that fail, the public schools must still provide a place for those returning students.

The funding allocation formulas being developed have proposed equal per-pupil funding for charter and public schools. However, the existing public schools are providing all educational programs, and they have a continuing obligation to provide a safety net for any charter schools that fail.

The public schools also have to carry the large inventory of school facilities until it can be downsized to fit the existing school population for both systems. Therefore equal per-pupil funding is inequitable until movement of students between the two systems stabilizes and the facilities inventory problem has been rationalized. Until that time, the allocation formulas should compensate for these obligations the public schools must carry until some level of equilibrium is reached.

Finally, a comprehensive plan must be developed to accommodate these two approaches if education reform in the District is to be successful. If either approach fails, that means both fail. That must be

our thinking if we are serious about putting all of our children first.

EDWARD A. SINGLETARY

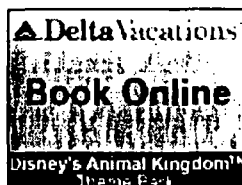
Washington

The writer is a member of the D.C. control board.

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After Garvey Decision, Doubts About Charter Schools

By Valerie Strauss and Peter Slevin
Washington Post Staff Writers
Thursday, May 28, 1998; Page D01

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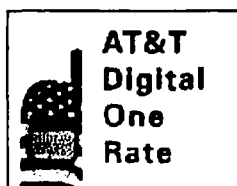
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The D.C. Board of Education's decision to close the Marcus Garvey Public Charter School has raised new concerns about how to make charter schools more accountable for their performance -- particularly since scores of such schools could open in the nation's capital over the next several years.

After months of turmoil at the Afrocentric school in Northwest Washington, the school board last week revoked Garvey's charter, citing a "pattern of financial mismanagement" that board members say began when the school first opened in 1996 and continued after its controversial founder and principal, Mary A.T. Anigbo, was fired in January.

The board also is grappling with a separate development that has renewed questions about how well charter school applicants are screened. Board members recently learned, from a reporter, that a company that was given the board's go-ahead to open a charter school this fall has lost another educational contract with the city -- because D.C. administrators were dissatisfied with its performance.

Boston-based Richard Milburn High School Inc., which plans to open a charter school for 200 low-performing high school students this fall, recently lost a \$1.7 million annual contract to educate youths incarcerated at Oak Hill Youth Center in Laurel.

Garvey's charter revocation, effective at the end of the school year, brought recriminations from parents and a lawsuit by the school's trustees, who said they had just stabilized operations there when the rug was pulled from under them.

But others, including charter school proponents, wonder why the board waited so long, especially after Anigbo was convicted last year of assaulting a reporter and two police officers who came to the school. These critics also complain that the board was too tolerant of Garvey's failure to provide audits and to adhere to basic procurement procedures. The school received \$417,000 in public funds this year for operating costs.

"If [Garvey officials say] they were just now beginning to develop a measure of accountability, it does beg the question as to why" its charter wasn't revoked a long time ago, said Jim Ford, former staff director of the D.C. Council's education committee. Ford now works

for a firm that is helping to open charter schools nationwide, including an elementary school in the city.

"I don't think the [school] board has developed a process that requires sufficient accountability," Ford said.

Charter schools, hundreds of which have been set up around the country, are funded with public money but operate outside the bureaucracy of a traditional school system. Since Congress gave the District the authority two years ago to approve charter schools, three, including Garvey, have opened. More than a dozen others could be accepting students by this fall.

In authorizing charter schools in the District, the only city in the region that has them, Congress gave both the elected school board and a new, appointed D.C. Public Charter Board chartering powers. As many as 20 schools, 10 charters per board, are allowed to open each year -- one of the most liberal allotments of any school district in the nation.

But the Garvey debacle has fueled a debate about whether the chartering bodies, especially the school board, can adequately monitor the charter schools it now supervises -- let alone screen additional applicants and watch over new schools.

School board officials say they properly monitored Garvey and two other charter schools. They said they didn't move sooner to revoke its charter because they wanted to give the school every opportunity to succeed.

But ultimately, board President Wilma R. Harvey (Ward 1) said, "the law is very clear. If a school is not economically viable, it cannot exist."

By the time Garvey's charter was revoked, its officials were mired in a number of controversies. Harvey said the school never produced a thorough audit, despite repeated requests, and it awarded contracts, including one for \$25,000 to Anigbo's ex-husband, without getting the board's approval.

There is also the matter of Garvey's projected \$161,000 deficit for this year -- even though it lost at least half its enrollment when Anigbo was fired. At one point, the school was reporting that it had 73 students. But Harvey, who has asked the city's inspector general to investigate Garvey's handling of public money, said she didn't see more than 30 when she visited the school last week.

Charter proponents agree that the Garvey episode raises a number of questions, including how much time a chartering agency should give a school to correct any issues of noncompliance and how money improperly spent can be recovered.

"The question is who can recoup those public funds from a charter school that has come on hard times?" said Bruce K. MacLaury, head of the emergency board of trustees, which oversees the school system as an agent of the D.C. financial control board. "There is a real issue of fiscal responsibility and oversight."

The appointed charter board, funded by Congress, has been widely credited with setting up a smooth, thoughtful process for granting charters. Its leader, Josephine Baker, says it is on schedule for developing operating standards and a careful monitoring system.

School board officials say they, too, are negotiating tough accountability contracts with schools they charter. There is, however, concern among some charter school proponents that the board's criteria for judging performance are not strict enough.

Critics note, for example, that while the charter board turned down a number of proposals, the school board gave charters to all nine of its applicants -- including the Milburn company, which is running Oak Hill's education program.

"I didn't know about [Milburn's] problems," said Tonya Vidal Kinlow, who heads the school board's charter committee. She said the board will continue to "hold schools accountable based on the charter they have with us."

D.C. administrators say they decided several weeks ago not to renew Milburn's contract at Oak Hill after city officials and inmate advocates complained about several problems, including poor coordination, too few special education teachers and not receiving a list of substitute teachers.

"I felt we could do a better job for what we were paying," said Wayne Casey, who oversees Oak Hill. He described the parting after two years as "amicable" and said the company agreed to stay until October, when the school system will take over the program.

Robert Crosby, the primary owner of Milburn, disputed the criticism. Oak Hill "was a hellhole," he said. "We made many reforms in that school, and many more need to be made."

Crosby said it "was mutually decided" that the best way to continue improvements at Oak Hill, which has been under court order since 1985 to provide better services to incarcerated youths, was for the city to run the education program itself.

Donna Wulkan, attorney for Oak Hill's juveniles, said Milburn's problems at the prison could be repeated in its charter school operations.

Commenting on the parallels, she said the company presented "a very glossy, very detailed proposal" for running the education program. It "won the day," she said, "because it was very pretty, very detailed and very substantive. You look at that proposal and think, 'Ah, this is great.' "

But problems, Wulkan said, cropped up early and were never resolved.

"I don't feel they ever committed the experienced personnel, the resources or a coherent philosophy to the project," she said. "I worry about them coming into a charter school. . . . It is a similar population

of kids."

Peter Leone, the court-appointed monitor for education at Oak Hill, recounted walking into a math class. "They were watching a Spielberg film, the sequel to Jurassic Park," he said. "It had nothing to do with math. I couldn't discern any connection . . . and there were kids from another class watching it with them."

Milburn's Crosby applauded the school board's decision to revoke Garvey's charter.

"They probably should have done it a year ago," he said. "The risk you take with the whole charter school movement is approving mom-and-pop operations. The down side is that you are going to have some failures. The up side is you will create innovative, successful schools."

Charter school opponents, citing Garvey, fear that the schools will not be adequately supervised or held accountable for their performance.

But supporters say charter schools will force failing school systems to improve.

"The question is whether we will ever get real accountability in the traditional schools," Ford said. "The lack of it is underlying the growing support for charter schools."

Though oversight of charter schools is one of the few powers left to the elected school board since it was supplanted by the appointed trustees, board officials say they have not yet figured out how to set up a good monitoring system.

"I don't think I have the appropriate resources for the monitoring that will be required for the number of schools we have coming on," Kinlow said. She said the board plans to meet soon with control board, council and congressional representatives to seek more money to hire monitors. As of now, it has one consultant overseeing charter schools.

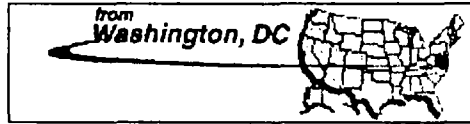
When board and school system officials took joint control of Garvey last week, they seized financial records and fired personnel they considered unnecessary, including some teachers.

The move infuriated parents, who complained that officials acted hastily without weighing the emotional impact on students.

"A lot of these children have been with these teachers for two years," said Jeanne Fields, whose son is an eighth-grader at Garvey. "It was traumatic for them. . . . We keep hearing, 'Children First,' and it seems like it's children last."

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Edison Project to Double Number of Schools

Two D.C. Public Elementary Schools to Be Included in Company's Expansion

By Rene Sanchez
Washington Post Staff Writer
Wednesday, May 27, 1998; Page A06

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The Edison Project, the largest venture ever into public education by a private, for-profit company, announced yesterday it will double in size this fall by adding 23 more schools to its national network, including its first two in Washington.

The expansion is the most substantial so far in the short, tumultuous history of Edison, which was founded by media entrepreneur Christopher Whittle. It plans to run 48 public schools nationwide, after debuting with four in 1995.

Even though it has yet to earn a profit and some educators remain skeptical of its long-term success, Edison continues to show steady growth and attract financial backers. Its early academic results also have been promising.

"We are demonstrating that our schools work and that we have the ability to grow," said Christopher Cerf, executive vice president of the company, which is based in New York. "We've also gone a long way to proving the economics of this can work, too."

The latest expansion will give Edison 23,000 students and extend its reach to 25 cities, including the District, where it intends to open two elementary schools. Both will be independent "charter" schools, which get the same money per student as other public schools but have the freedom to set nearly all of their policies.

Edison officials said one school will be at the site of the former Woodridge School in Northeast and the other will be at what was once the Chamberlain Adult Education Center in Southeast.

A growing number of private companies are forming academic or business partnerships with public schools, but Edison's scope is unrivaled: It spent more than \$40 million creating its own curriculum, and it uses the per-pupil money it receives from school systems to hire its own teachers and administrators. Its class days are 90 minutes longer than those at most public schools and its academic year is almost a month longer. The company is led by a former president of Yale University, Benno C. Schmidt.

A few years ago, before it ran any schools, many educators figured



Edison was doomed because of its extravagant goals and the deep financial troubles of Whittle, who also founded Channel One, which beams educational programming and commercials into schools.

But Edison abruptly abandoned its plan to open a national network of 1,000 new private schools and adopted the more modest strategy of taking over existing public schools. Most schools in Edison's fold are part of public school systems.

Edison expects to collect \$126 million this fall from cities where it will operate schools. This spring, it received \$35 million in philanthropic support and another \$20 million in financing to renovate facilities for its new charter schools. Edison ran 12 schools in its second year and is running 25 schools this year.

"They seem to be on track now," said John McLaughlin, director of the Education Industry Group, which monitors the burgeoning relationships between private companies and schools. "Their expansion is a sign of good health. If Edison can put together one more positive year, it should be able to prove that it can be profitable."

But the target number of schools that Edison officials say they have to run to sustain a profit still seems to be in flux. Last year, company officials said they would need about 60 schools. Now they say it will likely take more than that.

Edison is still battling with some teacher unions. In a report this month, the American Federation of Teachers called student performance in Edison schools "mixed and inconclusive" and accused the company of overstating its success. The report also said Edison relies on inexperienced teachers and has large class sizes.

Edison officials concede they have had staffing or cost problems at a few sites but say student test scores -- which are independently evaluated -- are rising at nearly all of its schools. None of the school districts that have entered into a partnership with Edison have retreated from it; some are turning over more schools to the company.

Edison also plans to open schools for the first time in Denver, Minneapolis, Trenton, and the San Francisco Bay area. It already has schools in cities such as Boston, Detroit, Miami, San Antonio and Wichita.

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