



Jonathan H. Schnur @ OVP
09/10/97 10:05:37 AM

Record Type: Record

To: William R. Kincaid/OPD/EOP, Michael Cohen/OPD/EOP

cc:

Subject: Charter Legislation/Lieberman's office

From Alex Medler at Education...

----- Forwarded by Jonathan H. Schnur/OVP on 09/10/97 10:14 AM -----



Alex_Medler @ ed.gov
09/10/97 09:33:00 AM

Record Type: Record

To: Jonathan H. Schnur/OVP

cc:

Subject: Charter Legislation/Lieberman's office

I bumped into Dan Gerstein this morning on the metro, and subsequently grilled him on the status of stipulations regarding the charter school program. He said he might be able to circulate the draft soon. In the meantime, here's what he told me:

1. National activities would be capped at the 97 level.
2. National activities would be directed to provide grants to "charter friends groups" (the assorted groups and agencies that provide technical assistance to charter schools).
3. National activities would include the Department giving assistance to states in setting up revolving loan funds. States would still fund the revolving loans with their grants. (He didn't sound optimistic about this part staying in the bill.)
4. Stipulations about grants to states designed to encourage the passage of "stronger" charter school laws would be phased in over 3 years. States could still be refunded at the 97 level of funding for three years, but new states and grants in the meantime would have preferences, and or stronger "incentives" encouraging the following:
 - a. a stronger definition of what is a charter school, including some sort of performance based contract from the school with its chartering authority;
 - b. a wide range of regulatory relief from state and local rules and regulations, i.e. "blanket waivers" written into charter laws; and
 - c. some other language, which he didn't specify, that would lead to

more money going to states with more charter schools.

5. they are awaiting the GAO report before writing anything about charter school access to Federal categorical funds.

And in the hearsay category,

he also said Riggs and Roemer were drafting an amendment on the House side to get the \$75 up to \$100, but that "they" were busy with some legislation about the national test.



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Comments:

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105TH CONGRESS
1ST SESSION**S.** _____

IN THE SENATE OF THE UNITED STATES

Mr. LIEBERMAN introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Elementary and Secondary Education Act
~~of 1965~~ regarding charter schools.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Charter School Expan-
5 sion Act of 1997".

6 **SEC 2. INNOVATIVE CHARTER SCHOOLS.**

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

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

10 (A) in paragraph (1)(C), by striking "and"

11 after the semicolon;

O:\SIG\SIG97.789

DISCUSSION DRAFT

S.L.C.

2

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

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

5 “(2) support for planning, designing, and initial
6 implementation of charter schools as described in
7 part C of title X; and”; and

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

9 (A) in paragraph (7), by striking “and”
10 after the semicolon;

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

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

15 “(8) planning, designing, and initial implemen-
16 tation of charter schools as described in part C of
17 title X; and”.

18 **SEC. 3. CHARTER SCHOOLS.**

19 (a) PURPOSE.—Section 10301(b) of the Elementary
20 and Secondary Education Act of 1965 (20 U.S.C.
21 8061(b)) is amended—

22 (1) in paragraph (1), by striking “and” after
23 the semicolon;

24 (2) in paragraph (2), by striking the period and
25 inserting “; and”; and

O:\SIG\SIG97.789

DISCUSSION DRAFT

S.L.C.

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1 (3) by adding at the end the following:

2 “(3) expanding the number of high quality
3 charter schools available to students across the Na-
4 tion.”.

5 (b) PROGRAM PRIORITY AND REQUIREMENTS.—Sec-
6 tion 10302 of such Act of 1965 (20 U.S.C. 8062) is
7 amended by adding at the end the following:

8 “(e) PRIORITY AND REQUIREMENTS.—

9 “(1) PRIORITY.—

10 “(A) FISCAL YEARS 1998, 1999, AND 2000.—

11 In awarding grants under this part for any of
12 the fiscal years 1998, 1999, and 2000 from
13 funds appropriated under section 10310 that
14 are in excess of \$51,000,000 for the fiscal year,
15 the Secretary shall give priority to State edu-
16 cational agencies serving States that meet the
17 requirements of paragraph (2).

18 “(B) SUCCEEDING FISCAL YEARS.—In
19 awarding grants under this part for fiscal year
20 2001 or any succeeding fiscal year from any
21 funds appropriated under section 10310, the
22 Secretary shall give priority to State edu-
23 cational agencies serving States that meet the
24 requirements of paragraph (2).

O:\SIG\SIG97.789

DISCUSSION DRAFT

S.L.C.

4

1 “(2) REQUIREMENTS.—The requirements re-
2 ferred to in paragraph (1) are as follows:

3 “(A) The State has demonstrated signifi-
4 cant progress in increasing the number of char-
5 ter schools for the year for which the deter-
6 mination is made compared to the previous
7 year.

8 “(B) The State law regarding charter
9 schools provides for at least 2 authorized public
10 chartering agencies, or in the case of a State
11 with a single authorized public chartering agen-
12 cy, allows for an appeals process for the denial
13 of an application for a charter school.

14 “(C) The State law regarding charter
15 schools provides for the waiver of most State
16 education laws and regulations, except those
17 laws and regulations related to health, safety,
18 and civil rights.

19 “(D) The State law regarding charter
20 schools provides for periodic review and evalua-
21 tion by the authorized public chartering agency
22 of each charter school to determine whether the
23 charter school is meeting or exceeding the aca-
24 demic performance requirements and goals for

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DISCUSSION DRAFT

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1 charter schools as set forth under State law or
2 the school's charter.

3 “(f) AMOUNT CRITERIA.—In determining the amount
4 of a grant to be awarded under this part in a State, the
5 Secretary shall take into consideration the number of
6 charter schools created under this part in the State.”

7 (c) APPLICATIONS.—Section 10303(b) of such Act
8 (20 U.S.C. 8063(b)) is amended—

9 (1) by redesignating paragraph (2) as para-
10 graph (3); and

11 (2) by inserting after paragraph (1) the follow-
12 ing:

13 “(2) describe how the State educational agen-
14 cy—

15 “(A) will inform each charter school in the
16 State of available Federal programs and funds
17 that the charter school is eligible to receive; and

18 “(B) will ensure that each charter school
19 in the State receives the charter school's com-
20 mensurate share of Federal education funds
21 that are allocated by formula; and”.

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

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DISCUSSION DRAFT

S.L.C.

6

1 **"SEC. 10305. NATIONAL ACTIVITIES.**

2 "The Secretary shall reserve for each fiscal year the
3 lesser of 5 percent of the amount appropriated to carry
4 out this part for the fiscal year or \$5,000,000, to carry
5 out the following activities:

6 "(1) To provide charter schools, either directly
7 or through the State educational agency, with—

8 "(A) information regarding available edu-
9 cation funds that the charter schools are eligi-
10 ble to receive; and

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

15 "(2) To provide for the completion of the 4-year
16 national study (which began in 1995) of charter
17 schools and any related evaluations or studies.

18 "(3) To provide—

19 "(A) information to applicants for assist-
20 ance under this part;

21 "(B) assistance to applicants for assistance
22 under this part with the preparation of applica-
23 tions under section 10303;

24 "(C) assistance in the planning and start-
25 up of charter schools;

O:\SIG\SIG97.789

DISCUSSION DRAFT

S.L.C.

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1 “(D) ongoing training and technical assist-
2 ance to existing charter schools; and

3 “(E) for the dissemination of best prac-
4 tices in charter schools to other public
5 schools.”.

6 (e) COMMENSURATE TREATMENT; RECORDS TRANS-
7 FER; PAPERWORK REDUCTION.—Part C of title X of such
8 Act (20 U.S.C. 8061 et seq.) is amended—

9 (1) by redesignating sections 10306 and 10307
10 as sections 10309 and 10310, respectively; and

11 (2) by inserting after section 10305 the follow-
12 ing:

13 **“SEC. 10306. PART A, TITLE I ALLOCATION DURING FIRST**
14 **YEAR AND FOR SUCCESSIVE ENROLLMENT**
15 **EXPANSIONS.**

16 “For purposes of the allocation to schools by the
17 States or their agencies of funds under part A of title I,
18 or of any other Federal educational assistance funds, the
19 Secretary shall take such measures not later than 6
20 months after the date of the enactment of the Charter
21 School Expansion Act of 1997 as are necessary to ensure
22 that every charter school receives the charter school’s full
23 share of funding in the calendar year in which the charter
24 school first opens, notwithstanding the fact that the iden-
25 tity and characteristics of the students enrolling in that

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DISCUSSION DRAFT

S.L.C.

8

1 school are not fully and completely determined until that
2 school actually opens. These measures shall similarly en-
3 sure that every charter school expanding the charter
4 school's enrollment in any subsequent year of operation
5 receives the charter school's full share of funding during
6 the calendar year of such expansion.

7 "SEC. 10307. RECORDS TRANSFER.

8 "State educational agencies and local educational
9 agencies, to the extent practicable, shall ensure that a stu-
10 dent's records, and if applicable a student's individualized
11 education program as defined in section 602(11) of the
12 Individuals with Disabilities Education Act (20 U.S.C.
13 1401(11)), are transferred to a charter school upon the
14 transfer of the student to the charter school, in accordance
15 with applicable State law.

16 "SEC. 10308. PAPERWORK REDUCTION.

17 "To the extent practicable, the Secretary and each
18 authorized public chartering agency shall ensure that im-
19 plementation of this part results in a minimum of paper-
20 work for any eligible applicant or charter school."

21 (f) PART C DEFINITIONS.—Section 10309(1) of such
22 Act (as redesignated by subsection (e)(1)) (20 U.S.C.
23 8066(1)) is amended—

24 (1) in subparagraph (A), by inserting "that reg-
25 ulates schools with a charter" after "statute";

O:\SIG\SIG97.789

DISCUSSION DRAFT

S.L.C.

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

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

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

8 (5) by adding at the end the following:

9 "(L) has a written performance contract
10 with the authorized public chartering agency in
11 the State."

12 (g) AUTHORIZATION OF APPROPRIATIONS.—Section
13 10310 of such Act (as redesignated by subsection (e)(1))
14 (20 U.S.C. 8067) is amended by striking "\$15,000,000
15 for fiscal year 1995" and inserting "\$100,000,000 for fis-
16 cal year 1998".

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

19 (1) in paragraph (14), by inserting ", including
20 a public elementary charter school," after "residen-
21 tial school"; and

22 (2) in paragraph (25), by inserting ", including
23 a public secondary charter school," after "residential
24 school".

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1 (i) CONFORMING AMENDMENT.—The matter preced-
2 ing paragraph (1) of section 10304(e) of such Act (20
3 U.S.C. 8064(e)) is amended by striking “10306(1)” and
4 inserting “10309(1)”.