

**NLWJC - Kagan**

**DPC - Box 017 - Folder 016**

**Education - Charter Schools**

**PRESIDENT CLINTON:  
STRENGTHENING OUR EDUCATION SYSTEM**

July 24, 1998

*"Across our nation, public school choice, and in particular, charter schools, are renewing public education with their energy and new ideas. Charter schools are creative and innovative, they are public, with open enrollment, and are strengthened by the commitment of parents and educators in the communities they serve. They can be models of accountability for public schools, 'chartered' only when they meet rigorous standards of quality, and remaining open only as long as they meet those standards."*

President Bill Clinton  
July 24, 1998

Today, President Clinton hosts an event honoring the Boys Nation class of 1998 and announces the release of Department of Education estimates that at least 1,130 schools have received charters to provide public education to more than 200,000 students nationwide. The President will renew his call for Congress to pass legislation strengthening federal support for the charter school movement, announce a new report on the progress of charter schools, and release a guidebook for communities and states to ensure that their charter schools become models of accountability and high standards for public education.

**OVER 1,100 CHARTER SCHOOLS IN FIVE AND A HALF YEARS.** In 1992, only one charter school existed in the United States and only two states had legislation authorizing charter school education. Under President Clinton's leadership, at least 1,130 charter schools projected to serve over 200,000 students have been created, and 33 states and the District of Columbia now have laws that authorize charter school designation.

**A CHARTER SCHOOL PROGRESS REPORT.** Today's release of a new Department of Education study of 381 charter schools in 17 states shows that:

- **Most charter schools are significantly smaller than public schools, with a median of 149 students in a charter school compared with 505 students in a public schools in the 17 states included in the study;**
- **Charter school staff report that over 80 percent of parents and students in charter schools identify a safe, nurturing environment, reinforcement of values, quality of the academic program, high academic standards, and small class size as the most attractive features of charter schools;**
- **The primary obstacle to starting a successful charter school is a lack of start-up funding.**

**GUIDELINES FOR MAKING CHARTER SCHOOLS MODELS OF ACCOUNTABILITY.** The President will release a new guidebook developed by the Department of Education to help public agencies make careful decisions about awarding charters to schools and holding these schools accountable for results. The guidebook recommends that before awarding a charter, evaluation of a school's academic program, ability to manage its operations and finances effectively, and set performance standards should be assessed.

**A CALL FOR BIPARTISAN LEGISLATION TO SUPPORT CHARTER SCHOOLS.** Last year, the House of Representatives passed a bill with bipartisan support to direct federal resources for charter schools to states that increase the number of charter schools, provide them with maximum flexibility, and periodically review their performance. The Administration has worked with Senators of both parties to strengthen the bill to increase accountability for academic performance in charter schools and ensure that charter schools receive their fair share of other federal education funds. The President calls on Congress to send him legislation that meets these goals before the end of the session.

**BIPARTISAN SUPPORT FOR EXPANDING CHOICE IN PUBLIC  
EDUCATION AND FIXING FAILING SCHOOLS**

October 17, 1997

*Now I ask you -- and I ask all our nation's governors; I ask parents, teachers, and citizens all across America -- for a new nonpartisan commitment to education -- because education is a critical national security issue for our future, and politics must stop at the schoolhouse door.*

*President Clinton, State of the Union Address, February 4, 1997*

In his weekly radio address today, the President praised two initiatives in Congress where Democrats and Republicans have come together in support of needed improvements in public education. One bill would expand and strengthen President Clinton's public charter schools program, by accelerating progress towards the President's goal of developing 3,000 new charter schools by the year 2000, and encouraging states and local school districts to provide these innovative public schools with more flexibility together with greater accountability. Another measure would help schools implement school-wide reforms based on effective, proven models. These initiatives show how we can improve our schools, and turn around low-performing schools, without abandoning public education: strengthening schools with proven practices or providing students and their families with more high-quality choices in public education.

**CHARTER SCHOOLS HAVE EXPERIENCED TREMENDOUS GROWTH UNDER PRESIDENT CLINTON'S LEADERSHIP.** As a result of the President's continuing leadership, there has been a dramatic growth in the number of charter schools. When President Clinton took office, there was one charter school in operation nationwide and only two states with a charter law. This year, over 700 charter schools are expected to be in operation. Similarly, the number of states with charter laws continues to grow -- 29 states, and the District of Columbia have passed legislation authorizing the establishment of charter schools.

This growth has been fueled by the President's proposal of a public charter schools program, which was enacted in 1994 as part of the reauthorization of the Elementary and Secondary Education Act. With the President's leadership, the charter school program has grown from \$6 million in FY 1995 to \$51 million in FY 1997. The President has requested \$100 million from Congress in FY 1998 to provide support for 1,000 charter schools.

**A BIPARTISAN BILL TO EXPAND CHOICE WITH PUBLIC ACCOUNTABILITY.** Recently House Education Committee Democrats and Republicans reached across party lines to approve suggested amendments to the Public Charter Schools Program in a bill co-sponsored by Rep. Riggs (R.-Calif.) and Rep. Roemer (D.-Ind.). This bill would give a priority for awarding new charter schools grants to states which are creating larger numbers of charter schools with increased control over financial decision-making and that are clearly held accountable for results. The bill also incorporates the President's goal of increasing the number of charter schools to 3,000 by the year 2000. Similar legislation is expected to be introduced shortly in the Senate by Sen. Coats (R.-Ind.) and Sen. Lieberman (D.-Conn.). The President endorsed these bipartisan efforts, and Administration staff will continue to work with members of both parties as the legislation moves through Congress.

**BIPARTISAN SUPPORT FOR REFORMS THAT WORK:** To help strengthen all public schools, especially those with high concentrations of poverty, today the President also announced his support for a bipartisan initiative led by Congressman David Obey (D., Wisconsin) and John Porter (R., Illinois). The initiative would help schools adopt research-based models for school-wide improvements that have demonstrated track-records of success at improving student achievement, through proven strategies such as high standards for all students, intensive help in the basic skills in the early grades, strong parental involvement in school decision-making, challenging curriculum often implemented with the effective use of learning technologies, and effective training for teachers. At funding levels included in the House Education Appropriations bill, the initiative would fund \$50,000+ competitive grants to at least 2,000 schools to adopt research-based models of comprehensive school reform, such as those supported by New American Schools.

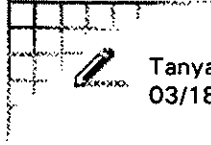
**THESE INITIATIVES SHOW THE KIND OF INNOVATION THAT RESULTS WHEN WE WORK TOGETHER TO IMPROVE -- NOT ABANDON -- OUR PUBLIC SCHOOLS.** Charter schools are examples of genuine public education reform -- they provide a mechanism for change with real public accountability for promised results. Likewise, the reform models to be made available through federal grants would provide a proven mechanism for turning failing schools into successful ones. These initiatives would help increase the options for creating and maintaining high-quality schools within the public school systems that the vast majority of American children attend.

**Q: What Makes the Charter Schools Bill Such a Good Example of Bipartisan Cooperation?**

**A:** The bill, which amends the ESEA Public Charter Schools Program, was initially sponsored by Rep. Riggs, chairman of the Early Childhood, Youth and Families Subcommittee. Among other provisions the bill incorporates the President's goal of increasing the number of charter schools to 3,000 by the year 2000. Prior to committee action the bill was substantially improved in response to concerns raised by the Department of Education, and Rep. Roemer joined Rep. Riggs as a co-sponsor. The bill was approved last week by the House Education Committee on 24-8 bipartisan vote, including ten Democrats and fourteen Republicans. We think this is a great example of the kind of progress we can make when Democrats and Republicans come together across party lines to help our kids. Administration staff will continue to work with the sponsors to strengthen the legislation.

**Q: What About the Obey-Porter Comprehensive School Reform Provisions -- Why Do they Represent a Good Example of Bipartisan Cooperation?**

**A:** These provisions represent strong leadership of Rep. Obey, ranking member of the House Appropriations Committee, working together with Rep. Porter, the subcommittee chairman. They feel strongly that schools across the country have been missing a great opportunity to benefit from research-proven approaches to reforming entire schools that have been developed in recent years. Many of these models have been developed with support from the New American Schools, a non-profit established under the Bush Administration but heavily supported by President Clinton, as well as from the generous gift by Mr. Annenberg. After a strong debate on the House floor, the provisions were amended to address the concerns of some conservative members and the provision was approved as a part of the House Education Appropriations bill. Again, members put aside partisan differences to support an initiative that will make a concrete difference in hundreds, and perhaps thousands of schools across the country.



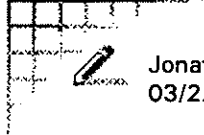
Tanya E. Martin  
03/18/99 10:25:31 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP  
cc: Jonathan H. Schnur/OPD/EOP  
Subject: Charter Schools Guidance

Jon called in and asked me to let you know that the charter schools program guidance was distributed (without the q&a on religion and desegregation issues), but that the civil rights guidance was not released (dept had considered releasing it in draft from with unresolved questions deleted). During the conference, participants raised several questions about issues that the civil rights guidance will address (e.g. admissions - when can preferences be used). When Jon returns to the office, we will work closely with ED to get the civil rights guidance in final form for release.

As a side note, Jon also mentioned that ED is frustrated that the civil rights guidance did not go out -- and that the review process led to a last minute decisions. Jon thinks that Mike Smith and others at the Department might not have been aware that he turned around program guidance comments quickly but that his comments weren't declined by ED staff until late Thursday evening, and that the civil rights guidance wasn't sent over at all until Thursday afternoon (which we both reviewed that day). After a multi-hour conference call on Friday, it became apparent that only a Bruce-Mike call was going to resolve some of the key differences. We will work with ED to identify more efficient ways to plug us into their review process so that our comments can be resolved - or kicked up - earlier.



Jonathan H. Schnur  
03/22/99 08:19:10 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP  
cc: Tanya E. Martin/OPD/EOP  
Subject: charter schools and deseg issues

I wanted to 1) give you a brief update on discussions at last week's charter conference on the charter school/deseg issue, and 2) get direction from you on a staff-level White House debate about whether a White House letter should be sent to the Wall Street Journal responding to Clint Bolick's editorial this morning attacking Bill Lann Lee for Justice Department investigations into charter schools proposed in Louisiana. Meanwhile, we are setting up a meeting for Friday to discuss next steps on the civil rights guidance with Education, Justice, WH Counsel's office, and us.

1) **The charter school conference.** The civil rights guidance (as you know) was NOT distributed, but we did have a 90 minute discussion on the issue with conference participants that provided a helpful context for moving forward on the guidance. Among those in the discussion, there were very strong feelings, a wide array of opinions and experiences, and no clear understanding about the applicability of desegregation orders to charter schools. A few believed that charter schools should not be subject to desegregation orders at all, and others were worried that the application of desegregation orders could block the creation of predominantly minority neighborhood charter schools in areas where minority children are bused in order to comply with goals established in a desegregation plan. A number of charter school founders expressed concern about a "double standard" in the enforcement of desegregation plans -- i.e., establishing a rigorous review for charter schools when they believe there isn't as much review for other public schools. Some charter schools had undergone a review for compliance by a court before opening, and others (even some in areas with deseg orders in place) had never gone through any review. Clearly, there is a need for some well-developed guidance with a decent roll-out strategy.

*A number of the conservative groups are suggesting that enforcement of civil rights laws is being used as a strategy to block charter schools, and there is apparently some (but it is hard for me to tell how much) interest among Republicans in introducing legislation to "defend" charter schools against Justice Department interventions. Some of the middle-of-the-road charter school advocates -- depending on how the issue is framed -- could be inclined to support this.*

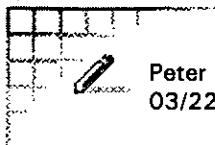
2) **Wall Street Journal editorial by Clint Bolick this morning and discussions about a possible White House response.** WH Counsel's office is suggesting that the White House respond quickly to Bolick's editorial this morning attacking Bill Lann Lee for Justice Department efforts to block or question the creation of certain proposed charter schools in Louisiana. WH Counsel staff would like a White House letter to specifically defend Justice Department actions in these schools. However, a number of us would prefer not yet to send a letter.

*Tracey Thornton (who is apparently shepherding Bill Lann Lee's confirmation process) is wary of a White House response unless it is needed to help secure the support of the LA Senators for his nomination. Tracey is checking with the Senate offices, but her fairly strong initial instinct is to ignore the op-ed and instead to continue to find more ways to publish positive pieces urging Bill Lann Lee's confirmation. Moreover, for the same reasons I was concerned about the guidance, I*




would be wary of sending out a White House letter before we at least meet later this week to discuss our policy, the likely reaction to this policy, and our roll-out plan. Among other things, I am concerned that Republicans will use this to question the president's commitment to charter schools, and intentionally foster a polarized debate between minority parents and leaders in the charter school movement and civil rights groups/Clinton Administration on the other.

**Do you have an opinion on whether a White House letter to the editor should be sent?** Again, my recommendation would be to NOT send a letter -- unless Tracey unexpectedly gets info from the Senate indicating that it would be helpful to maintain support for Bill Lann Lee's nomination.



Peter Rundlet  
03/22/99 02:25:38 PM

Record Type: Record

To: Maria Echaveste/WHO/EOP  
cc: bruce n. reed/opd/eop, elena kagan/opd/eop, charles f. ruff/who/eop, clara j. shin/who/eop  
bcc:  
Subject: Re: education guidance on charter schools 

Last week, prior to the charter school conference in Denver, we discussed a few issues related to some general guidance that Ed wanted to distribute at their conference. Most of the guidance was uncontroversial, but in the original draft there was some discussion about opening charter schools in areas in which there were court-ordered or voluntarily-agreed to desegregation plans. After some discussions between Ed and the DPC, Secretary Riley decided to pull the language on deseg plans, resource comparability, single sex education, and guidance on religiously-affiliated charter schools.

We all committed to resolve these issues expeditiously, and, after meeting tomorrow from 2-5 with Justice and Education to discuss a number of the education/civil rights issues for our Civil Rights Coordinating Council, we will nail down a time to focus on charter schools with the same group and the DPC and other interested parties on Thursday or Friday.

In addition to the guidance, there are some questions about the use of weighted lotteries in school selection that need to be addressed. I am happy to talk with you about any of these issues at your convenience.

Peter, 6-1984  
Maria Echaveste



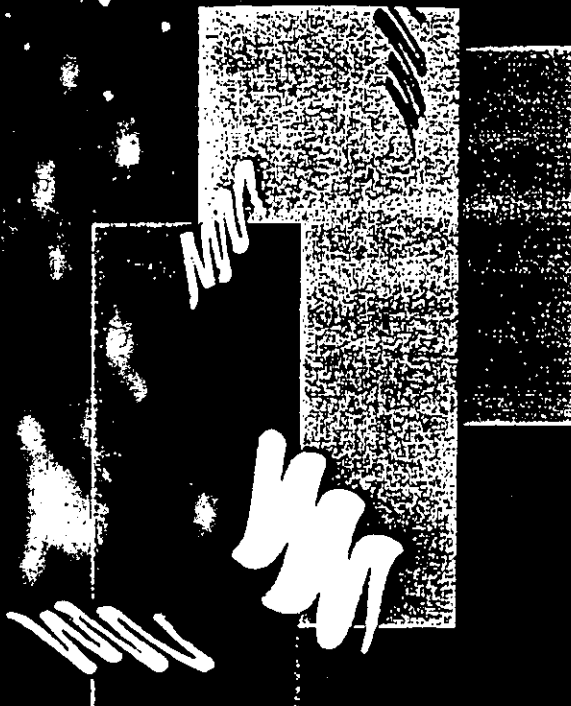
Maria Echaveste

03/22/99 02:16:39 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP @ EOP, Elena Kagan/OPD/EOP @ EOP, Charles F. Ruff/WHO/EOP @ EOP  
cc: Peter Rundlet/WHO/EOP @ EOP, Clara J. Shin/WHO/EOP @ EOP  
Subject: education guidance on charter schools

What's this I hear about the department of education wanting to set out guidance for charter schools? Will this be basic guidance? Will it deal with issues of diversity? How do we deal with the san francisco lowell case, or issues of lottery? also accountability? Let me know what's going on?



# QUESTIONS AND ANSWERS:

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

U.S. Department of Education  
Office for Civil Rights



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

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

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

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

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**Entity Responsible for Civil Rights Compliance**

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

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

**Effect of Existing Desegregation Plans on Public Charter Schools**

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

**A:** When a public charter school is being established in a jurisdiction that is under a Title VI desegregation plan approved by OCR, a court order requiring desegregation, or a desegregation plan approved by any other administrative body of competent jurisdiction under state law, the charter school must be established and operate in a manner that is consistent with the desegregation plan or order. Generally, the establishment of a public charter school in a jurisdiction that is required to desegregate may not substantially impede or retard the extent of required desegregation. In jurisdictions required to desegregate, the establishment of a public charter school would be treated the same as the establishment of any other public school.

Before a charter school may be established in a jurisdiction that is under a Title VI desegregation plan approved by OCR, OCR must approve the establishment of the charter school as being consistent with the applicable OCR-approved desegregation plan, which may involve amending the Title VI desegregation plan. Where a charter school is being established in a jurisdiction with court-ordered desegregation or where desegregation is required pursuant to state law by an administrative agency of competent jurisdiction, the LEA or the charter school's governing board, if the charter school is governed by a board that is independent of the LEA, should review the required desegregation plan to determine whether establishment of the charter school is consistent with the desegregation plan and whether approval by the entity requiring desegregation is needed.

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In order to receive planning funds under the federal Public Charter Schools Program, an applicant for funds must certify either that the proposed charter school will not be located in a jurisdiction that is required to desegregate or that the charter school will take steps during the period of its planning grant to develop an application for approval under any applicable desegregation plan or order. The Secretary of Education urges charter schools seeking approval under a desegregation plan or order to submit their applications in sufficient time to ensure approval prior to the date the charter school is scheduled to open. A charter school is precluded from receiving implementation funds under the federal Public Charter Schools Program until it has actually received approval under the desegregation plan or order.

**Recruitment and Admissions**

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

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

Examples of ways that charter schools may recruit minority and LEP students are as follows: 1) conduct presentations or meetings with parent teacher associations or organizations at schools with a large number of minority students; 2) schedule meetings or consultations with minority community groups; 3) indicate in promotional materials that alternative language services will be provided for LEP students; 4) indicate in such materials that a free or low cost lunch program is available for eligible students; 5) disseminate information about the charter school in newspapers and other publications and on radio stations that serve minority communities; 6) promote the charter school in shopping malls and go door to door with promotional literature in minority communities; and 7) emphasize in meetings and promotional materials that students from all segments of the community will be welcome at the charter school.

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

**A:** A public charter school must ensure that parents who are not proficient in English are provided with appropriate and sufficient information about the charter school. This information must be effectively communicated to parents who are not proficient in English. For example, in those communities that have significant numbers of LEP parents, if outreach materials are made available to parents, these materials may have to be available in languages other than English

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to ensure effective communication with LEP parents. If the charter school conducts informational meetings with parents or community groups in local communities that include significant numbers of individuals who have limited English proficiency, then translation services should be available in order to ensure effective communication.

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

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

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

**A:** Public charter schools may not discriminate on the basis of race, color, or national origin in determining whether the applicant satisfies any admissions requirement. Charter schools receiving federal Public Charter Schools Program funds may set minimum eligibility criteria for admission to the charter school, and thus for inclusion in the lottery, only to the extent that such criteria: (1) further the statutory purposes of the Public Charter Schools Program; (2) are directly related to the educational mission of the charter school; and (3) are consistent with federal civil rights laws. Regardless of whether charter schools receive federal Public Charter Schools Program funds, any admissions criteria must be permitted by state law and the school's charter and must be nondiscriminatory on their face and applied in a nondiscriminatory manner. If these criteria have a disparate impact on the basis of race, color, or national origin, the criteria must be necessary to meet the school's educational objectives and there must be no feasible alternative admissions criteria that have less disparate impact and meet the school's educational objectives. For more detailed information about the circumstances under which charter schools receiving federal Public Charter Schools Program funds may set minimum eligibility criteria for admission, see Public Charter Schools Program: Non-Regulatory Guidance.

Many state charter school laws also have specific provisions that are designed to ensure that charter schools are open to all students. For example, consistent with the federal Public Charter Schools Program, a significant number of states specifically require that public charter schools use a lottery system for admissions

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

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

**A:** Students with disabilities may not be excluded from admission to a public charter school solely on the basis of their disability. In applying admissions criteria to students with disabilities, individualized determinations must be made as to whether a particular student meets the criteria, and those determinations must be made on a nondiscriminatory basis. For example, if students must take a written examination as part of the admissions process to a public charter school, a student who is blind would have to be provided appropriate accommodations in order to take the test.

### **Civil Rights Funding Requirements**

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

**A:** States have broad discretion in determining how and from what revenue sources to fund charter schools. However, SEAs are responsible under civil rights regulations to ensure that their methods of administration for overseeing and supervising the provision of education under state law do not result in discrimination based on race, national origin, or sex. Part of that obligation is to ensure that state laws and procedures for financing public education do not have the effect of racial or sex discrimination based on the student composition by race and sex of LEAs. This obligation extends to the method of funding charter schools that are considered LEAs under state charter school laws. Thus, if charter schools enroll student bodies that vary significantly in terms of their race, national origin, or sex from that of other LEAs in the State, and the State's methods of funding charter schools result in disparate educational resources for charter schools compared to other LEAs, there would be a possible claim that the State is in violation of Title VI or Title IX. For example, some charter schools that are considered LEAs under a state charter school law enroll a higher proportion of minority students than other LEAs; if these charter school LEAs receive significantly lower levels of public financing per student than other LEAs in the State with corresponding deficiencies in educational resources for students, that could be a basis for a claim against the State for violating Title VI. The State could defend against such a claim by showing that any such disparities are educationally justified. If it succeeded in doing so, there would be a question regarding whether there is a less discriminatory alternative funding method that would satisfactorily meet the State's educational objectives. These issues would need to be examined on a case by case basis.



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The above-described standards do not assume any intent on the part of the State to discriminate, but rather apply a disparate impact analysis of discrimination provided for in Title VI and Title IX regulations. In addition, if it were shown that the State foresaw these disparate impacts and continued to under-fund charter schools, there would also be a question of possible intentional discrimination under these laws.

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

**Discrimination on the Basis of Sex**

Q: Are single sex charter schools permissible?

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

**Provision of Appropriate Services to Students with Limited English Proficiency**

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

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

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

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

Public schools must implement procedures that ensure that all LEP students are identified, evaluated, and provided necessary alternative language services by

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properly trained staff and that the educational program is periodically evaluated to ensure that it is effective in meeting the educational needs of LEP students. These legal requirements are explained in OCR policy documents and technical assistance materials. Public charter schools need to become familiar with the details of these legal requirements.

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

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

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

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

**A:** The entity responsible for the operation of the public charter school may want to consider applying for Title VII funds from ED's Office of Bilingual Education and Minority Languages Affairs. However, if an independent governing board is responsible for the operation of a public charter school, the charter school must constitute an LEA under the Elementary and Secondary Education Act of 1965 in order for the charter school to receive Title VII funds as an LEA.

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

#### **Site Selection**

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

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

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

**Program Accessibility for Individuals with Disabilities**

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

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

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

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

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

Section 504 and Title II have different time frames regarding what constitutes existing facilities and new construction and alterations. Under Section 504, an

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

It is important to note that, under Section 504, where a facility (constructed or altered post-1977) is acquired by a recipient after design and construction or alterations have been made, the requirements for new construction and alterations are not applicable unless the facility was constructed or altered by or for the recipient. Likewise, under Title II, where a facility (constructed or altered post-1992) is acquired by a public entity after design and construction or alterations have been made, the requirements for new construction and alterations are not applicable unless the facility was constructed or altered by or for the recipient.

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

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

**Provision of a Free Appropriate Public Education to Students with Disabilities**

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

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

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

**A:** Section 504, Title II, and IDEA are related federal laws but are different in many important ways. Section 504 and Title II are civil rights laws that protect persons with disabilities from discrimination on the basis of disability. Section 504 and Title II are enforced by OCR. The IDEA is a federal statute that provides funds to SEAs and LEAs to help educate children with disabilities and is administered by the Office of Special Education and Rehabilitative Services (OSERS) of the U.S.

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Department of Education. The IDEA has its own separate requirements that are not discussed in this publication; this publication focuses only on Section 504 and Title II. For information on IDEA and its requirements, contact OSERS' Office of Special Education Programs.

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

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

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

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

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

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

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

**A:** Yes. As noted above, one way to meet the FAPE requirements of Section 504 and Title II is to comply with the FAPE requirements of the IDEA. Among other things, the IDEA allows a State to designate some other entity as the agency

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

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

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

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

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

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

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

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

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

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

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

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

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Public Charter Schools Program  
Non-Regulatory Guidance  
For-Profit Entities, Private School Conversions, Admissions, and Lotteries

The Public Charter Schools Program (PCSP) was originally enacted in October 1994, and reauthorized in October 1998, by the Charter School Expansion Act of 1998 (Act), Title X, Part C of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, 20 U.S.C. 8061-8067. The program, which provides support for the planning, program design, and initial implementation of charter schools, is intended to enhance parent and student choices among public schools and give more students the opportunity to learn to challenging standards. However, enhancement of parent and student choices will result in higher student achievement only if sufficiently diverse and high-quality choices, and genuine opportunities to take advantage of such choices, are available to all students. Every student should have an equal opportunity to attend a public charter school.

This non-regulatory guidance applies only to charter schools receiving Federal start-up grants under the PCSP. It addresses questions the Department has received regarding various provisions of the PCSP statute, including those related to student admissions to public charter schools, the use of lotteries, private school conversions, and the involvement of for-profit organizations in charter schools. These guidelines do not contain all of the information you will need to comply with PCSP requirements, but are intended merely to provide guidance on the PCSP and on examples of ways to implement it. For additional information about the PCSP, please contact the PCSP Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 3E122, Washington, D.C. 20202-6140. Telephone (202) 260-2671.

What is the purpose of the PCSP?

The purpose of the PCSP is to expand the number of high-quality charter schools available to students across the Nation by providing financial assistance for their planning, design, and initial implementation; and evaluating the effects of charter schools, including the effects on students (in particular, student achievement), staff, and parents.

In addition to Title X, Part C of the ESEA, what other Federal statutory and regulatory authorities apply to the PCSP?

Recipients of funds under this program should be aware of the following statutory requirements in addition to Title X, Part C of the ESEA: the definitions set out in Title XIV of the ESEA, which establishes general provisions for all programs authorized under the ESEA; Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, and national origin; Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex; Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability; the Age Discrimination Act of 1975, which prohibits discrimination on the basis of age; Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability by public entities, including public charter schools and public school districts, regardless of whether they receive Federal financial assistance; and Part B of the Individuals with Disabilities Education Act. The Education Department General Administrative Regulations (EDGAR), Parts 75, 77, 79, 80, 81, 82, 85, and 86 also apply to this program.

Who is eligible to apply for a PCSP grant?

State educational agencies (SEAs) in States with a specific State statute authorizing the establishment of charter schools are eligible to apply for PCSP grants. An "eligible applicant," defined as an authorized public chartering agency in partnership with a charter school developer, in such States may apply to the SEA for a subgrant. If a State elects not to participate in the PCSP or is denied funding, an eligible applicant may apply

directly to the Department for a grant.

How may PCSP planning and implementation grant funds be used?

SEAs may use PCSP funds to award subgrants to charter schools in the State, and charter schools may use the funds only for post-award planning and design of the educational program, and initial implementation of a charter school. SEAs may also reserve up to 5 percent of PCSP grant funds for administrative expenses related to operating the charter school grant program, and up to 10 percent of the PCSP grant funds to support dissemination activities. These dissemination activities are carried out through separate dissemination grants to charter schools

What are dissemination grants?

Dissemination grants are awarded to charter schools to support activities that help open new public schools (including public charter schools) or share the lessons learned by charter schools with other public schools. The following activities may qualify as dissemination activities: (a) 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 its developers, and that agree to be held to at least as high a level of accountability as the assisting charter school; (b) developing partnerships with other public schools designed to improve student performance; (c) developing curriculum materials, assessments, and other materials that promote increased student achievement and are based on successful practices within the assisting charter school; and (d) conducting evaluations and developing materials that document the successful practices of the assisting charter school that are designed to improve student performance in other schools.

A charter school may not use dissemination grant funds, either directly or through a contractor, for marketing or recruitment activities designed to promote itself or the programs offered by it or by a contractor to parents or the community. In particular, grant funds may be used to develop materials documenting successful practices of the charter school for the educational purpose of assisting other schools in improving student achievement, but not for the purpose of recruiting students or promoting the program of the school or its contractor.

Who is eligible to apply for a dissemination grant?

A charter school may apply for a dissemination grant, regardless of whether it has applied for or received a planning or implementation grant under the PCSP, if the charter school has been in operation for at least three (3) consecutive years and has demonstrated overall success, including (a) substantial progress in improving student achievement; (b) high levels of parent satisfaction; and (c) the management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school. For more information about dissemination grants, see section 10304(6) of the Act, 20 U.S.C. 8064(6).

Is a for-profit entity that holds a legal charter eligible to apply for a PCSP grant or subgrant?

No. A for-profit entity does not qualify as an eligible applicant for purposes of the PCSP. Only charter schools that meet the ESEA definition of a "charter school" may qualify for a grant or subgrant under the PCSP. Section 10310(1)(B) of the ESEA defines a "charter school" as a "public school . . . operated under public supervision and direction." Also, section 10310(3) defines an "eligible applicant" for purposes of the PCSP as "an authorized public chartering agency participating in a partnership with a developer to establish a charter school . . ." Similarly, section 14101 of Title XIV of the ESEA defines "elementary school" and "secondary school" as "nonprofit institutional day or residential school[s], including . . . public charter school[s] . . ." See ESEA §§ 10310(1)(B), (2), and (3); and 14101(14) and (25), 20 U.S.C. §§ 8066(1)(B), (2), and (3); and 8801(14) and (25).

However, a charter school receiving PCSP funds may enter into a contract with a for-profit entity to have the for-profit entity manage the charter school on a day-to-day basis. It should be emphasized that if the charter school enters into such a contract, the charter school must be held by the State and the cognizant chartering

authority to the same standards of public accountability and requirements that apply to all public charter schools, including State student performance standards and assessments that apply to all public schools; and the charter school must supervise the administration of the PCSP grant and is directly responsible for ensuring that grant funds are used in accordance with statutory and regulatory requirements (See The Education Department General Administrative Regulations (EDGAR), Part 75, Subpart F).

Is a private school eligible to receive PCSP funds?

No. Only charter schools that meet the definition of a charter school under the Act are eligible to receive PCSP funds. Section 10310 of the Act defines a charter school as, among other things, a "public school" that is created by a developer as a public school, or adapted by a developer from an existing public school, and operated under public supervision and direction. See ESEA § 10310(1) for the definition of a charter school for purposes of the PCSP.

Can a private school be converted into a public charter school?

No. As stated above, the Act defines a charter school as a newly created public school or one adapted from an existing public school. There is no provision or mechanism in the law for converting private schools into public charter schools. The Act does not foreclose a newly created public school from using resources previously used by a closed private school or from involving parents and teachers who may have been involved in the closed private school. However, any newly created public school must be just that; it cannot be a continuation of a private school under a different guise. The public charter school must be separate and apart from any private school. It must be established as a public school, and comply with applicable State and federal laws regarding public schools.

In its creation, development, and operation, the charter school cannot have any affiliation with a sectarian school or religious institution. Because a newly created public school would not have any "previously enrolled" students, all students would need to apply for admission and would have to be selected by lottery if there are more applicants than spaces available. Similarly, the charter school must inform the community of its public school status and have a fair and open admissions process. Outreach and recruitment efforts, such as radio advertisements or community meetings, should be designed to reach all segments of the parent community. The charter school must recruit in a manner that does not discriminate against students of a particular race, color, national origin, or sex, or students with disabilities. It may not discriminate on the basis of race, color, national origin, sex, or disability in its programs or activities.

Can a public charter school be religious in nature or be affiliated with a religious institution?

No. To be eligible for federal start-up funds, a charter school must be nonsectarian in its programs, admissions policies, employment practices and all other operations, and must not be affiliated with a sectarian school or religious institution. Further, section 75.532 of EDGAR prohibits any grantee from using its grant funds to pay for religious worship, instruction, or proselytization; construction, remodeling, repair, operation, or maintenance of any facility to be used for any of those activities; or an activity of a school or department of divinity.

The Secretary has issued guidelines on religious expression in public schools (including public charter schools). These guidelines reflect two basic and equally important obligations imposed on public school officials by the First Amendment. First, schools may not forbid students acting on their own from expressing their personal religious views or beliefs solely because they are of a religious nature. Schools may not discriminate against private religious expression by students, but must instead give students the same right to engage in religious activity and discussion as they have to engage in other comparable activity. Generally, this means that students may pray in a non-disruptive manner during the school day when they are not engaged in school activities and instruction, subject to the same rules of order that apply to other student speech. Second, schools may not endorse religious activity or doctrine, nor may they coerce participation in religious activity. Among other things, school administrators

and teachers may not organize or encourage prayer exercises in the classroom. Teachers, coaches, and other school officials who act as advisors to student groups must remain mindful that they cannot engage in or lead the religious activities of students. See the Secretary's guidelines on Religious Expression in Public Schools at [HYPERLINK http://www.ed.gov/speeches/08-1995/religion.html](http://www.ed.gov/speeches/08-1995/religion.html) [fwww.ed.gov/speeches/08-1995/religion.html](http://www.ed.gov/speeches/08-1995/religion.html).

What is a lottery for purposes of the PCSP?

A lottery is a random selection process by which applicants for admission to a public charter school are admitted to the charter school.

Under what circumstances must a charter school use a lottery?

A charter school receiving PCSP funds must use a lottery if more students apply for admission to the charter school than can be accommodated. A charter school with fewer applicants than spaces available does not need to conduct a lottery.

Are weighted lotteries permissible?

Weighted lotteries are permitted only when they are necessary to comply with Title VI of the Civil Rights Act, Title IX of the Education Amendments of 1972, the Equal Protection Clause of the Constitution, or a State law requiring desegregation.

May a charter school exempt certain categories of applicants from the lottery and admit them automatically?

A charter school that is oversubscribed and, consequently, must use a lottery, generally must include in that lottery all eligible applicants for admission. A charter school may exempt from the lottery only those students who are deemed to have been admitted to the charter school already and, therefore, do not need to reapply. Specifically, the following categories of applicants may be exempted from the lottery: (1) students who are enrolled in a public school at the time it is converted into a public charter school; (2) siblings of students already admitted to or attending the same charter school; and (3) children of a charter school's founders (as long as the total number of students allowed under this exemption constitutes only a small percentage of the school's total enrollment). Once a student has been admitted to the charter school through an appropriate process, he or she may remain in attendance through subsequent grades. A new applicant for admission to the charter school, however, would be subject to the lottery if, as of the application closing date, the total number of applicants exceeds the number of spaces available at the charter school.

To be eligible for Federal start-up grants, a charter school's admissions practices must comply with State law and applicable Federal laws. Accordingly, the exemptions discussed above are permissible only to the extent that they are consistent with State law, the school's charter, and any applicable Title VI desegregation plans or court orders requiring desegregation. A charter school's admissions practices must also comply with Part B of the Individuals with Disabilities Education Act and Federal civil rights laws, including, but not limited to, Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; and Title II of the Americans with Disabilities Act of 1990, as applicable.

May a charter school receiving PCSP funds set minimum eligibility criteria for admission to the charter school?

The Act does not specifically prohibit charter schools from setting minimum qualifications for determining who is eligible to enroll in a charter school and, thus, to be included in the lottery. Charter schools receiving PCSP funds are required, however, to inform students in the community about the charter school and give them an "equal opportunity to attend the charter school." Thus, a charter school may set minimum qualifications for

admission only to the extent that such qualifications are (a) consistent with the statutory purposes of the PCSP; (b) reasonably necessary to achieve the educational mission of the charter school; and (c) consistent with civil rights laws. A major purpose of the PCSP, for example, is to assist "educationally disadvantaged" and other students to achieve to challenging State content and performance standards.

In light of this purpose, it is unlikely that an elementary charter school could justify establishing minimum qualifications for admission, regardless of the school's mission or purpose. On the other hand, a secondary charter school might be able to justify admission requirements consistent with the above-described purposes. For example, a secondary school for the performing arts might require that applicants for admission be able to demonstrate a minimum level of competence in the performing arts. Such a requirement might measure the capacity of the student to benefit from and contribute to the purpose of the school.

In establishing any such admissions criteria, a secondary charter school should consider multiple measures of a student's ability to benefit from the educational program, and must ensure – consistent with Federal civil rights laws and Part B of the Individuals with Disabilities Education Act – that such factors are not used in a manner that inappropriately restricts access to the charter school. It should not, for example, use a test as a sole criterion to determine a student's ability to benefit from the school's program. The secondary charter school should target all segments of the parent community in its outreach efforts, and should recruit in a manner that does not discriminate against students of a particular race, color, national origin, or sex, or against students with disabilities.

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

Charter schools should be designed to promote equal educational opportunity and are not, by their nature, at odds with the purpose of desegregation. Chartering authorities and developers are encouraged to develop charter schools in districts that may be subject to a desegregation plan (as well as in other districts), and should not assume that it is problematic to establish a charter school in such a district. However, steps need to be taken to ensure that the charter school is consistent with the desegregation plan, or if not, that appropriate modifications to the plan are approved.

Specifically, when a public charter school is being established in a jurisdiction that is under a Title VI desegregation plan approved by OCR, a court order requiring desegregation, or a desegregation plan approved by any other administrative body of competent jurisdiction under State law, the charter school must be established and operated in a manner that is consistent with the desegregation plan or order. Regardless of whether a charter school receives funds under the PCSP, before it may be established in a jurisdiction required to desegregate under an OCR-approved plan – consistent with existing OCR requirements relating to the establishment of any new public school in the district – OCR must approve the establishment of the charter school as being consistent with the plan, which may involve approving amendments to the desegregation plan. OCR is prepared to review these requests expeditiously and in a manner sensitive to the positive educational goals served by charter schools.

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

For information about the application of Federal civil rights laws to charter schools, see Questions and Answers about the Application of Federal Civil Rights Laws to Public Charter Schools. This is an area where

it may be particularly useful for a chartering authority or developer to obtain assistance from agencies or counsel with experience in desegregation matters. OCR is prepared to work with chartering authorities and developers in addressing these issues.

Draft guidance:admissions, lotteries, private schools, for-profits

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Michael Cohen  
10/08/98 08:19:24 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP  
cc: Laura Emmett/WHO/EOP  
Subject: Education updates

1. **Charters:** should come up for a vote in the Senate tonight and go to the House tomorrow. No problems expected in the Senate; the only House problem we are worried about is Goodling--his staff says he doesn't want us to have any more bill signings, and may force this into the omnibus bill. Hard to know whether to take his staff seriously.

2. **Literacy:** Goodling's staff is telling ed. groups, as well as Broderick Johnson and Scott Fleming, that they are holding the literacy bill until they get what they want on the testing language. However, Goodling himself denies this and has told Riley and the press that he has a problem with a Judd Gregg provision that requires a set funding increase for IDEA before the reading bill can be funded. He is talking about changing the provision and sending this back to the Senate; a strategy which on its face makes no sense, and lends some support to the idea that he is diddling around with the bill until he gets what he wants on testing.

I think Brod. should push back on Goodling's staff, and tell them that linking literacy and testing, or trading one for the other, is simply unacceptable to us. Kennedy's staff, Brod. Johnson, and ED staff and I think we should call Goodling's bluff, and that he will let the literacy bill go. Kennedy is ready to go to the floor and to put out a press release attacking Goodling for tying up the bipartisan bill, and for blocking efforts to help kids learn to read by opposing higher standards and tests and better teachers and tutors.

Elena--are you seeing anything in the omnibus negotiations that suggests Goodling is making this linkage?

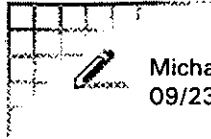
3. **Voc-Ed bill.** Is reportedly coming to the floor in the House tonight, and the Senate tomorrow. No one has yet gotten their hands on the conference report and knows in any detail what is in the bill--but the Voc. Ed folks in ED are sure we like it.

4. **Ed-Flex.** Our preference remains to use Ed-Flex as a bargaining chip in the negotiations over block grants. Our preferred Ed-Flex bill is one sponsored by Castle and Roemer. Goodling is now also championing Castle/Romer--but has deleted a provision that requires states to have a Goals 2000 education reform plan in order to be eligible for Ed-Flex (this provision is symbolically important to us, but we can live without it if we can't get it back in the bill). Goodling is reportedly planning on adding Ed-Flex to an Assistive Technology bill--perhaps in a move to take it out of play in the omnibus negotiations. However, like much of what Goodling is up to, this move makes no sense, since the bill has already passed the Senate and would have to go back there if Ed-Flex is added--where it would most likely die (or get added to the omnibus).

The governors, who have been working with Castle, know nothing about Goodling's move. They think Ed-Flex is already in the Labor/HHS bill (though they don't know if that's the bill that was taken up on the floor of the House, or in the omnibus bill).

Given this confusion, right now I think we simply stick to our plan--use Ed-Flex as a bargaining chip. If we get block grants out without using Ed-Flex, and if Castle/Goodling try to add it separately, we should fight to get our Goals 2000 provision back in, but not fall on our sword if we don't succeed. We can live with the provision as is, as long as we don't look to happy about it.





Michael Cohen  
09/23/98 12:04:25 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP

cc:

Subject: next steps on charters

Harkin's staff has confirmed our understanding of the Riley/Harkin conversation. Next steps are proceeding along two tracks.

1. We learned from Kennedy's staff the there is now an effort to preconference this bill. They expect to see the House offer this afternoon; if it is close to the Senate bill, Kennedy will join the effort and work to get a preconferenced version done ASAP. We suspect the House will indeed come close to the Senate version, but don't know for sure.

2. At the same time, Coats is prepared to go to Lott and try to get the bill up for a vote this week. If it looks like a preconference agreement is possible, he will wait until that is done; if not, he's likely to try to push for a vote sooner rather than later and then deal with conference afterwards.

I'll keep you posted on developments as they occur

July 15, 1998

Educ - teachers  
(and)  
Educ - charter schools

## MEMORANDUM FOR THE CHIEF OF STAFF

FROM: BRUCE REED

SUBJECT: Options for the President's speech to the AFT

There are two different issues that could serve as the news hook for the President's speech to the AFT: teacher quality or charter schools. This memo describes the principal announcements for each, as well as the pro's and con's of each option.

**Teacher Quality.** The President could use the speech to address the current debate about the quality of teachers and to lay out his view for how to meet his goal of having a good teacher in every classroom. The emphasis in the speech would be on a series of challenges by the President, calling on: (1) states to raise teacher certification standards, require new teachers to pass competency tests and provide alternative routes that allow potential teachers to bypass teacher education programs; (2) colleges and universities to provide students preparing to teach with a better liberal arts education and to strengthen teacher preparation programs or close them down; (3) states and local school districts to reward outstanding teachers who receive certification from the National Board for Professional Teaching Standards, and (4) teachers and their unions to work with local school districts to create fair, faster and cheaper ways to remove incompetent teachers from the classroom. In this context, the President could also challenge Congress to support these efforts. There are a number of relevant provisions in the Higher Education Act that is going to conference shortly that he could support, including a requirement for report cards on schools of education produce, and provisions that reflect his proposal from last year to help recruit and prepare teachers. He could also reiterate his opposition to Goodling's provision to end funding for the National Board for Professional Teaching Standards). Finally, the President could release an Education Department report on Promising Practices for Improving Teaching that underscores many of the themes in the speech.

With growing public and media attention to teacher quality--fueled by the recent controversy over teacher testing in Massachusetts as well as coverage of the NEA/AFT merger proposal--the AFT speech provides an important and timely opportunity for the President to address this issue. Because this topic is so hot, the press is likely to cover the speech despite the absence of major new policy announcements. Indeed, it may look like he is ducking an important if difficult issue if he fails to address it at the AFT.

We will have to work closely with both the AFT and the NEA over the next few days, particularly to make sure that they can live with the President's comments on getting rid of bad teachers. While there is some risk that we will go too far, the approach we have in mind is not a dramatic departure from the President's previous statements, or positions the AFT and NEA have already taken. And the speech will lack credibility if we don't address this aspect of teacher quality at all.

**Charter Schools.** The President could discuss the importance of charter schools and call on Congress, school boards, and the AFT to lend greater support to help these schools succeed. Citing the importance of helping charter schools become models of accountability and high standards, the President could release a new Education Department guidebook to help public boards conduct rigorous and fair reviews of proposals to establish charter schools, and to hold them accountable for results. A second Education Department report, evaluating the existing charter schools program, may also be available for release. In this approach, the President could also challenge the Congress to send him legislation this year to expand and strengthen the charter schools program. A push for charter schools legislation would be timely and important, because the Senate Labor and Human Resources Committee will be marking up a charter schools bill on July 22.

A speech focused on charter schools would enhance the President's leadership on this issue, and could reinforce the private efforts we will need to make to convince reluctant Senate Democrats to help move this legislation forward. However, part of their reluctance stems from the opposition of the AFT (and NEA) to the proposed expansion of the charter schools program. While we have worked with Kennedy to address a number of the AFT concerns, overall AFT members remain highly skeptical of charter schools, and many see them as a stalking horse for vouchers. Thus, a strong charter schools speech to the AFT would likely receive a luke-warm response from the audience, regardless of how well it would play in the press.

## **RAISING TEACHER STANDARDS**

All of our efforts to reform and improve schools -- ranging from higher student standards to educational technology -- depend on having quality, well-trained teachers in classrooms across the nation. At a time when we must demand more than ever from all of our students, we must make sure our students have the best possible teachers. In this context, the President would call for:

**TESTING NEW TEACHERS BEFORE THEY ENTER THE CLASSROOM.** The President would call on states to require that all new teachers pass tests of basic skills and knowledge of their subject matter before entering the classroom. He could also call on states to require that all high school and middle school teachers have received a major or minor in the subject areas in which they teach.

**CERTIFYING TEACHERS BASED ON PERFORMANCE.** The President would call on states to overhaul the way teachers are licensed, saying all new teachers should pass tests before entering the classroom, get rigorous training and mentoring in their first few years of teaching, and then be required to demonstrate their ability to teach well before getting a license.

This would replace current systems that award licenses primarily based on whether or not a new teacher has attended courses in an education school and spent a certain amount of time in a classroom. A performance-based approach would also enable states to more effectively support "alternative routes" to certification, allowing mid-career professionals or recent liberal arts graduates to become fully prepared and certified to teach.

**REWARDING GOOD TEACHERS** The President would call on states to provide merit pay for teachers that get certification from the bipartisan National Board for Professional Teaching Standards. He would also criticize the congressional majority for their efforts to eliminate funding for the Board -- thereby eviscerating the only national effort to reward outstanding teachers. He would also call on states and school districts to reward teachers whose schools have demonstrated clear gains in student performance.

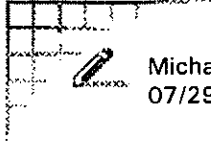
**REMOVING POOR TEACHERS FROM THE CLASSROOM.** The President would reiterate his call for finding fair but faster and less expensive ways of removing incompetent teachers from the classroom. He would also call on every school district and local teachers union in the nation to agree on policies to identify incompetent or burnt-out teachers, give them assistance to improve quickly, and find ways to make sure that those who don't improve leave the classroom.

**HIGHER SALARIES TO ATTRACT AND RETAIN A QUALITY TEACHING FORCE.** Together with tougher standards for the teaching profession, the President would call for higher salaries to help attract and retain the quality teaching force on which

our schools depend.

**BETTER PREPARATION AND TRAINING FOR FUTURE TEACHERS.** The President would call on universities and states to find better ways to prepare people to become successful teachers, including strengthening or closing down programs that are failing. The President would praise certain provisions in the Higher Education Act approved by the Senate -- including requirements for states to issue report cards on teacher preparation programs and new support for states to overhaul preparation and training for new teachers -- as "steps in the right direction"

**NEW REPORT.** The President would release a new Education Department report on "best practices" for promoting excellence in teaching, including recruiting, training, and holding accountable teachers. He could also call on Secretary Riley to publish an annual report on teacher quality, beginning this December.



Michael Cohen  
07/29/98 04:34:38 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP

cc:

Subject: Charter Schools mark-up

the charter schools bill passed the Senate Committee this morning unanimously on a voice vote.

There are a couple of issues still to be resolved on this before the floor vote. The biggest one has to do with the requirement in existing law, that charter schools must use a lottery to select kids if they have more applicants than spaces. Meshing this requirement with a range of circumstances--from letting siblings attend schools together, making sure the kids of the founders of the school get in, to dealing with schools with a special focus that may involve admissions criteria--e.g., a math/science school, schools for drop outs, kids at risk, etc -- is complicated. We are trying to have the Education Department issue guidance on this requirement, rather than having to deal with a potentially very controversial amendment. ]

I'll keep you posted on this.

Ed-Flex was also taken up at the same session, but they ran out of time long before the Democrats got done offering amendments. They may try to take meet again tomorrow or Friday before the Senate goes out. Its not clear yet if this one will ever get out of committee, and, if it doesn't, how Frist and Wyden will try to move it.

THE WHITE HOUSE

WASHINGTON

July 23, 1998

**1998 BOYS NATION**

DATE: July 24, 1998  
LOCATION: Rose Garden  
TIME: 9:15 am  
FROM: Minyon Moore/Bruce Reed

I. PURPOSE

To meet the 1998 Boys Nation participants. During the event you will highlight your commitment to charter schools by: (1) announcing that more than 1000 charter schools will serve more than 200,000 students this September, (2) releasing a new Education Department report and guidebook on charter schools, and (3) calling on Congress to pass legislation this term to strengthen federal support for charter schools.

II. BACKGROUND

For more than 50 years, the American Legion has provided a unique opportunity for teenage boys to learn firsthand how our system of government works through the Boys State and Boys Nation programs. Almost one million teenage boys have participated since the first Boys State, and thousands have attended Boys Nation since it began.

Prior to this week's events, the American Legion asked the 96 Boys Nation Senators their views on the greatest problem facing America today. Twenty listed education as number one. Eighteen reported the reduction of morals and values. Fourteen mentioned poverty and nine chose apathy as the greatest problem in America today. Others included law and order, military cuts, drugs, the environment, international trade, global peace and biochemical warfare.

As you know part of the week is spent developing platforms. This year, both the Federalist and the Nationalist Parties followed similar tracks. Education, family values and strengthening the American family were important to everyone as was the economy and the environment. Both also mentioned crime and public safety. The Federalist Party went a little farther and included health care, welfare reform, transportation and national defense. One Nationalist idea was to enhance the US relationship with foreign governments through increasing student exchange programs.

In terms of Bills and Resolutions, the Boys Nation Senate passed a Bill calling for a tax on tobacco products to fund programs to prevent teen smoking and a Bill to help welfare recipients back to the work force through community service programs. They also passed a Resolution calling for a constitutional amendment on Flag Protection.

During the event you will make the following announcements:

**More Than 1000 Charter Schools.** You will release new Education Department estimates that at least 1130 schools have now received charters to provide public education to more than 200,000 students in communities across the nation, up from just one charter school when you were elected in 1992. In the past two years alone, the number of charter schools has more than doubled from 428, and the number of students in charter schools has almost doubled, from 110,000 students. Thirty-three states and the District of Columbia have enacted laws authorizing charter schools, up from just two states when you took office.

**New Charter School Report --Small Schools With Personalized Learning Environments.** You will release a new Education Department study of 381 charter schools in 17 states conducted during the 1996 -97 school year. The study found that most charter schools are significantly smaller than public schools, with charter schools with a median of 149 students as compared with 505 students for all public schools. According to the study, charter school staff report that the most attractive features of charter schools to parents and students are a nurturing environment (cited by 93% of the schools), a safe environment (90%), the values reinforced by the school (88%), the quality of the academic program (84%), high academic standards (83%), and small class size (83%). According to the report, the top obstacle facing charter schools is lack of access to start-up funding, cited as a difficult barrier by 58% of charter schools. Sixty nine percent of charter school founders said the most important reason for starting their school was to realize a vision of schooling and 23% said the most important reason was flexibility and autonomy in decision-making.

**A New Guidebook to Help Make Charter Schools Models of Accountability.** You will release a new Education Department guidebook to help public agencies make careful decisions about awarding charters to schools and holding those schools accountable for results. The guidebook draws on lessons learned from around the nation and recommends that before awarding a charter, public agencies evaluate a proposed charter school according to the rigor of its academic program, its ability to manage its operations and finances effectively, and a set of performance measures by which the school can be held accountable. You will call on school districts and state boards of education to support high-quality charter schools that are truly accountable for the performance of their students.

**Bipartisan Legislation to Enhance Support for Charter Schools.** You will challenge Congress to complete work on bipartisan legislation to strengthen federal support for



the growing charter schools movement, to help meet his goal of establishing 3,000 high-quality charter schools by early in the next century. Last year, the House of Representatives passed a bill with bipartisan support to direct federal resources for charter schools to states that increase the number of charter schools, provide them with maximum flexibility, and periodically review their performance. Your Administration has worked with Senators of both parties to strengthen the bill to increase accountability for academic performance in charter schools and ensure that charter schools receive their fair share of other federal education funds. You will call on Congress to send him legislation that meets these goals before the end of the session.

### ADDITIONAL BACKGROUND ON CHARTER SCHOOLS

In your 1996 state of the union address, you called on states to enact charter school laws, and in your 1997 address you called for 3000 charter schools by the next century. In some speeches, you have called for 3000 schools by the year 2000. It seems unlikely, however, that so many charter schools can be created in the next two years. OMB and the Education Department project that full funding of your budget request and rapid creation of charter schools at the local level will not lead to 3000 charter schools until 2002. *Therefore, we recommend that you describe the goal as 3000 charter schools by early in the next century.*

### III. PARTICIPANTS

Education Secretary Richard Riley  
Joseph Caouette, National Americanism Chairman, The American Legion  
Ron Engel, Director/Coordinator, Boys Nation  
Jack Mercier, Director of Activities, (35 years of service to the program and was counselor to your section in 1963).  
George Blume, Legislative Director, (27 years service)  
Kevin Sladek, Boys Nation President, San Marcos, Texas  
Jeff Rogers, Boys Nation Vice President, Swartz Creek, Michigan  
Sean Stephenson, 1996 Boys Nation Graduate, currently a White House intern  
Fred Duval, 1971 Boys Nation Graduate  
96 Boys Nation Senators (list attached)  
30 American Legion/Boys Nation Staff

### IV. PRESS PLAN

Open Press

### V. SEQUENCE OF EVENTS

- o You will be briefed in the Oval Office.

- o WHCA will announce you and Secretary Riley into the Rose Garden. The Boys Nation President, Kevin Sladek from San Marcos, Texas and Vice President, Jeff Rogers from Swartz Creek, Michigan will be on stage.
- o Secretary Riley will make remarks and introduce you.
- o You make remarks.
- o After your remarks you invite Kevin Sladek and Jeff Rogers to make a presentation. They will present a Boys Nation shirt and hat.
- o You do a receiving with the Boys Nation Senators and staff.
- o After the receiving line, you proceed to the risers near the steps in the Rose Garden for a group photo.
- o You depart

VI. REMARKS

To be provided by speechwriters.

## **Strengthening and Expanding Charter Schools** **July 24, 1998**

Today, President Clinton will announce that more than 1,000 charter schools will serve more than 200,000 students this September, and urge Congress to pass legislation strengthening federal support for the charter schools movement. Charter schools are public schools that are granted "charters" providing flexibility in decision-making in exchange for accountability for results. The President also will announce a new report on the progress of charter schools and a guidebook for communities and states to ensure that these schools become models of accountability and high standards for public education.

**More Than 1000 Charter Schools.** The President will release new Education Department estimates that at least 1130 schools have now received charters to provide public education to more than 200,000 students in communities across the nation, up from just one charter school when the President was elected in 1992. In the past two years alone, the number of charter schools has more than doubled from 428, and the number of students in charter schools has almost doubled, from 110,000 students. Thirty-three states and the District of Columbia have enacted laws authorizing charter schools, up from just two states when the President took office.

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**Bipartisan Legislation to Enhance Support for Charter Schools.** The President will challenge Congress to complete work on bipartisan legislation to strengthen federal support for

the growing charter schools movement, to help meet his goal of establishing 3,000 high-quality charter schools by early in the next century. Last year, the House of Representatives passed a bill with bipartisan support to direct federal resources for charter schools to states that increase the number of charter schools, provide them with maximum flexibility, and periodically review their performance. The Administration has worked with Senators of both parties to strengthen the bill to increase accountability for academic performance in charter schools and ensure that charter schools receive their fair share of other federal education funds. The President will call on Congress to send him legislation that meets these goals before the end of the session.

**Questions and Answers on Charter Schools**  
**July 24, 1998**

**Q . Is the President promoting charter schools today to take attention away from his veto of the Coverdell education tax bill earlier this week?**

**A:** The President is promoting charter schools today because he has been a long-standing and strong supporter of charter schools. The President believes that charter schools are the right way to expand choice for parents and students, promote innovation within the public schools, and strengthen accountability. President Clinton proposed charter schools legislation in 1993, which was enacted into law. He has fought for increased funding for this program each year since then. In his 1997 State of the Union Address, he set a goal of establishing 3,000 charter schools by the next century. As a result of the President's leadership, more than 1000 charter schools will serve more than 200,000 students in September -- up from only one charter school when the President took office.

**Q: The President is a great supporter of charter schools, but apparently charter schools right here in the District of Columbia don't have the funding they need to open this fall. What does the Administration think of that and what are you doing about it?**

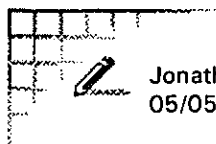
**A:** Charter schools are a valuable new element in efforts to reform and strengthen the DC public schools. Like any public schools, charter schools must receive appropriate levels of funding in order to operate effectively, so charter schools in the District of Columbia must get their full per-pupil allocations for this fall. We are going to work with the Congress and Control Board to make sure that charter schools -- and all public schools in DC -- get appropriate levels of funding.

**Q: If charter schools are such a success, how do you wind up with schools like Marcus Garvey -- is that the future of charter schools for DC and for the nation?**

**A:** Like any reform in public education, charter schools must be done well in order to help students succeed and use taxpayer funds responsibly. We have clear principles for the development of charter schools: they must be free and open to all students; they must be held strictly accountable for results; and they must have the capacity to carry out a rigorous academic program and manage finances effectively. Today, the President released a guidebook to help local school boards and public agencies ensure that these standards are met, and the new legislation that the President called on Congress to enact will promote his principles further. With these principles, charter schools will expand choice, accountability, innovation, and quality within public education.

**Q: Some people suggest that charter schools may further segregate public schools by race and socio-economic background. Is this true, and what does the study being released today say about this?**

**A: The President believes deeply in extending educational opportunities to those children in greatest need -- often minority and low-income children.. He sees charter schools as a valuable tool to help these and other students. Today's study suggests that charter schools generally have similar student demographics to the state public education systems and school districts in which they are located. Of course, we will continue to pay close attention to this issue to ensure that charter schools enhance the educational opportunities available to disadvantaged children.**



Jonathan H. Schnur  
05/05/98 03:20:24 PM

Record Type: Record

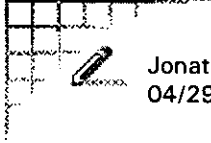
To: Bruce N. Reed/OPD/EOP

cc: Elena Kagan/OPD/EOP, Michael Cohen/OPD/EOP

Subject: Re: Charter school legislation approved in California today -- ballot initiative likely to be dropped

The best place to mention this may be the Delaware speech, rather than the Mayors speech. What do you think? Mike Cohen and I discussed this with Jordan (who is writing the Delaware speech) earlier today.

I also received a request from John Doerr's folks asking if we could release a written statement from the President supporting the compromise legislation and encouraging people in California to work together to take advantage of the opportunities afforded by the new law. If you think this would be OK to do, I'll write a first draft of a statement.



Jonathan H. Schnur  
04/29/98 08:09:13 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Christa Robinson/OPD/EOP

cc:

Subject: Charter school vote in California this week

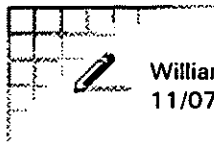
FYI: I wanted you to know about charter school developments in California and suggest that the President could -- if plans are still for the President to respond to an Unz question anyway -- perhaps also call on Governor Wilson to sign a charter school bill coming to his desk that day. I describe the charter situation below and can find out more if: 1) there still are plans for the President to take questions on Unz/ education at all Friday, and 2) you think it could make sense for the President to comment on charter schools too.

Votes are expected tomorrow in both houses of the California legislature tomorrow approving a major expansion of the state's charter school law. After weeks of negotiations among Silicon Valley high-tech executives, the California Teachers' Association (CTA), and state legislators, a legislative conference committee has agreed on a legislative compromise/alternative to a charter school ballot initiative backed by the executives and opposed by the CTA. If the conference agreement is approved by both houses tomorrow (as expected), the legislation would need to be signed into law by Governor Wilson by Friday in order to keep the initiative off of the ballot.

Wilson is likely to sign and under pressure to sign because the bill is supported by Silicon Valley, the CTA, charter advocates, etc. But those in the negotiations say it is conceivable he'd veto it because 1) he'd rather see Silicon Valley and the CTA in a fight about this, and 2) he's worried that taking a controversial charter school initiative off of the ballot would enable more CTA resources to be spent opposing his own education ballot initiative.

Do you think this is worth exploring further?





William R. Kincaid  
11/07/97 06:16:47 PM

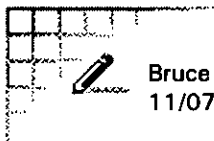
Record Type: Record

To: Bruce N. Reed/OPD/EOP  
cc: Elena Kagan/OPD/EOP, Michael Cohen/OPD/EOP  
bcc:  
Subject: Re: final BUT DON'T SEND YET

**How about this for a charters insert; its a little long.**

**I am also pleased that House Democrats and Republicans have come together in support of greater choice and accountability in public education. Legislation passed today will help communities open 3,000 more charter schools in the coming years by giving states incentives to issue more charters, more flexibility to try new reforms and strengthen accountability, and funds to help them get started. I look forward to working with the Senate to pass bipartisan charter schools legislation in 1999.**

Bruce N. Reed



Bruce N. Reed  
11/07/97 04:21:19 PM

Record Type: Record

To: Michael Cohen/OPD/EOP, William R. Kincaid/OPD/EOP  
cc:  
Subject: final BUT DON'T SEND YET

Can you guys think of a sentence or two at the end on 1) charters and 2) whatever else we're bragging about in Labor/H? thanks

----- Forwarded by Bruce N. Reed/OPD/EOP on 11/07/97 04:20 PM -----

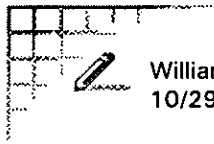
**Michelle Crisci**

11/07/97 04:15:54 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP  
cc:  
Subject: final BUT DON'T SEND YET

Educ - charter schools  
and  
Educ - vouchers



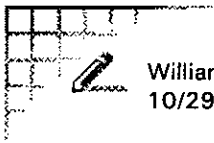
William R. Kincaid  
10/29/97 07:36:34 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Michael Cohen/OPD/EOP  
cc: Tanya E. Martin/OPD/EOP  
bcc:  
Subject: Re: House Vouchers/Charters

The problematic rule and these two bills are now expected to come up on the House floor tomorrow (Thursday); Andy Blocker has confirmed that Democratic leadership will be opposing the rule; the question is whether any moderate Republicans who support charter schools and don't want to mess up the Riggs-Roemer bill will vote against it as well. Jon Schnur is letting John Doerr's folks know about this, because they have a strong interest in charter schools, and is also getting the word out to some in the charter schools community, who probably wouldn't want to see the bill fouled up. ]

William R. Kincaid



William R. Kincaid  
10/29/97 12:31:59 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Michael Cohen/OPD/EOP  
cc: Tanya E. Martin/OPD/EOP  
Subject: House Vouchers/Charters

fyi -- As we had heard was a possibility, for House floor consideration, Goodling has requested a "self-executing" rule, under which the voucher bill (HELP) would come up first, then the charter schools bill, and then once both bills have passed the voucher bill would automatically be added to the charter bill before it goes over to the Senate.



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

*Educational - Charter schools*

October 30, 1997  
(House)

# STATEMENT OF ADMINISTRATION POLICY

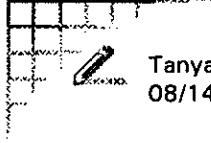
(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

## H.R. 2616 - Charter Schools Amendments Act of 1997 (Reps. Riggs (R) CA and Roemer (D) IN)

The Administration supports House passage of H.R. 2616, but has concerns about provisions in the bill that would extend, from three years to five years, the period for which Federal assistance could be provided to individual charter schools.

The Administration understands that the rule for consideration of H.R. 2616 provides that the text of H.R. 2746, the Helping Empower Low-income Parents (HELP) Scholarships Amendments of 1997, be added to H.R. 2616 in the engrossment of the bill. Under H.R. 2746, States and local school districts could provide vouchers for basic instruction in private schools using funds that are otherwise available for the supplementary costs of education reform under Title VI of the Elementary and Secondary Education Act of 1965. If H.R. 2616 is amended to include this bill, the President's senior advisers would recommend that the bill be vetoed. Federal funding of private school vouchers is bad policy because it would divert needed attention and resources from the Nation's public schools, which serve approximately 90 percent of students in kindergarten through twelfth grade.

\*\*\*\*\*



Tanya E. Martin  
08/14/97 06:23:56 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP

cc: Elena Kagan/OPD/EOP, Michael Cohen/OPD/EOP, William R. Kincaid/OPD/EOP, Jonathan H. Schnur/OVP @ OVP

Subject: California Charter School "Ribbon-Cutting" Possibility

The following charter school is scheduled to open this September and would be a good choice for a "ribbon-cutting/ announcement of new charter grants" visit by the President while he is in California on Sept 18-20.

#### **Leadership High School -- San Francisco, CA:**

In September, 100 ninth-graders will enter this high school -- the student body reflects the diversity of San Francisco. The school is in partnership with the Golden Gate University and its classrooms are located on the University's downtown campus. The school's charter focuses on developing student leaders, lowering dropout rates, and raising test scores. Three area students serve on the board of directors -- as do some prominent local leaders. Several broad education themes could be raised during a visit here, including:

-- Public school choice/charters -- growing vehicle for education reform. Approximately 700 charter schools will be operating this fall -- including about 200 new ones, compared to one in operation when the President took office.

-- Partnerships with higher ed institutions -- (also, increasing number of minority students accepted into higher ed system). Graduation requirements for this school will meet or exceed those required to get into the Univ of California system.

---Technology -- students will have access to 200 university computers/internet

#### **Charter Grants Announcement**

As part of this same event, the President could also announce \$6 million in new grants and \$40 million in continuing charter school grants. California will be receiving a continuation grant. Federal grants have gone to about 445 groups planning or operating charter schools.

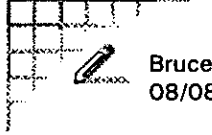
#### **Other Charter Schools**

There are two other charter school that the Education department suggested as suitable for a visit:

1. San Carlos Learning Center: California's first charter school, has 130 children in grades K-8. The school's focus is on technology and performing arts. It serves a primarily white student body, but does have more diversity than the surrounding non-charter public schools. San Carlos is a federal charter program grant recipient.

2. East Bay Conservation Copr Charter School: This school is located in the warehouse district in Oakland and serves an at-risk population. The students spend time four days a week working in the community on various projects, and do classroom work in the evenings and all day on Friday. The students tend to be older, often 18-24, which is not typical. (Education is checking into

*whether the school is affiliated w/ Americans.*



Bruce N. Reed  
08/08/97 09:21:57 AM

Record Type: Record

To: Elena Kagan/OPD/EOP, William R. Kincaid/OPD/EOP, Christa Robinson/OPD/EOP

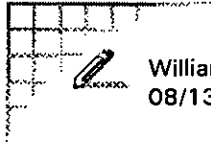
cc:

Subject: calif charter schools

At yesterday's scheduling mtg, the President said he wanted to put as much focus on education as he could in September, while America's thinking about it. He suggested that we consider having him do a charter school event in the Bay Area while he's out there to take Chelsea to Stanford. Bill, can you and Schnur look into the possibilities, and see if this is possible? If it is, we should save that charter schools \$ to announce there.

His other idea was to squeeze something into the Arkansas trip. Any ideas?

Rahm and Erskine are counting on us being ready to announce an amicus brief in N.C. for the Sept 8th event...



William R. Kincaid  
08/13/97 12:28:52 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP  
cc: Ananias Blocker III/WHO/EOP  
Subject: Charter Schools

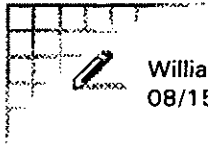
This morning I got a call from Dan Gurstein with Sen. Lieberman's staff. He said the Senator was very interested in pushing to get full funding of the POTUS' \$100 M request on charter schools in the Senate Labor-H bill --was looking at either doing a manager's amendment if he could get it worked out or else trying to do a floor amendment. He said that he wanted to make sure, first, that he would have the President's support on this. I said this was an important area for us and that I wanted to talk with others here and get back to him.

When Mike called awhile ago, he suggested that we respond back by letting him know that we appreciate the Senator's support, that we're currently having a series of internal meetings on developing an overall appropriations strategy, that all of these issues are interconnected, and that we'd like to get back to him later. Does this sound like the right approach to you? Obviously charters are a big priority for us, but it may well matter where they money comes from (e.g., we also want to make sure we get the Obey money).

Also fyi, I was at a meeting at ED yesterday on strategy re: the Goodling Amendment and the ED groups were predicting that Coverdell was going to try to attach "escape unsafe schools with vouchers" legislation. I would imagine Lieberman will be supporting him on that...

Thanks.

-- Bill



William R. Kincaid  
08/15/97 07:57:31 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Michael Cohen/OPD/EOP  
cc: Ananias Blocker III/WHO/EOP  
Subject: Charter Schools Approps

Per Bruce, I spoke with Dan Gerstein (sp?) with Sen. Lieberman's staff this week regarding the Senator's interest in getting the administration's full request of \$100 M for charter schools in the Labor H bill. He said that Lieberman is fully committed on this and is going to do it, although finding offsets "will be tough" and they will need help. He has started checking around with other offices, thinks they might get help from Kerrey (I presume Bob), Gorton, and Coats; don't think he has gotten a read from Specter or Harkin's people yet....

We agreed that someone from here should talk with him the last week of August.

-- Bill

## MEMORANDUM

**TO: TOM FREEDMAN, MICHAEL COHEN**

**CC: ELENA KAGAN**

**FROM: JULIE MIKUTA**

**RE: SAN DIEGO'S CHARTER SCHOOLS**

**DATE: JUNE 12, 1997**

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### SUMMARY

San Diego has eight functioning charter schools (as of 1/10/97), which is more than any other district in California except LA (see attached list of schools). President Clinton spoke at O'Farrell Community School on 9/22/95 (see attached description of O'Farrell). He praised it and schools like it as "the envy of a nation" [San Diego Union-Tribune, 9/23/95].

### SUPPORT/ OPPOSITION WITHIN CALIFORNIA

Gov Wilson is very supportive of charter schools. In 1992, he signed legislation allowing for up to 100 of California's 7,700 public schools to convert to charter school status.

Teachers' unions have been in adamant opposition to charter schools.

In May, 1996, Gov Wilson endorsed six pending bills that would raise or abolish the cap on the number of charter schools and allow entire school districts to propose local charters.

### STATE SURVEY OF CHARTER SCHOOLS CITED 3 IN SAN DIEGO AS GOOD EXAMPLES


A report done by the Little Hoover Commission, a state watchdog agency, cited these San Diego charter schools as good examples: Darnall E-Campus; O'Farrell Community School; and Academy High School in Vista. The Charter School of San Diego was mentioned for targeting students who are not doing well in the regular school system [San Diego Union-Tribune, 3/8/96].

O'Farrell is recognized as one of the most innovative and successful middle-level schools in the country [Vice-President, Board of Education, San Diego Unified School District in Letter to Editor, San Diego Union-Tribune, 10/12/95].



## San Diego County Office of Education

# San Diego County Charter Schools

- Main Home
- Index
- Schools
- Cities
- Internet
- K-12 Resources
- Hot / New
-  Send Email



Following is a list of the charter schools in San Diego County.  
 For information on how to start a charter school, please call Carol Pugmire, Assistant Superintendent, Instructional Support Services at (619) 292-3645.

	<b>San Diego Unified</b>	<b>Contact: Roxie Knupp 293-8024</b>
28	Charter School of S.D. 1807 Robinson Avenue, Suite 250 San Diego CA 92103	<b>Principal: Mary Bixby</b> 686-6666 by State: 9/10/93
33	Darnall E-Campus 6020 Hughes St. San Diego C 92115-6520	<b>Principal: Robin Stern</b> 582-1822 Approved by State: 9/10/93
46	Harriet Tubman Village Sch. 6880 Mohawk St. San Diego CA 92114	<b>Principal: Roger Sciarretta</b> 223-6196 Approved by State: 1/14/94
48	O'Farrell Community Sch. 6130 Skyline Dr. San Diego CA 92114	<b>Principal: Bob Stein</b> 263-3009 Approved by State: 2/10/94
95	School of Success Kindergarten Academy 3025 Fir Street San Diego CA 9210281	<b>Principal Vivian A. Brown</b> 239-0632 Approved by State: 11/8/95
81	The Museum School 200 West Island Avenue San Diego CA 92101	<b>Museum Dir/Principal: Robert Sain</b> 233-8796 Approved by State: 4/14/95
96	Memorial Academy for International Baccalaureate Preparation 2850 Logan Avenue San Diego CA 92113	<b>Principal: Marco Curiel</b> 525-7400 Approved by State: 11/8/95
	<b>Bonsall Union School District</b>	<b>Contact: Kim Marshall 631-5200</b>
104	Vivian Bank Charter School 31505 Old River Road Bonsall CA 92003	<b>Principal: Barbara Rohrer</b> 631-5233 Approved by State: 1/12/96
	<b>Chula Vista Elementary</b>	<b>Contact: Dennis Doyle 425-9600</b>
54	Discovery School 1100 Camino Biscay Chula Vista CA 91911	<b>Principal: Fred Elliott</b> 656-0797 Approved by State: 6/13/94

68	Clear View School 455 Windrose Way Chula Vista CA 91910	<b>Principal: Leslie Woldt</b> 498-3000 Approved by State: 10/14/94
64	Mueller School 7151 I Street Chula Vista CA 91910	<b>Principal: William Collins</b> 422-6192 Approved by State: 9/9/94
<b>CDE#</b>	<b>Lakeside Union School District</b>	<b>Contact: Carol Leighty</b> <b>390-2611</b>
112	River Valley High School c/o Lakeside Union District Office 12335 Woodside Avenue P.O. Box 578 Lakeside CA 92040-0578	<b>Director: AnnMarie Wellhouse</b> 478-2148 Approved by State: 4/10/97
<b>CDE#</b>	<b>Escondido Union High</b>	<b>Contact: Jayme Arner</b> <b>480-3024</b>
109	Escondido Charter High School 302 N. Midway Drive Escondido CA 92027-2741	<b>Principal: Denny Snyder</b> 737-3154 Approved by State: 2/9/96
<b>CDE#</b>	<b>Vista Unified</b>	<b>Contact: Pete McHugh</b> <b>726-2170, ext. 2214</b>
50	Guajome Park Academy 2000 North Sante Fe Ave. Vista CA 92083	<b>Cheif Educational Officer: Sandra Williamson</b> 631-7482 Approved by State: 5/13/94
--	Windows School (satellite) 2000 N. Santa Fe Avenue Vista CA 92083	<b>462-0165</b>

For additional information, please contact Carol Pugmire, Assistant Superintendent, Learning Resources and Educational Technology at 292-3645 or Jack Tierney, Planning & Assessment Manager at 292-3815, San Diego County Office of Education.

**[Go to Top of Page](#)**

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URL: <http://www.sdcoe.k12.ca.us/iss/charter.html>



## Welcome to O'Farrell Community School!

We are one of only three charter schools in the San Diego Area. This cutting edge approach to education is just part of who we are. Explore this presentation and give us [feedback](#).

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[O'Farrell Resource Page](#) - - Student work and interesting places to see on the Web!

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***The Mission  
& Philosophy***

***The O'Farrell  
Community***

***Interesting  
Facts***

***Partnerships***

---

### The Mission and Philosophy

O'Farrell serves about 1400 sixth, seventh and eighth grade students. Our mission statement came from a planning retreat of teachers, administrators, parents and community groups that met in August 1989:

*O'Farrell Community School: Center for Advanced Academic Studies will promote excellence by providing all middle level students a single, academically enriched curriculum within a multiethnic, student-centered environment. The mission of the school is to attend to the social, intellectual, psychological and physical needs of middle level youth so they will become responsible, literate, thinking and contributing citizens.*

The school is structured into teaching teams known as Educational Families. Teachers are empowered to provide leadership in school operations, curriculum development and long range planning. There is no tracking. The school practices full inclusion of students identified with Special Education (LH) or English as Second Language (ESL) needs. Our goal is to prepare all students for high school college prep classes. O'Farrell became California's forty-eighth charter school in February, 1994.

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### Families

The structure of the school has been modified to support its mission. Students are assigned to Educational Families. An Educational Family is composed of 150 students and six teachers. In the school, three families serves sixth grade students and six families serve seventh and eighth grade students. Each Educational Family has a teacher designated as a Family Leader, who is responsible for the day-to-day operation of the family. Students attend class with teachers in their Educational Family all day except for a 50-minute Discovery class.

**| Family A | Family B-1 | Family B-2 | Family C | Family D |  
Family E-1 | Family F | Family G | Family H | Family I |  
| The O'Farrell Music Program within the Discovery Family |**

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# For-Profit Education Venture to Expand

By PETER APPLEBOME

All but given up for dead three years ago, the Edison Project, the ambitious national venture into for-profit schools, will announce this week that it will double in size next year, to 25 schools in eight states with about \$70 million in revenue.

The growth of Edison, a company begun with great fanfare in 1991 by the media entrepreneur Christopher Whittle, is a dramatic sign of the fundamental changes beginning to shape American education as the traditional model — public schools operated by a monolithic school district — slowly gives way to a far more varied landscape of autonomous charter schools and schools operated by for-profit and nonprofit organizations.

"I think there is every reason to believe we are witnessing a fundamental transformation of American education in which Edison is playing a big part, at least symbolically," said Denis Doyle, a senior fellow at the Hudson Institute. "They're certainly a significant entering wedge in a new way of thinking about schools."

Of the 500 charter schools — public schools operated autonomously — that have been created in the last few years, 10 percent are run by private companies like Edison, Advantage Schools Inc., SabiS Educational Systems, Education Alternatives Inc. and Alternative Public Schools, according to a survey in the coming issue of the Education Industry Report, a newsletter that rates the performance of 25 publicly traded education companies.

Edison will announce new sites in Chula Vista, Calif.; Detroit; Duluth, Minn.; Flint, Mich., and San Antonio, as well as expansions in some of the cities where it already does business. The company will also announce test scores indicating that it has had some striking success in improving educational performance.

Yet the signals remain mixed and murky on the company's ability to operate profitably over time.

Mr. Whittle, who originally promised a grandiose network of for-profit private schools, said all 12 of Edison's schools were operating profitably at the site level — that is, factoring out corporate and start-up costs. And some analysts say the company's growth and performance provide considerable evidence that a private company can operate schools better and more cheaply than school districts do.

"What's impressive is that Edison at this point is doing exactly what they said they'd do," said Michael Moe, who specializes in following education-related companies for Montgomery Securities. "It's too early to say this is a slam dunk, but there's a lot of evidence this is going to be a big, significant company that will be significant not just in terms of

what it does, but in terms of the impact it has on American education. This could be a billion-dollar company in 10 years."

But some school officials and even some people within the company are far more cautious in assessing the company's chances to be profitable in the long run.

Bob Finzi, a general partner of the Sprout Group, a venture capital company that is a major Edison investor, said that although he was pleased with Edison's progress, particularly in terms of test scores, he would not agree with the characterization that all schools operate profitably now.

"What's the saying: Liars figure and figures lie?" said Mr. Finzi, a member of Edison's board. "You can cut things a lot of ways, but I wouldn't characterize it that way. Right now, we're falsely characterized as a for-profit. We're as much of a not-for-profit as anyone."

Similarly, Phillip Garrett, assistant superintendent for instruction at the Sherman Independent School

## All part of the new school landscape: profits, charters — and questions.

District in Texas, where Edison opened one of its first four schools in the 1995-96 school year, said that test results thus far had been disappointing and that Edison had struggled to operate its schools with the same per-pupil allocation that is available to school districts.

"I'd be very surprised if they were making a profit in Sherman," Mr. Garrett said.

Still, for a company that seemed in jeopardy of being dragged down as Mr. Whittle's media ventures collapsed or were sold off a few years back, Edison's resurgence is remarkable and revealing about the hunger for new approaches to running schools.

The company, headed by Mr. Whittle and Benno C. Schmidt Jr., the former Yale University president, will announce this week that by next fall it will have grown in three years from 4 schools to 12 to 25, which will enroll 13,000 students. Officials say Edison is likely to add even more schools in the 1998-99 school year than it will in 1997-98.

"We could have done a lot more if we wanted to," Mr. Whittle said. "The growth is more a function of logistics than demand."

The company has yet to lose a client. All but one of its eight current cities have expanded their Edison schools since beginning the relation-

ship. And Edison this week will announce test scores showing significant gains at many of its schools.

At Dodge-Edison Elementary School in Wichita, Kan., for example, fifth graders went to the 59th national percentile from the 46th in reading and to 64th from 35th in math on a standardized test taken by all public school students in Wichita. On tests conducted by the Educational Testing Service, gains by Edison kindergartners and first graders substantially exceeded students in a control group at the two sites where matched control groups exist, Edison the company said.

Increasingly, many skeptical educators are deciding that Edison has put together an educational plan — including a longer school day and year, computers for all families and state-of-the-art reading and math curriculums — that educates children better than conventional schools do.

"We had 40 inquiries nationwide for our charter school, which we pared down to a half dozen, and the parents, teachers, principals and school board members who evaluated them unanimously decided Edison was the best," said Mark Myles, superintendent of the Duluth School District in Minnesota, where Edison will operate a new charter school this fall. "They've really done their homework."

But Edison's educational program has come at a cost of \$105 million raised thus far, with more needed to finance future expansion. Mr. Whittle and Mr. Schmidt said that financial results were encouraging and that Edison as a system could be profitable with 50 to 70 schools, a size it could reach in two years.

Mr. Finzi, however, described financial results thus far as "significantly less" than had been hoped for, as a result of factors including contracting costs that had not been anticipated and the enormous technology costs associated with Edison's much-touted guarantee of a computer for every family in the school.

Perhaps Edison's biggest setback came in its Renaissance School in Boston, which shocked parents in January by saying that, because of financial reasons, it would not offer a ninth-grade class next year as promised, forcing parents to make new high school plans for their eighth graders.

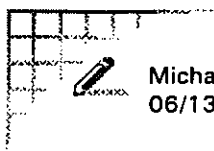
Mr. Finzi said the technology program was so expensive, and its pay-off, particularly at the lower levels, so uncertain, that it was likely that Edison would need to rethink it, either offering computers to fewer students or offering less expensive and ambitious technology.

B REED -  
FYI

Educator -  
Charter  
schools

CAMP, A PLACE TO DREAM:  
GIVE TO THE FRESH AIR FUND

Educatic - charter schools



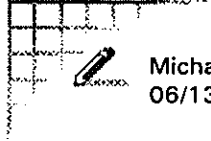
Michael Cohen  
06/13/97 07:07:36 PM

Record Type: Record

To: Elena Kagan/OPD/EOP  
cc: Laura Emmett/WHO/EOP  
Subject: Weekly report

**Charter Schools:** The Pennsylvania legislature passed a charter school law last week. We have not seen the final bill, but from what we know now, it appears to be generally consistent with the principals underlying our charter schools program. Several press accounts suggest that one factor featured in the debate over final passage is the fact that Pennsylvania would become eligible for several million dollars in federal charter schools funds. The bill passed with bipartisan support; an overwhelming majority of Republicans as well as a slim majority of Democrats, including a number of minority legislators from Philadelphia.

The bill will be signed into law next week. We are checking to see if it will be possible for you to mark the occassion by releasing a Charter Schools Guide from the Education Department, and highlighting the Department's newly created Charter Schools Web Site.



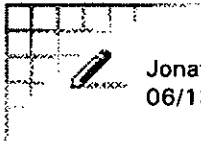
Michael Cohen  
06/13/97 10:33:22 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP  
cc: Elena Kagan/OPD/EOP  
Subject: PA legislature passes charter school law

Should we even think about getting POTUS up for the bill signing? I don't know if Ridge would want him, but if we could work it, we could also do some retail sales on the testing initiative. Could certainly make things more difficult for Goodling if we succeed.

----- Forwarded by Michael Cohen/OPD/EOP on 06/13/97 10:33 AM -----



Jonathan H. Schnur @ OVP  
06/13/97 10:22:54 AM

Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: PA legislature passes charter school law

FYI: The PA legislature passed a charter school law the day before yesterday. Governor Ridge is expected to sign the bill next week. There have been quite sympathetic articles in the Philadelphia inquirer today and yesterday.

It is apparently a pretty centrist bill, but I have not seen the text yet. For example, only local school boards can approve schools for first two years. After first two years, there will be an appeals process to a state body.

-- Jon Schnur

Message Sent To:

Michael Cohen/OPD/EOP  
William R. Kincaid/OPD/EOP  
Gerry\_Tirozzi @ ed.gov @ inet  
Terry\_Peterson @ ed.gov @ inet  
Mike\_Smith @ ed.gov @ inet

Education -  
charter schools

**SCHEDULE PROPOSAL**

Date: 5/6/97

---

ACCEPT

REGRET

PENDING

---

**TO:** Stephanie Streett  
Director of Scheduling and Advance

**FROM:** Bruce Reed  
Assistant to the President for Domestic Policy

**REQUEST:** Participate in event to release Education Department evaluation of charter schools

**PURPOSE:** This event would highlight the President's comittment to charter schools, and his budget request to double funding for the Charter Schools program.

**BACKGROUND:** The Education Department will release a report of the first phase of an evaluation study of charter schools. The report will highlight positive features of charter schools, including the fact that they serve a diverse population of students in intimate, caring enviroments. It will also highlight some of the challenges charter schools face, such as the need for start-up funds and planning time, and for clear standards. The President's charter schools program provides a clear response to these challenges. In addition, the Education Department is prepared to announce other steps that will help charter schools get off the ground and operate successfully, including a charter schools conference in will hold in the Fall, and the establishment of a new web site that will help charter schools get access to information they need.

**PREVIOUS** The President has visited charter schools before and speaks about them regularly. However, he has not done an event that highlights his support for charter schools since the State of the Union Address.

**DATE AND TIME:** Wednesday, May 14, 1997

**BRIEFING TIME:** 15 minutes

DURATION: Thirty minutes to one hour

LOCATION: Cabinet Room or Oval Office

PARTICIPANTS: POTUS  
Secretary Riley  
4 - 10 educators from charter schools

OUTLINE OF EVENT  
Secretary Riley presents Charter Schools Report to the President  
President discusses budget request and other steps that respond to reports findings  
Educators from charter schools discuss their efforts, highlighting the importance of charter schools and of the Administration's support

REMARKS: Yes

MEDIA: Yes

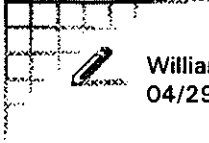
RECOMMENDED BY: Bruce Reed and Mike Cohen

CONTACT: Mike Cohen (456-5575)

ORIGIN OF PROPOSAL: Education Department



~~ED~~ - ED-charter schools



William R. Kincaid  
04/29/97 01:22:27 PM

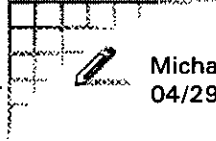
Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Michael Cohen/OPD/EOP  
cc: Christa Robinson/OPD/EOP  
Subject: Charter Schools Study

The Charter Schools National Study will be back from the printer by May 8, and folks at Education are anxious to release it, based in part on high congressional interest. Among other things, the study will confirm the need for help with start-up costs, which our budget proposal addresses. Unfortunately, the Washington State charter schools legislation, for which we had hoped to do a signing event, appears dead for the year; we are checking on other states which might pass a bill that we're comfortable with, but for now there's no clear back-up. I gather that radio addresses are pretty tight for the next few weeks. Any thoughts on how we could get the study release on the President's schedule?

Thanks

*Education -  
charter schools*



Michael Cohen  
04/29/97 05:51:06 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP

cc: William R. Kincaid/OPD/EOP, Elena Kagan/OPD/EOP, Christa Robinson/OPD/EOP

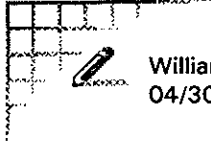
Subject: Re: Charter Schools Study

Don and others -- including me -- had been thinking of national testing as the focus of the town hall meeting; the charter schools study would push the meeting in a different direction. Right now we are focusin on KY or WVA for the meeting. If we shifted to charters, we would probably have to go someplace else.

As an alternative, they are holding May 13 and 14 open for POTUS, trying to preserve some flexibility for him. If a couple of days before we see we need a message event, we could try to put something together around charter schools. If that window passes, we probably would have to tell the Education Department to go ahead and release the report without us.

What do you think?

Educational - charter schools




William R. Kincaid  
04/30/97 10:08:17 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP

cc: Michael Cohen/OPD/EOP, Elena Kagan/OPD/EOP, Christa Robinson/OPD/EOP

Subject: Re: Charter Schools Study 

Another reason it would be good to release the charter schools study soon: While it looks like there is still a good chance that a bill could pass in Nevada, it sounds like charter schools legislation is stalling in Indiana and Missouri, as it did in Washington State. And even though Mississippi passed a law, it only allows 6 existing public schools to convert to charter schools; no new schools would be created. It would be good if we could elevate this again at the national level before the end of the spring state legislative sessions.

About Nevada--Jon Schnur thinks it isn't likely to pass within the next week or two, but he is going to get more details on the legislative timetable out there.

cc: Bruce R/  
Mike C/  
Bill K

FYI- in can you didn't see it. Elena

# THE HARD QUESTIONS

File: Ed- Charter Schools

## Homegrown

The death of Albert Shanker, the remarkably effective leader of the American Federation of Teachers, has refocused attention on the great New York City school strikes of 1968 and the community school boards that emerged in their wake. The massive disruption of the strikes resulted in a new system of school government in New York City, largely shaped to satisfy Shanker. But, in the end, it also gave a modicum of satisfaction to the black leaders and their liberal allies who were demanding that the schools be managed by local communities. That system expired shortly before Shanker's death. Last December, the New York state legislature, acting after recurrent scandals involving community board members (some had taken bribes from aspiring principals), stripped the boards of most of their power.

Despite such scandals, though, the issue of community control is far from dead. The struggles of 1968 sought to bring urban government closer to the people it affected. For the schools, this meant an arrangement that gave parents more say in their children's education. At the time, the city's middle-class Jews and Italians had no great quarrel with the schools. Their children did well enough, and they provided most of the jobs in the school system's bureaucracy. It was struggling blacks and Puerto Ricans who were most upset by the highly bureaucratic system and who saw the solution in more direct democracy, in schools run by local boards elected by parents. With the support of the Ford Foundation, three communities soon set up experimental school boards. One of them quickly fired a group of teachers, many Jewish (as indeed were so many of the teachers in the system then), whom the board felt were unsympathetic to its aims and to black students. Strikes called by Shanker's union closed the school system down again and again.

"The 1968 battle over school decentralization in an obscure Brooklyn district called Ocean Hill-Brownsville ripped apart New York City as nothing has before or after," John Kifner wrote in *The New York Times*, commenting on the end of the school boards' power. "It played an early role in the deterioration

of relations between blacks and Jews. New York liberals ... were split into warring camps. Albert Shanker rose in stature from local union chief to hero to some and anti-hero to others."

Now, after nearly thirty years under local elected boards, New York City's schools are again under a strong chief and an appointed central board. Sadly, we are in an age in which we place more faith in powerful central administrators than in community control. Mayor Rudolph Giuliani fought to gain greater control over the schools; Mayor Richard Daley of Chicago has already achieved it; and Mayor Richard Riordan of Los Angeles, after his second electoral victory, is expected to seek it. Should we expect anything to change as a result? The past, alas, tells us no.

Thirty years ago, the left attacked centralized bureaucracies for their rules, their distance from the schools and their inability to improve the achievement of minority groups, in particular blacks. The left demonized the union and its single-minded leader, who it claimed was so fully committed to the interests of the teachers that those of the students took second place. Today, interestingly, the attack on school bureaucracies comes from the right. Conservatives offer the most fervent support for an odd descendant of community control: charter schools. These infant institutions are now flourishing in a number of states that permit parents and educational entrepreneurs to start schools. Though funded by the government, they are free of local bureaucratic controls and operate, therefore, more like private schools. Backed by conservative think tanks and business interests, charter schools promise to improve the achievement of minority and low-income students.

But charter schools raise many of the same fears that community control did thirty years ago. Can we trust local groups to run schools independent of centralized bureaucracies? Won't we find corruption as public money is distributed to various private groups? Won't bizarre school programs suddenly turn up funded by taxpayers' money?

The editor of this magazine, Michael Kelly, attacked charter schools in December. In "Dangerous Minds" (December 30), Kelly reported on an altercation at the new Marcus Garvey School in Washington, D.C., a charter school, which, as its name suggests, is committed to black nationalism. In the altercation, several students reportedly assaulted a white

female reporter and threw her out of the school. "Charter schools, and similar ideas like the use of vouchers to pay for tuition in private schools, enjoy support from the right and the left for essentially the same reason," Kelly wrote. "Conservatives like charter schools because they think the schools' autonomy will allow the teaching once again of conservative virtues—old-fashioned education, discipline, religious instruction. The race-and-gender left likes charter schools because autonomy will allow the teaching of its values: Afrocentric schools for blacks and feminist schools for girls, and so on." Actually, the race-and-gender left does not actively support charter schools. They do well enough

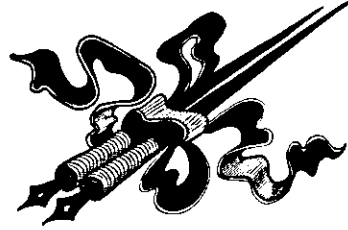
in the public schools, though it is true that charter schools in black neighborhoods will generally place strong emphasis on Afrocentric education.

Of course, the unions are suspicious of such autonomy. Their members may lose jobs as

parents desert public schools and patronize the new charter schools. Understandably, Shanker reprinted Kelly's attack in his weekly advertisement in *The New York Times* shortly before his death. Both have a point: charter schools may teach nonsense. But at least the nonsense has the support of parents, who can always shift their children to the public schools, or from one charter school to another. Charters come closer to restoring parents' control over the schools than any tinkering with big-city school bureaucracies, and that is a virtue in its own right. Furthermore, there is good evidence that schools that link parents, teachers and children in a common enterprise, accepted by all, are the most effective. Competition should ensure that the new charter schools deliver what parents most want—a good education for their children. Besides, there is a way to judge whether these schools perform well: national standards and national tests. Even if the schools teach nonsense, the public—and the parents—can at least find out if their students can read, write and calculate.

Shanker opposed vouchers and was wary of charter schools. But his most statesmanlike position was his steady support for national standards and national tests. That is the answer to Kelly's concern over charter schools—not, as some suggest, preventing these schools from coming into existence and maintaining power with central-office bureaucrats.

NATHAN GLAZER



# BOOKS & The Arts

## Stanley Kauffmann on Films

### Disneyland and Elsewhere

Two months ago we got *Le Samourai*, an icicle of a picture about a Parisian hit man (Alain Delon), a soulless technician who kills people for pay. Now, so to speak, Walt Disney responds. *Grosse Pointe Blank* was produced by Hollywood Pictures and is distributed by Buena Vista Pictures, two of the tentacles of the Disney octopus. This new film, too, is about a hit man, a technician who kills people for money. But with a Disney difference. This picture is a sunburst, a bright and breezy romantic comedy, and, of course, it ends happily. If Walt were still alive—and who says he isn't?—he would have been proud. His people licked all the nastiness right out of murder.

John Cusack is the hit man. In our first glimpse of him, he calmly knocks off a bicycle messenger with a sniper's rifle. He then visits his psychiatrist, who knows his client's profession. When Cusack complains about a sense of unease, the doctor suggests that he attend his high-school reunion in Grosse Pointe, Michigan, an event that Cusack has mentioned. "Don't kill anybody for a few days," says the doctor. "Just see what it feels like." This might be a funny line in a revue sketch, but we have already seen a man killed—with a very real rifle—by Cusack, and, as a result of this hit, a lot of other people were furiously shot down.

Cusack goes to his class's tenth reunion. (His character's family name is Blank. Hence the film's ho-ho title.) There, in bouncy high-spirited style, we see him greet a former girlfriend and some pals. A romance that was abruptly

broken off ten years ago is resumed, with plenty of breezy interplay. When anyone asks Cusack what business he is in, he says he was in the army for five years and is now a professional killer. This produces yuks all around.

Plot maneuvers bring other killers to Grosse Pointe to liquidate Cusack. There's a wild shootout in a convenience store, from which he escapes; he kills an assailant in the high-school locker room on the night of the reunion dance (and, without question, two local pals help him put the body in the high-school furnace); and the day after the dance there's a gargantuan fire between him and his enemies in his girlfriend's house. He survives, unhurt. The girlfriend, at first horrified when she learned of his profession, is now reconciled because this last slaughter saved her father. (A killer's target for some nebulous business reason.) At the end she and Cusack, whom we have seen murder about eight people and who killed enough before we met him to

make him wealthy, drive off in a roadster toward married bliss.

All the shootings, all the bullets ripping through walls and so on, are presented in the tone of a Tropicana commercial. Cusack plays the whole thing, or tries to play it, like a light comedian, though he always seems like a supermarket manager in a local amateur production. Cusack's sister Joan is his secretary, a killer's loyal Girl Friday. His girlfriend is Minnie Driver, who has mislaid the charm she had in *Circle of Friends*. The psychiatrist is Alan Arkin, who might have been Judd Hirsch, who so often might be Alan Arkin.

Are psychiatrists under a vow of secrecy like priests in the confessional? Is this doctor free *not* to report his client to the police? The question is not too heavy for this supposedly spun-sugar picture because the killings are shown so vividly. The people killed in this picture stay dead. Yet this doesn't bother the psychiatrist or Cusack's girlfriend or, for that matter, Cusack. Not one of these matters bothers the authors of the screenplay, Tom Jankiewicz, D.V. DeVincentis, Steve Pink and Cusack himself. They just got this midnight-in-the-college-dorm bright idea, a hit man at his high-school reunion, and apparently thought that the very brightness of the idea would take care of any problems that might arise.

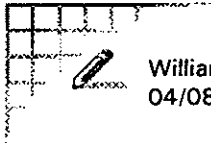
It doesn't. The picture is ludicrous, not funny; disgusting, not smart.

On the same planet, believe it or not, is the Anthology Film Archives. This admirable cinémathèque in Manhattan was founded years ago by Jonas Mekas, eminent as a maker, promoter and distributor of avant-garde films. He was joined a year or so ago by Fabiano Canosa, formerly the head of the (abandoned) film series at the Public Theater. Under Mekas-Canosa the AFA shows three programs a day, seven days a week, with the programs alternating in a kind of repertory schedule.

Most of the films shown at the AFA are far from my own taste and interest, but

### FILMS WORTH SEEING

*Chasing Amy*. Urban and suburban young people in and out of love. Raunchy but spirited. Written and directed by Kevin Smith, with authenticity and zing. (Reviewed 5/5/97) *The Designated Mourner*. An extraordinary piece by Wallace Shawn, neither a conventional film or play. (It was written for the theater.) Three speakers describe, more or less casually, the end of civilization. The most casual is Mike Nichols, excellent. (3/24/97) *Hamlet*. Kenneth Branagh's third Shakespeare on screen. Some intrusive directing but some splendid acting. (1/27/97) *Hollow Reed*. English. The gay, divorced father of a small boy seeks custody of his son, to protect him from abuse by his ex-wife's lover. Well done. (5/5/97)—SK



William R. Kincaid  
04/08/97 12:25:04 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP  
cc: Michael Cohen/OPD/EOP  
Subject: Charter School Event

This is an update on possibilities for a charter school event. We would appreciate your thoughts on next steps.

Currently we see the following options:

#### **I. Washington State bill-signing ceremony**

There are two windows within which this event could occur:

1) The bill passed the House by a wide margin on Friday, and goes to the Senate next. If the bill receives final approval before April 20, the governor has **5 days** to sign, and we would have to move very quickly. We think the earliest that the bill would be ready for signing is April 17; the end of this period would be approximately April 24.

2) If the bill is passed on or after April 20, the Governor has **20 days** to sign. If the bill is passed on April 21, then the Governor would have until approximately May 11 to sign. If the bill is passed on the last day of the session April 27, then the governor would have until approximately May 17.

Mike is going to be contacting the Governor Locke's office to let them know that we are interested in doing something with them and ask them to keep us updated on the progress of the bill.

In planning an event in Washington, we need to be aware that, by the time a signing ceremony is arranged, the legislature could easily have gone out. Would we want the governor to call the legislature back into session?

This would be a good place to announce some of our products, such as the national study, the guidebook for school boards/chartering authorities, and possibly the new grant competition; however, if we wanted to create 2 different events, we could separate out some of these pieces.

#### **II. White House Event**

This could either be a radio address or something else. Ideally it would occur close in time to (either just before or after) the WA charter bill signing. We could use this as the occasion to announce our package of charter schools products.

#### **III. Another Event Connected to State Legislation**

Down the line, we may see other opportunities to visit legislatures, take part in charter bill signings, etc. As of now, we are not aware of any state where the combination of timing, quality of legislation and other dynamics are anywhere close to what they currently are in Washington.