

5 May 1991

We all hope the charter-schools provision of the omnibus bill is set; and that the argument in Conference will not be about its terms but simply about whether to include it or not in the final bill.

But we also recognize there will be pressures to modify its provisions, and that we, and the authors, should be prepared to deal with these.

This memo is a first effort to think list the provisions of the bill that its authors might come under pressure to change; and to set out both (a) arguments against these pressures and (b) some other possible modifications that might be less damaging to the charter schools idea.

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Certain provisions/sections are of course essential to the charter schools idea: removing these, or modifying these in fundamental ways, would heavily damage the charter-school provisions. (The most important have to do with the state board as sponsor and with the separate bargaining unit for teacher-employees.) Should these be adopted it would be best for the authors to remove the charter-schools language entirely.

Sponsor

Opponents have tried from the beginning to narrow the range of possible sponsors. Their goal (if they are willing to see any bill come through at all) is to provide that a school may be sponsored only by (a) the board of (b) the local school district.

Efforts to remove the state board as a sponsor are certain to continue. So are efforts to prohibit a district board from sponsoring a school in the territory of another.

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Authors may have to contend in conference with proposals to write in a so-called "right of first refusal". This concept means different things to different people. How you feel about it depends entirely on how it is defined. The first might be acceptable to charter-school proponents; the second would not.

* Option 1: That the educators/others proposing a school should simply have to notify the local board of their intent and inquire whether that board would like the group to bring its proposal to the local board before approaching any other possible sponsor. The presumption would be that the board is inclined to be favorable; and the organizing group would be free to break off discussions and approach the other possible sponsor at any time.

* Option 2: That those proposing the school would be required to take their proposal to the local board and to have it affirmatively rejected by that board before they would have a right to approach any other possible sponsor.

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A member of last fall's 'working group' has a suggestion based on the state's open enrollment legislation. That legislation did not originally require a district to release its students; and still does not require a district to accept non-resident students. It simply required/requires the district to say what it will do. Students will then know; and go to another district if they choose.

So re: those proposing new schools he suggests the legislation provide that all districts declare by resolution (say, by December 1, 1991) whether they are interested in helping implement the new law and in receiving proposals from those interested in proposing a new school. Where the district so resolves the proposers would be required to approach the local board first (under option 1 above). Whether the district resolves in the negative those proposing a school would be free to approach another sponsor initially.

Schools; Students

One idea already discussed is to limit in some way -- at least initially -- the number of schools that may be formed. The original House bill from 1990 had a severe limitation: Each type of sponsor could have two.

There might be a limit by type of sponsor. Or only by certain types of sponsor: as, for example, a limit on the number that could be sponsored by the state board, and no limit on the number that could be sponsored by district boards.

Any such limit might be permanent; or limited to one year; or feathered-down over several years until there is no limit.

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Schools might be limited to serving just at-risk kids (perhaps those HSGI-eligible). Or, again, might be so limited just for an initial period of years.

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If people fuss about the racial-balance issues a provision might be inserted to ban race-specific schools . . . although this would almost certainly be unworkable in combination with a focus on at-risk kids, and would almost certainly draw major opposition from the Urban Coalition and from the existing contract schools both in Minneapolis and in Saint Paul.

Schools might be limited to serving just elementary kids; or just middle-school kids, etc. (Or, again, limited temporarily.)

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Someone may make a big thing about private schools; perhaps playing off the national discussion following Bush's proposals.

There has been a question all through the discussion about whether a charter could be granted to a group of persons that had previously been operating a private school. We have tended to say, as we do to the "who-could" question in general: Anybody can apply; any school would have to be a non-profit or co-op, and would have to be non-sectarian; and everything depends on whether a public body with some political sense will vote to say yes.

It would be possible, however, to write in a prohibition against a charter going to any organization (or individuals?) who had previously been operating a private school not under contract to a school district or other public body.

This would preserve the option for the existing contract schools to convert to charter status.

Non-public schools not presently contracted would then have to try for public funding under the provision of Article 4 of the Senate bill, should that pass. This is the provision intended to make it possible for what are presently parochial schools to apply for public funding.

'Capacity'; Outreach

Opponents may want to remove this provision. Or to make it apply also to proposals from organizing groups that are themselves representative of communities of color.

Proponents (the Urban Coalition) may want to make it apply to proposals from majority-white groups seeking charter/s from a school board as well as from the state board.

Can an appropriation for the outreach be added in conference?

Teachers

There will be pressure to remove the provision requiring districts to grant leaves for teachers wanting to start or to work in charter schools. Perhaps there could be some limit to such 'mandatory' requests; with the district not required to grant requests beyond that limit.

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Finally, there will be pressure to require the teachers to be a part of the bargaining unit of the district in which the school is located. This one calls the whole concept into question