



Ted - Update!  
Jon

Jon Schroeder  
Director of Policy Development  
U.S. Senator Dave Durenberger

United States S

DAVE DURENBERGER

(612) 370-3382  
(800) 752-4226  
(612) 925-0277 (Residence)

1020 Plymouth Building  
12 South Sixth Street  
Minneapolis, MN 55402

May 20, 1992

Jane Williams  
Office of Rep. Vin Weber  
106 Cannon House Office Building  
Washington, D.C. 20515

Dear Jane:

Rather than start a string of missed phone calls, I'm saving both of us some time by doing this update on our charter schools amendment in writing.

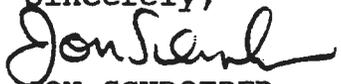
Attached is an internal memo to Senator Durenberger that spells out pretty much where we were as of the end of last week. You may already have been contacted by either McCurdy or Petri's staffers about co-sponsoring an amendment that somehow gets charter schools into HR4323.

As you will note in both the memo and in the attached letter following up on a conversation I had this morning with Alyson Tucker at Heritage, I see two very important roles for your boss in getting this amendment passed.

The first, of course, is to represent the experience of a state that is leading the nation in making charter schools an option and a vehicle for expanding school choice and empowering parents and teachers. Hopefully, you could do that in concert with other members of the Minnesota delegation.

More subtle -- and even more important -- is the role Vin can play in convincing conservatives that it's OK to first vote for the Arney private school choice amendment and then (especially if it fails) to support a more limited charter schools amendment. My guess is that our amendment won't pass unless it has close to 100 percent Republican support to go along with McCurdy type Democrats -- assuming we can't get liberal Democrats on a recorded vote to go against the NEA/AFT cabal.

Please let me know if there's anything I can do to help you prepare to make that case -- or to represent where Minnesota now is on this issues. Thanks again for your help.

Sincerely,  
  
JON SCHROEDER  
Director of Policy Development

From: JON SCHROEDER at DURENBERGER-MINN 5/20/92 10:03AM (4293 bytes: 20 ln, 1 fl)  
To: Jodi Hackett at Durenberger-DC  
bcc: JON SCHROEDER, Annie Silberman, Alexander Polinsky at Durenberger-DC  
Subject: Stuart Butler call

----- Message Contents -----

Text item 1:

Please advise DD that I called Stuart Butler to follow-up on his conversation last week on charter schools. Stuart Butler, it appears, does not talk to lowly Senate staffers, but I did have a nice conversation with an Alyson Tucker who deals more exclusively with education issues for Heritage and was very familiar with both charter schools and the House and Senate bills we're dealing with. Attached is a copy of my letter to her following up on our conversation.

The key strategic issue here is to make sure Heritage doesn't poo-poo our amendment as "not going far enough" in the direction of open-ended public and private school choice, thus denying us (or tempering the enthusiasm of) conservative Republican support. I tried to convince Alyson that it's possible to be for both our amendment and an expected private school choice amendment.

I'm going to be in touch with Rep. Weber's staffer to reinforce this and to remind her of Vin's role in holding conservative support for our amendment with that argument.

File item 2: HERITAGE 5/20/92 9:27AM

# United States Senate

DAVE DURENBERGER

May 20, 1992

Alyson Tucker  
Heritage Foundation  
214 Massachusetts Avenue NE  
Washington, D.C. 20002

Dear Alyson:

Attached is the information I promised you on Senator Durenberger's efforts to get charter schools language in the education improvement legislation now moving through the Congress. The information also includes general background on charter schools and the names of people around the country and in Washington we've been working with on this aspect of education reform.

To repeat what I think Senator Durenberger told Stuart Butler, we would like very much to be able to count on the Heritage Foundation and other supporters of more sweeping school choice initiatives when and if a vote is taken on a more limited public school choice initiative like charter schools.

You should be aware that Reps. Weber, Petri, Gunderson and other Republicans we've been working with have indicated that they feel very comfortable supporting both the Arney Amendment and, especially if it fails, a more limited amendment to expand public school choices and to encourage the start-up of new public schools outside the direct control of local school districts.

Both Senators Durenberger and Lieberman took that same posture in the Senate when they voted for the Hatch private school choice amendment and worked with both Democratic and Republican Senators to include charter schools language in S.2.

I will look forward to receiving the information you promised on your own analysis of H.R. 4323 as well as the information we discussed on current regulation of non-public schools. And, I will make it a point to call you prior to my next trip to Washington to arrange a time when we could discuss our common interests in education reform in more detail.

Sincerely,

JON SCHROEDER  
Director of Policy  
Development

js/att.

-  
-  
MEMORANDUM

TO: Senator Durenberger  
FROM: Jon Schroeder  
DATE: May 15, 1992  
RE: Charter schools update

This is an update on the status of our efforts to add charter schools language to the House education improvement bill (HR4323) following your conversation Tuesday with Representative Dave McCurdy.

Co-sponsorship

I spoke with Rep. McCurdy's education staffer this morning and she confirmed that McCurdy will be the lead co-sponsor of a yet-to-be-determined charter schools amendment. They are also following up with Rep. Tom Petri to determine if he will be the lead Republican co-sponsor. Our/their second choice for that honor is Rep. Steve Gunderson. He is familiar with charter schools representing the part of Wisconsin across the Mississippi River from Winona. And, he had Sen. Ember Reichgott down recently to speak on charter schools at an America 2000 meeting in his district.

Other good prospects for co-sponsorship include several of McCurdy's DLC buddies, as well as Vin Weber, Nancy Johnson, Gerry Sikorski, and Tim Penny. Overall, it now looks like the amendment will have very credible bi-partisan co-sponsorship. I will let you know if there is any need for you to be involved in personally speaking with any of these or other members about co-sponsorship or their level of involvement.

Objective of the amendment

Our intent in offering this amendment is to get the concept of charter schools -- and an acknowledgement that charter school are public schools -- into federal law. This will make it more likely that we can retain some recognition for charter schools in a bill that emerges from conference.

A second objective is to give supporters of charter schools an opportunity to educate a national audience about the characteristics and benefits of charter schools during and preceding the House floor debate.

And, finally, our hope is that we can create a new source of start-up funding for charter schools -- to respond to the lack of such funding in states where charter schools are being authorized.

#### Content of the amendment

We have offered suggested language (attached) which McCurdy is not adverse to. His staffer will be working with other co-sponsors and committee staff to determine whether to go for both state and local school district authority to use block grant funds to help start new charter schools, or to confine that authority to the local level.

The reason for sticking with local authority only would be to avoid a major fight with the bill's sponsors over the larger issue of state versus local school district authority to determine spending priorities. As you will recall, the bill as introduced is almost totally deferential to local school districts. That was a conscious concession made to the National School Boards Association in redrafting the bill.

Regardless of where this amendment comes down, the relative role of states and local school districts will almost certainly be a key point of contention in conference since the Senate has an explicit role for states in promoting public school choice initiatives, teacher training, and start-up funding for new public schools including charter schools.

#### Committee and floor strategy

Subject to Congressman Petri's input (Petri is on the Education and Labor Committee), the current strategy is to avoid a vote on the amendment in committee (likely to go down) and concentrate on the floor.

An important part of the floor strategy will be to both hold Republican support from those who favor private school choice and new schools (Weber could be important here) and to attract the support of Moderate Democrats and Republicans who favor public school choice but who aren't in favor of open-ended vouchers.

Implicit in this strategy is the reality that -- on a recorded vote on charter schools -- we will probably not be able to get support from liberal Democrats who have strong ties to public education groups.

An important factor in gaining support from moderates who support public -- but not private -- school choice is the likelihood that a private school choice amendment will be offered by conservative Republicans led by Rep. Richard Armey of Texas. This will allow McCurdy, Petri and others to position their amendment as a

bi-partisan "middle ground" -- attractive to those who aren't comfortable with the bill's current deference to the status quo, but who also aren't ready to support the radical change that would come with open-ended vouchers.

A still unknown variable is where the Administration will weigh in on all of this. I can't believe they won't be pushing some type of New American Schools amendment, and, if that's the case, we need to be ready to make sure charter schools could qualify for funding. At the same time, it's important for political reasons to maintain some distance from Administration as well try to gain Democratic support for our amendment in a highly partisan environment.

Next steps for us

Our immediate priority is to assist McCurdy's staff in identifying other potential co-sponsors from states that have indicated an interest in charter schools and to be available to respond to questions and provide background information on charter schools. That can be handled at a staff level.

Second, if there is a need to call other Members to discuss co-sponsorship, I will let you know.

And, finally, there may still be a need for you to call Rep. Kildee to encourage him to support, or at least not oppose, a floor amendment.

js/att.

cc: Annie Silberman, Alexander Polinsky

=

DRAFT AMENDMENT TO HR 4323

On page 14, Sect.8007.STATE USES OF FUNDS

Following line 20, add new subsections (6) and (7) as follows:

(6) Establishment of New American Schools, charter schools, and other new public schools which reflect the best available knowledge regarding teaching and learning for all students in public schools, which use the highest quality instructional materials and technologies, and which are designed to meet national, State, and local education goals as well as the particular needs of their students and communities;

(7) other state-level initiatives which are consistent with the State plan, are designed to achieve national, State and local education goals, and are developed in conjunction with local education agencies.

\* \* \* \* \*

On page 24, Sec.8009. LOCAL USES OF FUNDS

Following line 8, substitute the following for subsection (2) as follows:

(2) Establishment of New American Schools, charter schools, and other new public schools which reflect the best available knowledge regarding teaching and learning for all students in public schools, which use the highest quality instructional materials and technologies, and which are designed to meet national, State, and local education goals as well as the particular needs of their students and communities;

On page 26, following line 9, add a new subsection (c) as follows:

(c) SPECIAL RULE -- Any new public school established under this title shall operate under the authority of a state or local education agency and shall be non-sectarian in its programs, admissions policies, employment practices, and all other operations and shall not be affiliated with a non-public sectarian school or religious institution.

=

## EXPLANATION OF THE PROPOSED AMENDMENT

The proposed amendment has three purposes:

- 1) To allow states to use a portion of the money they may spend on state-level initiatives to help start new public schools including New American Schools, charter schools, and other types of innovative public schools.

Presumably, each state would set up a process for determining how such schools would be selected and would determine what start-up expenses the funds could be used for.

A special rule included in the amendment also requires that any new schools funded would operate under the authority of a state or local education agency; that they be non-sectarian in their programs, admissions policies, employment practices, and all other operations; and that they be prohibited from being affiliated with a non-public sectarian school or religious institution. This is language drawn from S.2 and from the Minnesota charter schools law intended to ensure that these new schools be public and non-sectarian.

- 2) To allow states to use a portion of the money they may spend on state-level initiatives to finance programs other than those specifically identified, but that are consistent with the State plan, are designed to achieve national, State and local education goals, and are developed in conjunction with local education agencies.

Presumably, these activities would include initiatives needed to implement the state plan that are best done at the state level such as broader teacher training initiatives, student and parent information programs, etc.

- 3) To allow local school districts to use a portion of the money they may spend on local initiatives to help start new public schools including charter schools and other types of innovative public schools.

This language is added to authority already in the bill to local school districts to spend a portion of their grants on New American Schools. It is intended to explicitly authorize those funds to be spent on charter schools, as well as other new innovative public schools that may not come under the definition of New American Schools.

Again, the special rule included in the amendment requires that any new schools funded would operate under the authority of a state or local education agency; that they be non-sectarian in their programs, admissions policies, employment practices, and all other operations; and that they be prohibited from being affiliated with a non-public sectarian school or religious institution.