

United States Senate

DAVE DURENBERGER

April 2, 1992

Voted April 6 - declined

Glen Winchell, Chair
Mounds View School Board
Mounds View Public Schools
2959 North Hamline Avenue
St. Paul, Minnesota 55113

Dear Glen:

As the Mounds View School District continues consideration of its charter school proposal, I wanted to let you know how much I appreciate your willingness to give this proposal a fair and full hearing.

And, although I'd be the last to second guess the judgment of your board, I believe the proposal before you represents an outstanding opportunity to implement the true spirit of Minnesota's charter school law. The Mounds View School District is well-known for its innovative programs and willingness to use a variety of learning opportunities to help educate its students. The proposal you are now considering is very consistent with the leadership Mounds View has shown in so many areas of educational improvement in the past.

As you are perhaps aware, my enthusiasm for the concept of charter schools has been reflected in my efforts to help educate my colleagues and the Bush Administration about this important new teaching and learning opportunity.

In January, for example, I worked closely with Senator Kennedy to add language to an education bill we were considering that authorizes federal funds to be used to help start new charter schools.

In the course of adding this language, I was highly gratified to gain support -- not only from Senator Kennedy -- but from a number of my colleagues on both sides of the aisle. I also was gratified to learn that the concept of charter schools is emerging in a number of other states.

But, no state is further along than you and others are here in Minnesota. And, under your thoughtful and creative leadership, Mounds View now has the opportunity to help show the nation how

charter schools can be used to make improved teaching and learning opportunities available to all of its children.

Thank you again for your fair and careful consideration of this important opportunity. And, I hope you will continue to keep me informed on your interest and concerns in other areas of federal education policy, as well.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave", written over the word "Sincerely,".

DAVE DURENBERGER
U.S. Senator

DD/js/att.

P.S. For your information and reflection, I have enclosed a copy of the statement on charter schools I made on the floor of the Senate during the recent debate on Senator Kennedy's education improvement bill. The statement includes a brief dialogue with Senator Kennedy on eligibility of Minnesota charter schools for funding under his bill.

**STATEMENT BY U.S. SENATOR DAVE DURENBERGER
ON CHARTERED PUBLIC SCHOOLS
ON THE SENATE FLOOR
JANUARY 24, 1992**

Mr. President, I'd like to take a few minutes to point out an important provision in S.2 added at my urging by my distinguished colleague from Massachusetts, Senator Kennedy, at the time he brought this legislation to the floor.

I believe my distinguished colleague from Connecticut, with whom I have worked closely on this provision, would also like to offer a few remarks.

And, then, we would both like to engage in a brief colloquy with the distinguished Senator from Massachusetts regarding his intent in offering his amendment that expands on the allowable uses of funds authorized under Section 202 for state-level initiatives.

I would also like to thank Senator Kennedy not only for his support in adding funding eligibility for chartered schools to this legislation, but for his patience and his leadership in guiding this important education initiative through the legislative process.

This provision that I am so pleased has been added, Mr. President, amends Section 202 to allow states to use a portion of the block grant authorized under S.2 to help establish new public schools including charter schools.

This provision is based, in part, on legislation adopted in Minnesota last year that offers a new way for teachers, parents and community groups to start new public schools.

The provision Senator Kennedy has added to S.2 -- and the new Minnesota chartered schools law -- both affirm three important principles:

First, that school choice is good -- but incomplete -- without more -- and more diverse -- school choices.

Second, that parents, teachers and community groups are an untapped resource in starting and running new schools offering more choices, more diversity in public education.

And, third, that we won't get more diversity and more choices as long as the only way to start a new public school relies on the exclusive franchise of local school boards and administrators, many of whom may not view the establishment of new schools outside their traditional control to be in their best interest.

Consistent with those principles, Mr. President, Minnesota legislators from both parties joined forces last year to adopt the nation's first chartered schools law -- a law which now allows new public schools to be started by parents, teachers and others in the community.

Connecticut and a number of other states are now also considering chartered schools legislation.

And, within the past sixty days, the first two chartered public schools have been authorized in Minnesota by their

local school boards and by the Minnesota state board of education.

**What chartered schools are,
and what they are not**

Mr. President, it's unfortunate that a great deal of misinformation has been distributed in these halls and in these corridors since Senator Lieberman and I first indicated our interest in introducing an amendment supporting chartered public schools.

So, in the interest of setting the record straight, I want to take a few minutes here today to respond to the four most important concerns that have been raised by those who oppose the concept of chartered schools.

1. Chartered schools are public schools

First, let me state emphatically, Mr. President, that chartered schools are PUBLIC schools.

Chartered schools are funded in the same manner as other public schools in their state and may not charge tuition.

Chartered schools must meet the same non-discrimination requirements placed on other public schools.

Chartered schools must accept all students who choose to attend. When more students choose to attend than there is space, a lottery must be held to determine placement.

And, finally, chartered schools must be authorized by -- and be under contract with -- a local school district or other public agency.

2. Chartered schools may not be religious schools

Second, Mr. President, let me also state emphatically, that S.2 as now amended could not be used to help fund religious schools.

In fact, S.2 lifts language directly out of the Minnesota chartered schools law which was intended by its authors to ensure that these new public schools would be nonsectarian.

That provision in S.2 states (and I quote) that...

"any new public school established under Section 202 shall be nonsectarian in its programs, admissions policies, employment practices, and all other operations and shall not be affiliated with a non-public sectarian school or a religious institution."

3. Chartered schools may not have selective admissions policies

Third, Mr. President, Minnesota's chartered schools may not be "elitist schools" that screen admissions on the basis of race, academic qualifications, or other factors.

In the event that more student choose to attend than may be accommodated, students are admitted on the basis of a lottery.

Supporters of chartered schools believe strongly that admission requirements should be the same as those placed on other public schools.

4. Chartered schools are accountable

Finally, Mr. President, it is not true -- as some have charged -- that chartered schools have no public accountability and would be totally free of academic or other standards.

In fact, Mr. President, accountability for chartered schools is -- in some ways -- even more stringent and more specific than accountability requirements now placed on other public schools.

In Minnesota, each chartered school must receive its permission to operate from a local school board and the state board of education.

In addition, each chartered school must have a multi-year contract with its sponsor that sets out specific outcomes it must achieve, how those outcomes will be monitored, and how all the requirements of chartered schools will be met.

It's also intended that these contracts would have to be periodically renewed for the charter to remain in force. So, if the chartered school doesn't live up to its obligations, its contract will not be renewed, and the school will be put out of business.

Show me a public school that has to have its right to exist renewed every three years, Mr. President, and I'll show you an accountable public school.

Chartered schools are becoming a reality

Late last year, Mr. President, the first such chartered school was authorized by the Winona school board and then by the Minnesota state board of education. I visited that school and met with some of its teachers and parents just two weeks ago.

During that visit, I learned that almost 1200 people in Winona had signed a petition supporting approval of this new school which will be an enlarged version of an existing private Montessori school.

Officials at the school have said, in exchange for the chartered designation and public funding that comes with it,

they will abide by all the provisions of Minnesota's law, including non-discrimination requirements and acceptance of all applicants they have room for.

To emphasize its nonsectarian nature, the school will be moving from its current rented space in a Catholic elementary school before it begins operations next fall.

Despite the fact that this new school could draw state and local revenues away from other Winona public schools, the district school board chair Stuart Miller has said (and I quote),

"the whole point should be what's best for children, not what's best for the school district or the Montessori school... I think we gain a new way of delivering the public school to people, and we give them choice."

Minnesota's second chartered school was approved by the Minnesota state board of education just last week, giving new life to a small public school north of Duluth that was about to close due to declining enrollments.

Teachers, parents and others in the communities of Toivola and Meadowlands are hoping use the Minnesota's chartered schools law to create the type of "open school" that we've traditionally seen mainly in large urban areas.

The Winona and Toivola-Meadowlands chartered schools are just two of dozens of proposals that are now being developed by teachers, parents and community groups all over Minnesota.

Some of the proposals -- like one for a new middle school in Northfield -- would create entirely new schools from scratch.

Others -- like the two approved so far -- and new proposals in Rochester and Rapidan -- would convert existing public or private schools to chartered school status.

Several proposals -- including one being discussed by the St. Paul Chapter of the NAACP -- involve grass roots initiatives by community groups and non-profit organizations.

And, still others involve individual teachers -- or groups of teachers -- who are developing proposals to create new chartered schools within their own districts.

One such school --already approved by the school district's administration -- involves a group of teachers in North Branch who want to create a new and more innovative middle school.

Another such proposal getting serious consideration has been made by Joan Riedl, a Princeton elementary school teacher who has two chartered school proposals pending -- before both the St. Cloud and Princeton school boards.

Joan Riedl's proposal is to create a two-classroom chartered school that would have teachers remain with the same students for more than one year, and make extensive use of educational technology and parent volunteers.

Some school officials have raised valid questions about

the risks involved in allowing teachers to start and run schools.

But, as an editorial in the St. Cloud Times put it, "Change is always difficult for some to accept. But, the last people who should be balking at the challenge of opening new vistas in the field of education are teachers. Learning should be about experimenting and stretching, reaching and dreaming. It shouldn't be about fear and defensiveness, about competition and risk."

Need for financial/technical assistance

Mr. President, once up and running, chartered schools will be funded with the same combination of federal, state and local tax revenues available to all other public schools.

But, one of the early lessons from attempts to start new chartered schools in Minnesota is that teachers, parents and community groups will need both technical and financial assistance to help them get started.

In the business world, we might call this "seed money" or venture capital. And, although many parents and teachers have good ideas on things they would like to do differently, they need help in exploring and organizing the financial and other aspects of new schools.

Teachers may need stipends, for example, to allow them to take time off to develop their proposals and to design a new curriculum.

Legal and financial expertise often needs to be hired. Equipment and textbooks need to be purposed. And, minor renovations in buildings will often be needed to meet state and local health and safety codes.

As I previously noted, Minnesota's law -- and proposals being developed in other states -- finance the ongoing operations of chartered schools in the same manner those states finance other public schools.

But, they do not offer the kind of start-up funding that can often mean the difference between a good idea and reality.

That's why it's so important, Mr. President, that -- thanks to the provision Senator Kennedy has added at my request -- S.2 now allows states to use a portion of their block grant to help bridge that gap.

Interest in school diversity is also evident in other states

Finally, Mr. President, I want to point out that interest in chartered schools is not at all unique to Minnesota.

Chartered schools are now being actively discussed by legislators and education reformers in a number of states including Connecticut, Massachusetts, California, Florida, Michigan, Wisconsin, and Tennessee.

That's one reason I'm pleased that several other members -- including my distinguished colleagues from Connecticut, from Georgia, and other states -- have been very supportive of my efforts to ensure that new alternative public schools will be eligible for funding under this legislation.

One of the national leaders in this movement is Dr. Stephen C. Tracy, superintendent of schools in New Milford, Connecticut. Dr. Tracy has drafted a chartered schools proposal that was considered last year by the Connecticut state legislature and that is now being reviewed by a state legislative task force.

In defending that proposal, Dr. Tracy has said, (and I quote)

"As we continue the discussion about the future of public education in our country, I believe that we must move beyond the old distinction between "public schools" and "private schools". The significant distinction, it seems to me, is between schools that are in the public interest and schools that are not."

A second major proposal for chartered schools was also made by Michigan Governor John Engler as part of a comprehensive education reform package he proposed to the Michigan State Legislature last September.

Under Governor Engler's proposal, chartered schools would be authorized by local boards of education and other education or public agencies. They would have to accept students regardless of academic achievement levels or other discriminatory criteria.

And, if a charter were granted, the Michigan schools would receive funding from the state at the level of the state average per pupil expenditure or the per pupil average of the local district in which the school is located, whichever is greater.

A third example of national interest in chartered schools, Mr. President, is in California where a debate has been raging in the state legislature and the education and business communities about a wide range of school choice alternatives, including open-ended vouchers for both public and non-public schools.

Partly in response to a proposal to place a voucher initiative on next year's ballot, California officials including State School Superintendent Bill Honig and several important legislative leaders are now considering a proposal to allow chartered schools to be created and publicly funded.

Such a proposal recognizes the important role that chartered schools can have in both broadening school diversity and in expanding parent choice, while still retaining accountability and the underlying values and principles of public education.

Let me conclude, Mr. President, by expressing my appreciation to my distinguished colleague from Connecticut for his support and for his contributions to my efforts to

ensure that new chartered public schools could receive funding under this legislation.

He and I both are hopeful that Connecticut will become the second state in the nation to make this option available to its teachers, parents and students.

Durenberger-Kennedy colloquy affirming legislative intent

With that background, Mr. President, I would like to engage in a colloquy with the distinguished Senator from Massachusetts, Senator Kennedy, concerning his intent in offering his amendment that expands on the allowable uses of funds authorized under Section 202 for state-level initiatives.

MR. DURENBERGER. The Senator from Massachusetts has included "the establishment of new public schools" including "charter schools" as an allowable state-level initiative that may be funded under Section 202. Is it the Senator's intention to allow such funds to be used for start-up assistance for chartered or "outcome-based" schools such as those authorized by the 1991 session of the Minnesota State Legislature?

MR. KENNEDY. Mr. President, it's my understanding that Minnesota law requires these chartered or "outcome-based schools" to be operated within the "special requirement" under S.2 as amended that reads as follows: "A new public school established under subparagraph (B)(iii) shall be nonsectarian in its programs, admission policies, employment practices, and all other operations and shall not be affiliated with a nonpublic sectarian school or a religious institution."

It is also my understanding that Minnesota law requires these chartered or "outcome-based schools" to have open admission policies, accepting all students who choose to attend. If more students choose to attend such a school than may be accommodated, admission is on the basis of a lottery.

It is my understanding that Minnesota law requires these chartered or "outcome-based schools" to be authorized by and have an outcome-based contract with a public school district, as well as approval by the Minnesota State Board of Education.

It is my understanding that Minnesota law requires these chartered or "outcome-based schools" to employ certified teachers.

And, it is my understanding that Minnesota law prohibits these chartered or "outcome-based schools" from charging tuition.

Senator Durenberger, are these understandings correct?

MR. DURENBERGER. They are correct.

MR. KENNEDY. With these understandings, it is my

intention that chartered or "outcome-based" schools as defined by Minnesota law will be eligible for funding under Section 202 (a)(3)(B)(iii).

MR. DURENBERGER. What types of start-up expenses would you envision being eligible for funding for new charter schools under this provision?

MR. KENNEDY. Presumably states will be determining how these funds should be used to help establish new public schools including charter schools. But, my intention would be that such uses include start-up expenses such as planning, curriculum development, equipment purchases, personnel recruitment and training, textbook purchases, and minor remodeling expenses that might be needed to meet local or state codes.

MR. DURENBERGER. Section 301 (4)(D) as now amended defines a "new public school" as a public school that operates "under the authority of a state education agency or local education agency." Again, is it your intent that this definition apply to chartered or "outcome-based" schools as authorized by Minnesota state law?

MR. KENNEDY. It is my understanding that chartered or "outcome-based" schools in Minnesota must be granted permission to operate by a local school district.

It is also my understanding that these schools must have a performance-based contract with their sponsoring school district that must be renewed and that may be terminated based on the school's compliance with the contract. Are those understandings correct?

MR. DURENBERGER. Yes they are correct.

MR. KENNEDY. With those understandings, it is my intent that the charter from a local school district and performance-based contract with that school district would constitute operating "under the authority of a state education agency or local education agency" as required of "new public schools" by Section 301(4)(D).

MR. DURENBERGER. I want to thank the Senator from Massachusetts for those assurances that it is his intent that chartered or "outcome-based schools" such as those authorized by Minnesota state law will be eligible for funding under Section 202 and Section 301 of S.2, as amended.

I also want to thank the Senator for his willingness to add language to S.2 authorizing start-up funding for Minnesota's chartered schools, an important innovation in education reform that I trust will soon emerge in other states, as well.

MR. KENNEDY. I would also like to thank the Senator for his efforts to expand the number and diversity of public school choices available in his and other states and for his leadership nationally in helping to improve the quality of education for all Americans.