

CHARTER FRIENDS NATIONAL NETWORK

connecting and supporting state-level charter school initiatives

March 6, 2000

Hon. Peter Hoekstra, Chair
Subcommittee on Oversight and Investigations
Committee on Education and the Workforce
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Hoekstra:

Thanks very much for the opportunity during your Subcommittee's March 3 hearing to offer some reflections on the background and current issues relating to the federal charter grant program, as well as other federal issues relating to charter schools. I believe it was helpful for your Subcommittee to hear directly on these issues from leaders of three of the nation's leading charter schools, as well as the perspective of the grassroots charter support organizations we work with through the Charter Friends National Network.

Because a number of issues were touched on, I thought it might be helpful to briefly summarize my recommendations for clarification of legislative intent on several matters relating to administration of the grant program. As I said a number of times during the hearing, it's my hope that these issues can be dealt without having to reopen the law and make statutory changes beyond those made in the reauthorization that took place in 1998.

To that end, I'd be happy to work with your staff -- and with the Charter Schools Office in the U.S. Department of Education -- on some combination of committee report language, colloquies and non-regulatory guidance that would clarify legislative intent and then inform the states and schools. Following are the issues we discussed at the hearing and general statements of principle that could be expanded upon using non-legislative means to establish legislative intent.

Authority to make early stage planning grants

States may include, in their overall charter grant program, smaller grants made to charter planning groups prior to actually receiving a charter. These grants may be used to help finance research, legal and accounting services, travel to visit schools or attend conferences and other activities that contribute to the development of stronger charter school proposals.

Waivers on the number of planning grants and time limitations for planning grants

If states make smaller pre-charter planning grants, they may seek waivers on the limitations in the law on the number of grants schools may receive and the time period during which planning, start-up and implementation grants may be made. Such flexibility may also be used by states to

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encourage schools to take a "planning year" during which they have more time to identify a facility and prepare it for occupancy, recruit students, begin to involve parents, prepare budgets and business plans, develop curriculum and accountability plans, recruit and orient teachers and other activities that will ultimately result in a stronger school on opening day.

District and state approval of planning grant applications

When submitting a proposal for a pre-charter planning grant, states may require school planning groups to notify the school district in which the charter will be located and/or the chartering authority to which the planning group intends to apply. However, the district or other chartering authority need not formally approve or endorse the planning grant proposal in order for it to be considered by the state.

Grant administration fees or charges by districts

In some states, the charter law or other laws may require a school district to be the fiscal agent for planning, start-up or implementation grants to charter schools. Should that be the case, the entire grant amount must be made available to the charter school or planning group. The district may not require that a fee or percentage of the grant be paid by the school or planning group for the district's administrative services.

Admissions procedures when applications exceed space

The lottery provision in the law should remain unchanged. However, the Department should continue its past practice of allowing enrollment preferences for specific categories of students, such as siblings of currently enrolled students, children of founders, teachers and other staff, students living within an attendance area determined by the charter agreement and students who previously attended "feeder schools" in the same attendance area or that have the same or similar mission, goals or educational philosophy.

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Besides working with your staff and the Department on these or other non-legislative means to establish or clarify legislative intent, I'd also like to repeat my offer to assist in the development of realistic estimates of demand for planning, start-up, implementation or dissemination grants by charter schools across the country. These estimates could then be used to develop a credible appropriations proposal for FY2001 that may be higher than the President's \$175.0 million budget request. Again, factors that could contribute to a larger request include projections for a substantial additional increase in the number of schools opening in FY2000 or 2001, passage of new laws or strengthening of existing laws, increased use of pre-charter planning grants, the growing number of schools eligible for dissemination grants and an increased number of states that propose creative uses of grant funds by schools to enhance privately organized, pooled technical assistance capacity.

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In addition, I'd like to repeat my cautions on two issues being discussed in the ESEA reauthorization that are of great concern to charters:

* The provision in the President's ESEA reauthorization proposal that would require states to have 90 percent certified teachers within four years. More than two-thirds of the states -- with more than 80 percent of the charters -- currently have some degree of flexibility in allowing use of teacher qualifications other than traditional certification. This flexibility could be jeopardized by an overall mandate applying to all public schools in a given state.

* Broader initiatives in several proposals to link federal funding eligibility to federally prescribed improvements in student achievement. Charter schools strongly support the objective of holding schools accountable, but believe that any such high stakes accountability strategies should be determined on a school-by-school basis in the charter agreement between each school and its sponsor.

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Finally, I'd like to repeat by interest in working with your staff on creative proposals such as block granting federal categorical programs, broadening waiver authority and providing incentives for individual public schools to apply for federal grants in consortia. All of these initiatives could make applying for, competing for and using federal grants and categorical funding more feasible for smaller, individual charter schools.

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Thank you again for the opportunity to provide testimony to the Subcommittee and for this opportunity to expand on several of the key issues we discussed. I look forward to working with your staff as you begin to incorporate this and other input to this year's legislative and appropriations initiatives.

Sincerely,

JON SCHROEDER
Project Director

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cc: Rep. Tim Roemer, Ranking Member
Rep. Bob Shaffer, Subcommittee Member