The Start-up of Religious Charter Schools:

Implications for Privatization and Choice in U.S. Education

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Abstract

In recent years, the number and diversity of charter schools with religious themes and relationships have grown, focusing increased interest in several states on the cultural experiences of groups like the Muslims, Jews, Greek Orthodox, Hmong, and most recently Catholics. While these charter schools do not claim to be religious, the influence of their mission helps to provide a program and atmosphere that are culturally relevant to that religious group. Even though they have a particular religious identity, these charter schools do admit children and hire teachers from other faiths and cultures. Since these charter schools teach the values of religion -- but do not require prayer or Bible/Koran/Torah teaching -- they apparently do not as yet violate the 1st Amendment of the US Constitution -- and are therefore being publicly aided under various states' charter legislation.

But the concept of a private, religiously-related school receiving public funding can be a delicate and controversial one, as these schools walk a fine legal line separating Church and State. This paper analyzes several case studies of new "religious" charter schools in an attempt to gain greater understanding of their development, as one of the newest forms of education privatization in the USA. Case studies of charter schools include the Tarek ibn Ziyad Academy, a Minnesota Muslim charter school; Hmong cultural charter schools; the Ben Gamla Hebrew Charter School in Hollywood, Florida, where modern Hebrew is a requirement; and the Hellenic Classical Charter School that teaches modern Greek, located in a Brooklyn, NY, Greek Orthodox parochial school. These comparative case studies reveal how schools with mainstream educational programs can also support the school's mission, curriculum, languages (e.g., modern Hebrew, Greek, and Arabic), and extra curricular activities that are all related to the schools' particular culture and religion.

Introduction

U.S. charter schools for children in grades kindergarten through 12th are growing in number and types -- and deserve more research (Nathan, 2002). While these schools are publicly-funded by state and sometimes local governments, they are privately initiated and governed by groups of parents, educators, or even teachers unions—and now most recently by religious groups that seek to give children a values-based, culturally-relevant education without violating the U.S. First Amendment doctrine of the Separation of Church and State. This paper examines the emergence of what we call, for lack of a better term, "religious charter schools": their origins, purposes, and challenges, as the latest and most controversial form of education "privatization" since education vouchers were legalized in the *Zelman v. Simmons-Harris* (2003) decision.

The time is right for this investigation, for already the U.S. has over 4,100 charter schools in 40 states, enrolling more than 1.2 million students, with more schools opening every year of late. While we have no exact listing of *religious* charter schools, we have located a number of examples of these schools that were founded and operated by members of Muslim, Jewish, Greek Orthodox, and Christian faiths. These new charter schools do not claim to be religious, but attempt to support the culture, values, and even the languages of their founding groups, whether it be modern Hebrew, Greek, or Arabic. Although these schools are culturally related to their religious groups, they each admit children and hire teachers without regards to their religious beliefs or practices. Thus, because these charter schools teach the values of religion but don't require prayer or Bible/Koran teaching, they do not apparently violate the 1st Amendment; and therefore are publicly aided under state charter legislation.

Also, while these schools may have opportunities for prayer and worship before and after school, they do not require religious practices—allowing students of other faiths to leave school, arrive late, or simply not attend (Weinberg, 2007; Weinberg & Cooper, 2008).

The concept of a school that walks a fine line, balancing the separation between church and state, is a controversial topic. The discussion alone spikes debate, as witnessed by the amount of response in the *Talkback* posts on Education Week's website related to the June 2007 published article, *What About Religious Charter Schools?,* by Lawrence D. Weinberg and Bruce S. Cooper (2007).

Further inquiry relating to religious charter schools is required. This study analyzes several religious charter schools in an attempt to gain a greater understanding of this important topic of educational research. Within this study, several case studies are presented, including the Tarek ibn Ziyad Academy, a Minnesota Arabic charter school; Ben Gamla Charter School, a Florida English-Hebrew Jewish charter school; the Hellenic Classical Charter School, a NYC Greek Orthodox parochial school; and Community of Peace Academy, a Hmong cultural charter school in Minnesota—the site of the nation's first charter school law. Data from the case studies reveal further information regarding how schools with exemplary educational programs bolster the school's mission, curriculum, language courses, and extra curricular activities that are all culturally relevant to their particular culture and religion.

This study does the following: (1) investigates the cultural and legal issues of this type of charter school, using comparative case analysis; (2) provides implications for privatization of education in the USA, and (3) concludes with recommendations for future research regarding this topic of peaking interest.

Charter Schools: Concept and Context

A Nation at Risk (National Commission on Excellence in Education, 1984) prompted a wave of what have now come to be educational reform movements, a greater emphasis on science and mathematics, increases in school accountability through standardized testing, and

more experiential learning. Among the educational reform movements, school choice has had a profound influence on millions of students; vouchers and charters schools have provided additional opportunities, particularly in urban areas where the largest issues of test scores, graduation rates, teacher quality, and resources reside.

According to the Center for Educational Reform, a charter school is defined as an innovative public school that is accountable to student results and designed to deliver programs tailored to the needs of the communities they serve (Center for Educational Reform, 2008). The first charter school opened in St. Paul, Minnesota in 1992. Forty states plus the District of Columbia have state charter school laws, where citizens and/or organizations can submit an application to open a charter school. Each charter school must have a governing board that is accountable for the school's policies, staff, and programs. Sponsors of charter schools are responsible to approve staff and leadership applications and then monitor the school to "ensure success" (Center for Educational Reform, 2008). Examples of charter school funders include community boards, state departments of education, state regents committees, and state universities. And since these schools are publicly funded, students who attend charter schools do not pay tuition.

Lawrence D. Weinberg in his book, *Religious Charter Schools: Legalities and Practicalities* (2007), reaffirms what Ted Kolderie described in his 1993 research, *The states begin to withdraw the exclusive control*, as the nine essentials that form the core of the charter concept: (1) The school may be organized, owned, and run by any of several parties. (2) The organizers may approach more than one public body for their charter. (3) The school is a legal entity; (4) the school is public and nonreligious, and does not charge tuition, cannot discriminate or engage in selective admissions, and must follow and health and safety laws. (5) The school

accepts accountability for the students' academic performance; the school loses its charter if it fails to achieve its goals.

(6) The school gets real freedom to change instructional and management practices; (7) the school is a school of choice; no student is required to attend; (8) the state transfers a fair share of school funding from each student's home district to the charter school. And (9) teachers remain in the retirement system when they teach at a charter school and are given the opportunity to participate in the design of schools.

Weinberg claims that charter schools are "meant to be a vehicle for creating public schools that are freer to innovate…charter schools enable the state to create public schools without traditional bureaucracy and test whether their educational output meaningfully improves" (Weinberg, 2007, p. 22). Because parents, students, teachers, and other community members can become more meaningfully involved with the charter school, this type of school has the likelihood to be more integrated into the community where the students will someday serve, unlike other cookie-cutter public schools.

Charter schools provide a small, private-school-like environment for students, but without costly tuition. In a 2001 study, Joe Nathan and Karen Febey researched 22 public schools in 12 states. The schools included both traditional public and charter public schools. The findings of the research discovered significant benefits to learning in a smaller school, privatized environment:

1. Smaller schools, on average, can provide: a safer place for students, a more positive challenging environment, higher achievement, higher graduation rates, fewer discipline problems, and much greater satisfaction for families, students, and teachers.

2. Schools that share facilities with other organizations can offer: broader learning opportunities for students, higher-quality services to students and their families, higher student achievement and higher graduation rates, and ways to stretch and make a more efficient use of tax dollars.

A number of research studies have discovered multiple benefits of using charter schools, provided they: are successfully developed, administered, and supported; have meaningful curriculum and activities; and are embraced by the communities that they serve. Not all charter schools succeed, but those that do have been beneficial to students and their communities. While a fair amount of research has been done on charter schools as a grouping, little educational research has been produced on specific types of charter schools. This study focusing on religious/cultural charter schools adds to that new body of school policy and organizational research.

Religious/Cultural Charter Schools: Defined and Realized

So, what are religious charter schools and what makes them different than traditional charter schools? Religious-based charter schools have a social and cultural mission. For many cultures, the religious component embodies so much of the historical context, customs, and rituals, and languages that it is nearly impossible to separate religion from education. These religious charter schools are enlivening the state curriculum with their cultural-historical perspectives, values, and customs. In addition, many of these identified religious/cultural charter schools place an emphasis on peace education, interreligious understanding, languages like modern Greek, Hmong, or Hebrew, and an understanding of the values of their worldly neighbors at the same time that they embrace their own cultural mission and practices.

So, how do these schools walk the fine line between church and state in this type of arrangement? First, a charter school may not be religious in nature or use public school funds to support religious programs or activities. However, a charter school may enter into partnerships with religious organizations to provide secular services; use the facilities of a religious institution; and conduct outreach activities in churches, mosques, and synagogues, or through religious organizations. Community-based organizations and business entities can also play a role in supporting these charter schools.

In essence, these charter schools cannot preach a religion; however, they can teach the history, customs, and language of the religion during the required school day. Schools can, also, use their same facilities to offer religious teaching to the students and community before school, or after the school day has ended The physical building of the school cannot display religious symbols or icons, but may bring out such artifacts (crosses, Menorahs) during before and after-school religion classes.

Weinberg's book (2007) discusses that while religious charter schools cannot require students to pray because it is unconstitutional, "student initiated prayer is sometimes protected by the constitution." The school can make accommodations for students who wish to pray during the school day by providing a designated space in the building for prayer to occur.

Religious charter schools, as public schools, cannot discriminate in their teacher and other staff hiring practices, based solely on religious belief or practice (Weinberg, 2007). They can, however, require that the teacher maintain "the worldview of the charter" while on the school premises and at school functions off campus, provided the basis is "reasonably related to pedagogical school concerns" (Weinberg, 2007, p. 43).

As said previously, religious charter schools may teach about the religion in classes, provided it is "viewpoint neutral" (Weinberg, 2007). Furthermore, religious charter schools can even require students to take religious classes. However, religious charter schools cannot require students to participate in religious exercises or worship. Prayer or readings from religious texts cannot be imposed on students through any school activity. Therefore, the student must voluntarily initiate forms of worship practice themselves. This practice is allowed, provided it does not "materially disrupt the school" (Weinberg, 2007, p. 83). These guidelines must be followed strictly to maintain public funding, and therefore to keep the charter school open. Hence, it is in the religious charter school's best interest to maintain this separation of church and state, while still infusing cultural values that the religious beliefs embody.

Case Studies: Examples of Religious/Cultural Charter Schools

Several pioneer religious/cultural charter schools have been chosen as examples of how they are using cultural and community resources to help enliven the curriculum, school activities, and, therefore, the learning experience of their students. While a number of such schools already exist -- and others are opening, we have chosen to focus on four different charter school examples as case studies in this article.

Tarek ibn Ziyad Academy is one of the oldest, most well-established of such K-8 religious charter schools in the U.S. today. According to its website, Tarek ibn Ziyad Academy "seeks to provide students with a learning environment that recognizes and appreciates the traditions, histories, civilizations and accomplishments of Africa, Asia and the Middle East. Tarek ibn Ziyad Academy seeks to nurture the innate human values of brotherhood, equality, justice, compassion and peace" (Tarek ibn Ziyad Academy, 2008). Just as every student will

study English, mathematics, science, and social studies, every student will also study Arabic for non-native speakers. "We introduce Arabic to students in a scientific, methodological, and effective manner, approaching it from a perspective thoroughly informed by contemporary theories of language acquisition and pedagogy" (Tarek ibn Ziyad Academy, 2008).

Tarek ibn Ziyad expresses its school values and mission on their website (Tarek ibn Ziyad Academy, 2008) as follows:

> The founders of Tarek ibn Ziyad Academy believe that each human being is a significant creature entrusted with the weighty role of steward of Earth. Thus, human beings are responsible for expressing the innate human values of brotherhood, equality, justice, compassion and peace among others in ways that build up the human community. We seek to integrate our students into the fabric of American life in a manner consistent with these values. The founders aim to produce stewards of the planet Earth--not just the next generation of consumers and marketers.
>
> The mission of the Tarek ibn Ziyad Academy is to contribute to building a diverse, virtuous and moral America by helping children to understand their stewardship role in the world, embedding in them a sense of care, responsibility, love, tolerance and cooperation. . . . In addition, the Academy aims to help students integrate into American society, while at the same time preserving their cultural pride and identity of Africa, Asia, and the Middle East.

The tremendous success that Tarek ibn Ziyad has experienced in five years speaks for itself. The school has opened a second location for K-4 grades in Blaine, Minnesota, in September 2007. The scores on the state MCA exams rank high; the students have "outperformed some of the best suburban districts" (Tarek ibn Ziyad Academy, 2008). The school has been recognized for its successful and innovative ESL program (Tarek ibn Ziyad Academy, 2008). The Minnesota Education Commissioner has made a personal visit to recognize the school's outstanding performance. In fact, the school is honored to be the mentor

for several starter charter schools. The school is being used as a replication model and is the subject of educational research. (Tarek ibn Ziyad Academy, 2008). Clearly, this cultural/religious charter school is a success story.

Hellenic Classical Charter School has a different culture and language emphasis. The school was spawned from (and is located in) a Greek Orthodox parochial school in Brooklyn, NY. According to Insideschools.com (2008), the school feels like "a hybrid of parochial and public schools--a place that lacks religious instruction, but that has adopted the traditional, disciplined atmosphere ordinarily associated with a faith-based school" (Insideschools.com/Hellenic, 2008). Initiated in 2005, the school has a waiting list with a lottery each spring for admission the following year. The school places an emphasis on the Greek language, history, and literature.

According to the school's website, the mission states that "the Hellenic Classical Charter School will provide students in grades kindergarten through eight with a rigorous classical education that is rich in challenging content. The school will instruct all students using the Core Knowledge Curriculum and will supplement all instruction with the classical study of the Greek and Latin languages, as well as history, art and other cultural studies. The school will utilize didactic instruction, coaching and Socratic questioning (Paideia). All students will leave the school prepared intellectually, socially and emotionally to gain entry to and to succeed in the best high schools in New York City" (Hellenic Classical Charter School, 2008). Although less than 50% of the school's students are Greek, the cultural identity established by great Greek figures is presented in the hallways of this institution.

Hmong Academy: Minnesota has been at the forefront of this endeavor to embrace cultural charter schools, with the opening of a number of new charter schools in the last few years, including those that belong to Hmong culture and language, a religion of China where families have domestic worship of ancestral spirits and household gods. The Hmong population came to the United States beginning in the 1970's, as refugees from Laos after persecution from the new government after providing assistance to the United States during the Vietnam Conflict. A large population of at least 30,000 Hmong in the Minneapolis/St. Paul urban area has created a need for educational programs that focus on the specific needs of these students.

Several new Hmong focused charter schools have been established during recent years. The religious line is not as apparent with a Hmong charter school, as components of the animistic religious rituals and traditions are certain to prevail as students attend these schools. Although many people from the Hmong population have converted to forms of Christianity, both Catholic and Protestant, components of their religious animistic roots are not easily discarded. Therefore, some of these rituals and traditions are likely to be passed down through curriculum and educational activities about the historical and cultural significance of these traditions. The Twin Cities boasts at least seven Hmong charter schools: Community of Peace Academy (grades K-12), Hmong Academy (grades 9-12), Noble Academy (grades 9-12), Long Tieng Academy (grades 9-12), New Millennium Academy (grades K-8), Hope Academy (grades K-8), and Hmong International Academy (grades K-8).

Hmong Academy, a 6-12 grade charter school in St. Paul, infuses Hmong culture and language into its curriculum. Hmong Academy's mission (Hmong Academy, 2008) states:

> Hmong Academy, in partnership with Hmong families and community leaders, will advance academic excellence, leadership, and future success for k-12 students, specifically those facing the challenges and risk of adapting to a new culture.
>
> Hmong Academy will provide a small learning community and rigorous curriculum led by bilingual and licensed teachers and staff that emphasize the value of Hmong culture and language, while instilling the knowledge, skills, and motivation that students need to pursue higher education and reach their highest potential.

According to the school's website, "the motivation behind Hmong Academy is to improve learning among students. While many students are performing satisfactorily in public schools (and some are excelling), many remain behind grade level, hampered by linguistic and cultural differences. A college-prep, Hmong-focused school offers many opportunities for improved pupil learning that are too often missing in other schools" (Hmong Academy, 2008).

This culturally-specific school supports academic achievement by instilling a sense of pride, a source of motivation, and a depth of understanding among students, teachers, parents, and community leaders. Cultural identity and pride are cornerstones and are used to build bridges to the mainstream community. Hmong Academy is bicultural and bilingual, emphasizing that success in school is necessary for successful integration into the community. While the Academy is a college-prep school, its goals are to develop students who measure up to all academic expectations (Hmong Academy, 2008).

Some key components of Hmong Academy's identity include a small-school environment with the parents, teachers, and the community joined in decision making for the following purposes: (1) creating a sense of ownership of the community's education; (2) establishing high expectations for every student, based on their personalized fullest potential; (3) maintaining strong school-community partnerships; (4) developing students self-identity and

learning of languages and cultures; (5) supporting behavioral standards of respect and peaceful negotiation; and (6) providing real opportunities for extracurricular activities and vocational training to prepare students to uphold a solid work ethic as contributors to society upon graduation.

Hmong Academy fulfilled an important component of their mission; they have proven their ability to improve student learning. Three years ago, only 10% of students in grades 9 and10 passed Basic Skills Tests. In 2007, nearly 75% of students in grades 9-12 have passed these same tests. In 2007, just three years after opening its doors, the Hmong Academy produced their first graduating class, that of 40 senior students with an impressive 90% graduation rate. Undoubtedly, Hmong Academy has improved their students' learning.

Community of Peace Academy: Another example of Hmong charter schools has been endorsed with an impressive stamp of approval by the United States Department of Education (US DOE). Identified as one of seven examples of great school, Community of Peace Academy (CPA) offers study for students at all age levels (K-12). A 2004 report published by the US DOE stated, "In a community where gangs actively recruit adolescents into their ranks and teenagers sometimes marry at age 14, according to Hmong custom, the Community of Peace Academy (CPA) has created a school program and family-style community that empower students to make thoughtful, non-violent life choices" (US DOE, 2004).

The report describes the school's mission -- to create a peaceful environment in which each person is treated with unconditional positive regard and acceptance … this is heard in teachers' conversations about curriculum, seen in student-fashioned hallway murals, and experienced through the school's Peace Builder awards (US DOE, 2004). "Community of Peace

works" says one parent, "because the teachers create a peaceful environment where the children feel secure and comfortable to learn" (US DOE, 2004).

A low-income student does not mean a low achiever: the Academy's 8th grade students out-performed the state average in state math skills tests. The school has been among the top 20 schools in Minnesota to improve math skills in grades 5-8. In addition, 65% of the students passed reading exams despite having a large majority of the students whose first language is Hmong, not English (US DOE, 2004).

In 2003, the Character Education Partnership in Washington, DC, presented the Community of Peace Academy with the National School of Character Award, recognizing the school as 1 of 10 schools nationwide for providing "exemplary work to encourage the ethical, social, academic development of its students through character education" (US DOE, 2004). The Community of Peace Academy is also recognized by World Citizens Incorporated as an international peace school (US DOE, 2004). This cultural charter school has thus created an environment for students to feel safe, to negotiate in peaceful ways, and to learn to their fullest capacity.

Ben Gamla Charter School is located in Broward County, Florida (in the town of Hollywood), and presents itself as a modern English-Hebrew language charter school, founded by a group of Jewish and non-Jewish parents, to serve Kindergarten through eighth graders. It is explained as offering a "unique bilingual, bi-literate, and bi-cultural curriculum" with a global thrust, preparing students to speak fluent modern Hebrew. In particular, students "will leave the charter school with a sense of purpose, a belief in their own efficacy, a commitment to the common good, and a zest for learning."

Ben Gamla Charter School was the idea of U.S. Representative Peter Deutsch, who reports that the school teaches "Hebrew language and culture" but not the Jewish religion. The school's director, Rabbi Adam Siegel, explains that although the school stays away from teaching "prayer, God, and Bible, it was nevertheless leasing space from a synagogue." When the Ben Gamla Charter School received its charter and funding from the state of Florida, it had to review over 800 applications.

In fact, the idea seems so attractive that Rep. Deutsch is already talking about opening other similar Hebrew-language charter schools in Miami, New York, and Los Angeles. To avoid criticism for being located in a synagogue, the Ben Gamla Charter School is now seeking to find its own school site near City Hall in Hollywood.

The school has already run into criticism. First, some say that the Hebrew books are "too religious". And the Rev. Barry Lynn, executive director of the American United for the Separation of Church and state, has argued that Ben Gamla Charter School "sets dangerous precedents" of religious practices; and the Broward County School Board and the Anti-Defamation League have expressed concerns that the school may be tempted to teach religion in violation of the Separate doctrine of the U.S. Constitution.

Rabbi Siegal has his four children at Ben Gamla and has reassured everyone that the charter school will not cross the line into teaching religion. Deutsch and Siegel maintain that the concerns about Ben Gamla are based on the fear that Ben Gamla, which has no tuition costs, will pull students away from private Jewish day schools in the areas. The Federation of Jewish Charities helps support five such tuition-charge Jewish day schools in Broward County, but says that is not a reason for its reservations about a tax supported Hebrew-language charter school in the same county.

Conclusion

Regardless of how community members feel about cultural/religious charter schools, they have been established and are becoming more prevalent in several states. Could this type of school provide additional options for existing religious private schools that continue to struggle with financial burdens? Two religious groups that could potentially embrace this type of format in large numbers are Roman Catholics and Evangelical Christians.

Those who seek to pursue this type of educational experience in their community have several factors to consider. In a recent article, Weinberg and Cooper (2007) have identified some considerations: First, a separate, secular foundation should be established so that no funding goes directly from the state funding agency to the church. Second, a charter application should be written that specifies that the school will be culturally focused to teach about a specific religious group, but the school will not preach the tenets of that religious faith. Third, founders should develop a mission that has educational and pedagogical objectives parallel to the faith. Fourth, schools should design the curriculum to meet state guidelines, and then further infuse it with the mission. And fifth, focus recruitment on the particular cultural/ religious group, while opening the school to students of all faiths.

Religious/cultural charter schools are finding ways to maintain the legal fence separating church and state by infusing cultural values and passing down linguistic practices that provide relevant educational experiences for their students while they prepare these students to interact in the greater society.

Future Research. To understand these schools more completely, further research should be done that delves into how these schools deal with potential conflicts of science and history

curriculum in relation to their religious/cultural context. Other ideas for research could include examining the religious charter schools alongside other efforts to privatize education, including the effects of vouchers on nonpublic and religious schools. For, these religious charter schools are another dramatic step in the formation of a privatized or a kind of "third sector" in American education. The first sector is the *public school system,* educating about 86% of all K-12 students, under state and local policies, with a growing role for the Federal Government under No Child Left Behind.

The second sector, with about 11% of all K-12 students, is the traditional *private and religious schools* that includes some 30 different types (mostly religious but some independent), which are protected by the *Pierce* decision of 1925 that prevents the government from requiring all students to attend a state-owned (public) school. And now, a Third Section is emerging with about 3% of students, who are homeschooled, enrolled in a charter school, or are receiving a voucher, one where the ownership and management of K-12 schools is *private* while the funding is in part or totally *public*. For lack of a better term, we call this the *privatized sector*. And as we've shown in this analysis, religious charter schools stand in the middle as they are privately conceived and managed, while they receive public funds as "private" schools with some religious and culture identity

And religious charter schools are even more important in other ways because they are a vital new kind of quasi-public school, often with a religious and cultural theme, including the Hellenic Classical Charter, Ben Gamla, Hmong, or Tarek ibn Ziyad Charter School. These schools, as with a growing number of others, are challenging the near hegemony of the public

system, and are opening education up to families who prefer a linguistic and cultural education for their children, and enjoy being educated with other people from similar backgrounds.

And as the Catholic Church confronts the closing of more parochial schools, a trend that has continued for the last 20 years (see Cattaro & Cooper, 2007), the possibility of converting parochial schools into charters is now on the horizon. In fact, the Archbishop of Washington, DC, Donald Wuerl, announced that he would be seeking charter status for seven of his failing parochial school, and several other private Catholic groups and leaders has already started such programs.

This growth of new types of charter schools, as we have shown, is just beginning. And we'll see in the next 20 years whether private cultural, and religious education is more active, with publicly-funded but privatized schools in the United States becoming more numerous. It looks like a revolution is starting.

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