

Georgia insight

Sue Ella Deadwyler, 4168 Rue Antoinette, Stone Mountain, Georgia 30083

"She hath done what she could." Mark, 14:8a

June 2007

Feds Control Charter Schools! State and Local Control go Bye, Bye!

S.B. 39 Gives "Package Deal" Charters to Entire School Systems

Until S.B. 39 passed this session, each public school had to individually apply for charter school status. But, evidently, that tediously slow process isn't moving fast enough for those who want sooner-than-later absolute control over public education in the United States. So, something I'll call "a bulk charter" has emerged in our state.

Since Georgia's known as a progressive state, our public schools jumped on the charter school band-wagon in 1993 and never got off. In fact, S.B. 74 that passed in 1993 has been systematically amended as the plan progressed. Then, this year's S.B. 39 created a package deal to charter all schools in a system, simultaneously, the plan I'm calling "a bulk charter".

Wisely, constitutional framers left control of education to states, but decades ago that control was targeted for extinction and it's almost done, despite the constitution. To get a proverbial foot in the door, federal interference slyly began in ways to "strengthen state departments of education" *via* Title V grants Congress okayed in 1965's Elementary and Secondary Education Act. Though that Act paved the way, the Feds waited until the '90s to launch charter schools.

The federal charter schools project surfaced in 1991 when the first President Bush created the New American Schools Development Corporation to put a "radical, break-the-mold" charter school in each congressional district. About 1,000 charter schools were in existence when President Clinton gave his 1997 State of the Union speech and said, "Our plan will help America to create 3,000 of these charter schools by the next century." With funding of \$500 million over five years granted in his Charter School Expansion Act of 1998, schools gullibly took the bait, despite loss of local rights or states' rights or damages to education.

In May 1998, Georgia had 24 charter schools. Now there are 73 – 11 in Fulton County, 10 in DeKalb, 9 in Atlanta City, 6 in Cobb, plus two in Marietta City. Many areas have one, but Chatham and Morgan have 3 each. Douglas, Coweta, Muscogee, Richmond Gwinnett, and Clayton have 2 each. S.B. 39 allows school systems to apply for all their schools to be chartered at once, with five systems authorized for 2008 and no future limit.

Many facts are being ignored. (a) Though charters, seemingly, shift school control from local boards to a state charter, (b) the control, actually, goes to the Fed, since local and state laws can be waived, but *federal laws cannot be waived*. (c) Charters trample the state constitution's mandate that local boards manage and control schools. (d) The constitution is further trampled when boards illegally transfer their power to the charter. (e) Likewise, the State Board is not empowered to receive or assume board power or the charter. (f) Under charters, parental power is non-existent. No surprise, considering then-Senator Mark Taylor's "Parents are just another layer of bureaucracy" debate-stopping quip just before the Senate passed his S.B. 74 of 1993.

Parents' Choice in Charter District: Send Child to Charter School or Move

In the 1993 debate of S.B. 74, a representative asked, "What will a parent do if he does not want his child in a charter school?" The House Floor Leader said bluntly, "Move out of the district."

Charter schools don't give parents control. Charters take it away. The fact that Chester Finn, the "Architect of America 2000," and others think local boards are "archaic and dysfunctional," incapable of managing schools, doesn't mean it's true. Long before Mr. Finn and his pals came along, public schools in the U.S. graduated high school students that were, actually, educated. They could read, write, compute and think for themselves. They became inventors, executives, philanthropists, entrepreneurs, founders of colleges and universities, reared successful children, obeyed the law, defended the country and became outstanding officials, governed communities, cities, states and the U.S., all accomplished when the power to educate was on the local level.

1. *The oft-touted increased parental control is a myth. Parents are allowed lip-service input in cosmetic or peripheral situations, such as volunteerism and spreading-the-word to garner support, but no control.* Of the 13 charter applications in my possession, seven schools allow only one parent on governing committees that have eight to 14 members. Three parents were put on one school's 14-member committee and another let three parents serve on its ten-member committee. One parent for each of four grade levels was appointed to a 24-member high school leadership team, giving educators a 20 to 4 advantage. Two parents were appointed to an elementary school's 15-member committee, but no parent was even mentioned for committee service at an elementary school claiming it "empowers teachers".
2. *While many assume they are academically superior, major changes in charter schools are not academic. But wide-sweeping and dramatic changes occur in governance.* (a) Staff and administrators take over management and control of the school and (b) request waivers for state and local laws, regulations, rules and policies. But high achievement isn't attained by changing school trappings or trendy innovations. Nor do students reach individual potential *via* cooperative learning, group grades and outcome-based education, all mandated under the government "carrot" – a \$100,000 federal two-year grant per charter school. Parents didn't choose teach-to-the-test OBE/affective/behavior modifying/dumbed-down curricula for their average- or high-achiever children, but state and federal officials thrust it upon them.
3. *The State Constitution requires local school boards to manage and control schools.* That's not a new concept, although a senator supporting the first bill in 1993 said without blinking, "We're redefining local control," although that can't be done without amending the state constitution. That never happened, just as the federal constitution *still* leaves school control to states. So, the *Constitution of the State of Georgia*, Article VIII, Section V, Paragraph II rendered charter schools unconstitutional in 1993 and they still are. That's being ignored.
4. *Georgia courts have continually ruled that local school boards cannot transfer management and control of schools to anyone, including the state and the Fed.* In Georgia, the 1965 court decision in *State Board of Education vs. Elbert County Board of Education*, succinctly, clarified the subject. That opinion stated, "*The control and management of a county school district is in the county board of education under the Constitution and laws of this State and the county board is without power to delegate its power to manage affairs of the school district.*" That's being ignored, as well.

No Representative Government Over Charter Schools

5. *Charters remove schools from representative government.* (a) That violates the constitution. (a) Voters and parents lose representation – they can't elect councils or committees or approve curriculum. (b) Parents and taxpayers have no control over site-based decisions, though (c) they provide students, own schools, pay staff, buy equipment, etc. (d) Councils and educators supplant parents and local school board power, despite the state constitution.
6. *At the outset, Georgia attorneys listed court decisions that uphold local control.* In 1997, the Law Offices of Heard, Leverett & Gunter, L.L.C. in Elberton cited nine Georgia cases in which judges opined the unconstitutionality of charter schools. The decisions, spanning 60 years from 1935 – 1995, were included in a February 17, 1997 letter to the Executive Vice President of the Georgia School Boards Association. The concluding statement of that letter was, *“The fact that a local board has to approve a charter school is immaterial, as the law is that the local board can not delegate its duty to contract and manage, as shown by the cases cited above.”*
7. *The State Board of Education is neither constitutionally equivalent to nor interchangeable with local school boards.* The (a) State Board is appointed, not elected, (b) has no power to manage and control local schools, (c) or *to accept* the power of local boards. (d) Most State Board appointments are rewards for gubernatorial support, not for educational expertise.
8. *Local control over education becomes a thing of the past. Charters with the state displace Georgia's constitutional requirement that local boards of education must manage and control schools in their districts.* Charters obviate local control, formerly exercised by parents and taxpayers that could influence education through elected local school boards. Charters, seemingly, transfer power over schools to the appointed State School Board, but in reality the power winds up in the federal Department of Education and education elitists, whose attitudes were clear in 1993 as S.B. 74 passed. Those sentiments have only deepened.
9. *Federal laws, rules and regulations cannot be waived.* So, charter schools are under de facto control of the country's most non-local government, the Fed. Charter schools can waive state and local laws, rules, policies and regulations, but they must obey federal laws, such as Goals 2000: Educate America Act and No Child Left Behind. Such laws emphasize global citizenship and denigrate national patriotism. They dumb-down students with whole language curricula and use confidential psychological techniques to strip away their values, modify behavior and instill situation ethics to replace absolutes of right and wrong.

No Child Left Behind mandates a civics and government course 32 international reviewers from 18 foreign countries influenced. Of the 32 reviewers, 17 are in Iron Curtain nations and 6 from Nazi Germany. Contributors and reviewers are listed in Appendix D, pages 161-171 of the *National Standards for Civics and Government*, a Center for Civic Education 1997 reprint, funded by the U.S. Department of Education and The Pew Charitable Trusts.

Everyone agrees there's something drastically wrong with and in education, but local control doesn't even make the list of things that must be changed before children in the U.S. can get a good education in public schools. Yet, local control is blamed, targeted and is being destroyed.

Operation Wetback Worked in 1954. Let's Do It Again!

If retired General Joseph "Jumpin' Joe" Swing is still living, let's get him back as commissioner of Immigration and Nationalization Services to continue his great work in Operation Wetback. In 1949 U.S. Border Patrol had apprehended nearly 280,000 illegals and over 885,000 by 1953, just before President Eisenhower took office in 1954. So, he appointed Jumpin' Joe to head U.S. Immigration and Naturalization Services, close the border and send illegals back home.

General Swing, one of Ike's former classmates at West Point and veteran of the 101st Airborne, confronted the illegal alien mess by reclaiming the border between the U.S. and Mexico as a line not to cross without legal documents. He removed illegal aliens from the southwest, Utah, Nevada, Texas and Idaho with the 100 percent support of Congress and his friend, Ike.

Interestingly, *The New York Times* blamed the annual 1,000,000 illegal border crossings on a "curious relaxation in ethical standards extending all the way from the farmer-exploiters of this contraband labor to the highest levels of the Federal Government." Is that today's problem?

During Operation Wetback, California and Arizona coordinated state and local police agencies to work with 1,075 Border Patrol agents to stop the flow of illegals and remove those that were here. The 750 agents assigned to agricultural areas were expected to round up 1,000 illegals a day. On the first day of the operation in mid-July, 4,800 were apprehended. By the end of July, thousands of others had left on their own volition. By September, Texas reportedly had 80,000 in custody and INS boasted that 500,000 to 700,000 had left Texas voluntarily. Maybe that was INS braggadocio. But, buses and trains *were* used to take illegal aliens deep inside Mexico before releasing them, plus they used two hired ships, the *Emancipation* and the *Mercurio*, to ferry tens of thousands from Port Isabel, Texas to Veracruz, Mexico, some 500 miles south.

Operation Wetback transferred corrupt officials. Perhaps the most effective thing General Swing did was to transfer some very entrenched immigration officials to other parts of the country, where they had no political connections with corrupt individuals who could pay them off for not cracking down on illegal alien workers and their employers.

Today, 12 to 20 million illegal aliens are in the U.S. and it's estimated that 85 percent of the Mexicans who've set up residence in this country came here illegally, with more coming every day. But, there's a reason for that. The government of Mexico encourages them to come.

Sending illegal aliens into the U.S. is a prime project of Mexico. The average Mexican looking for a way into the U.S. can thank the Mexican Government for publishing a comic book of pictures and advice on exactly how, when and where to cross the river and not get caught. It tells how to safely travel to U.S. cities, avoid police and call for help if they're stopped. The comic book was downloaded from <http://www.sre.gov.mx/tramites/consulares/guiamigrante/>.

ACTION – Ask U.S. senators to (a) VOTE NO on the immigration law, (b) insist that borders be closed and (c) current laws enforced. *FLASH!* It was done in 1954 and they can do it now.

1. **Senator Saxby Chambliss:** Savannah, 912 232-3657, Fax 912 233-0115; Augusta, 706 738-0302, Fax 706 738-0901
Macon, 478 741-1417, Fax 478 741-1437; Atlanta, 770 763-9090, Fax 770 226-8633; Moultrie, 229 985-2112, Fax 229 985-2123; Washington, D.C., 202 224-3521, Fax 202 224-0103;
Toll free, 1 800 234-4208 or <http://chambliss.senate.gov>

2. **Senator Johnny Isakson:** Atlanta, 770 661-0999, Fax 770 661-0768; Washington, D.C., 202 224-3643, Fax 202 228-0724 <http://www.isakson.gov/contact.cfm>

Georgia Insight is a conservative publication financed entirely by its recipients.