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The Intersection of Religious Charter Schools and Urban Catholic Education: A Literature Review

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This paper analyzes how an emerging form of schooling–"religious" charter schools–may influence the future of urban Catholic elementary education in America. Specifically, it synthesizes the literature related to religious charter schools and Catholic education. The paper investigates if a common understanding of religious charter schools is salient in the literature. In addition, it analyzes the benefits and challenges to this type of school within the context of Catholic education. The synthesis of the literature on the interplay between religious charter schools and urban Catholic elementary schools is the first of its kind. The conclusions of this paper indicate that while the religious charter school terminology is problematic when used in discussions about the future of urban Catholic elementary schools, the concept of such schools merit further reflection and research. These amorphous schools may provide new opportunities and benefits to the Catholic community and others invested in urban education, but they are challenging to implement in practice.

The most likely beneficial scenario that emerged in the literature is the leasing of former Catholic school facilities to charter schools and subsequently developing before- or after-school religious education programs when there is no alternative to closing a parochial school. In addition, developing positive relationships with charter schools may result in additional income for struggling urban parishes as well as opening new doors for religious education programming and outreach to the urban poor. Challenges to religious charter schools within the context of Catholic education include church and state complications related to public funding, religious identity issues, legal concerns, increased competition for Catholic schools, and the fact that they are not Catholic schools. Lastly, there is no clear legal consensus on the viability of public charter schools that accommodate religion. This invites the need for scholarly research, advocacy, and public policy work by those interested in the future of urban education in America.

Two salient trends in American education—urban Catholic elementary school closings and charter school growth—provide the immediate background for this paper. Catholic schools are facing numerous

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threats to their sustainability and the growth of public charter schools is perceived by some education experts as one of these threatening factors (Hamilton, 2008; Lackman, 2012; Saroki & Levenick, 2009). This paper analyzes how an emerging form of schooling—"religious" charter schools—may influence the future of urban Catholic elementary education in America. The most succinct, catch-all definition of religious charter schools offered in the literature posits that a school may be considered a religious charter school or "faith-based" in the broadest sense of the term "because the parents started it because of their faith" (Weinberg, 2008, p. 146). However, this does not necessarily mean that the founders view their school as faith-based or religious. Even though this description may sound confusing, contradictory, or even esoteric, the existence of these schools demands scholarly attention.

Within the public charter school sector, there are particular schools that fall into this subclassification—religious charter schools—and based upon the literature the implications of their existence and potential growth are increasingly significant for the Catholic school sector. However, there is not currently a clear consensus regarding a working definition of religious charter schools (Weinberg, 2009). In addition, there is no synthesis of the literature or research-based investigation of the potential challenges and benefits that religious charter schools may pose to Catholic education. This paper offers the first synthesis of religious charter school literature with a specific focus on the relationship between religious charter schools and Catholic education in the United States.

Catholic School Closings

The American Catholic school system reached its pinnacle in the mid-1960s. In 1965–1966, 13,292 Catholic schools enrolled approximately 5.6 million students (Convey, 1992). The National Catholic Education Association (NCEA) statistics for the 2011–2012 academic year reveal that Catholic school enrollment is just over 2 million students in 6,841 schools. This is more than 60% fewer students and just over half the number of schools compared to the mid-1960s (McDonald, 2012). However, there is an even greater concern regarding Catholic school closing trends in the urban or inner-city sector compared to Catholic schools in general with the most serious closing trends found in the elementary schools (McDonald, 2009; United States Department of Education [USDOE], 2008).

Charter Schools

At the same time that urban Catholic elementary schools are experiencing drastic declines, another trend related to urban education is moving in an opposite direction—the rapid growth of charter schools (Center for Education Reform, 2010; Columbia Graduate School of Journalism, 2009; USDOE, 2011). A charter school is a publicly funded school that operates independently of the local school district with the intent of providing greater autonomy and accountability for the individual school. The Center for Education Reform (2009) states that charter schools are "innovative public schools that are accountable for student results" that are designed by educators, parents, or civic leaders; open and attended by choice; and free from most rules and regulations governing conventional public schools (para. 1).

A charter school may also operate in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency (USDOE, 2004). In fact, the U.S. Department of Education (1997) found that the most common reasons for founding charter schools are: to realize an educational vision; have more autonomy over organizational, personnel, or governance matters; serve a special population; receive public funds; engender parent involvement and ownership; or attract students and parents. This charter school start-up profile matches the same factors considered by Catholic and other religious educational populations when considering the needs of their prospective school communities—a particular mission or purpose, autonomy or decentralization, and a focus on parent and community involvement (Bryk, Lee, Holland, & Carriedo, 1984; Coleman, Hoffer, & Kilgore, 1982; Convey, 1992; Greeley, 1982).

Charter School Growth

Charter schools are a fast-growing educational sector, boasting steady annual growth over the past several years. For example, the first charter school opened in 1992 and just six years later nearly 800 schools were opened in 29 states and the District of Columbia, serving 100,000 students (Georgiou, 2005). During the 2004–2005 school year 3,400 schools were opened across 40 states and the District of Columbia, enrolling almost a million students (Center for Education Reform, 2010). Current statistics show that more than 5,700 schools are serving approximately 1.9 million children across the United States (Center for Education Reform, 2011).

Charter school enrollment now represents almost 3% of all K–12 student enrollments in the United States (USDOE, 2009). In contrast, private schools currently account for approximately 10.5% of student enrollment nationally (USDOE, 2011). To help illustrate the charter school market share comparison related to Catholic schools, consider the following. In 1960, Catholic schools represented the lion's share of all private school enrollments at almost 90% (Convey, 1992). Today, Catholic schools represent fewer than 40% of private school enrollments (Convey, 1992; USDOE, 2008). This translates into an overall market share of just 4.4% for Catholic schools compared to twice that market share at their peak in 1960. As urban Catholic schools face what seems like the possibility of virtual extinction, charter schools are enjoying unprecedented growth and support (Bruce, 2009; Center for Education Reform, 2009; Hamilton, 2008; Kennedy, 2012).

This paper explores an alternative and more complex possibility. Instead of thinking of charter schools as competitors that are overtaking the Catholic marketplace, perhaps a more symbiotic relationship can exist between these two sectors. For example, Catholic school populations may have substantial influence over the formation of the growing charter school sector. Since charter schools tend to serve similar populations in similar geographic areas as urban Catholic schools, Catholic school supporters in these areas might benefit from working with and learning from charter schools versus viewing them as competitors (Filteau, 2012). In circumstances where urban Catholic schools have no other option besides closing their doors, they may find that contributing positively to the conversation and development of charter schools is more beneficial to the students and communities they have historically served than merely sitting idly by as another school is closed and the Catholic voice in the community disappears. In fact, charter schools may provide new options and models of education for Catholic communities seeking sustainable models of schooling (Kennedy, 2012). Envisioning what this new model of schooling may look like in practice is complex, uncertain, and perhaps controversial to even consider, but if Catholic schools take seriously O'Keefe et al.'s call to "innovate or perish," any and all options for new models of Catholic schools should be explored (O'Keefe, Greene, Henderson, Connors, Goldschmidt, & Schervish, 2004, p. 62).

Review of Religious Charter School Literature

Religious Charter Schools and American Education Today

The assumption that only Catholic or overtly religiously affiliated schools can accommodate a faith-based education leads to a core theme of this literature review—the emergence of religious charter schools and their potential influence on the Catholic educational sector and beyond. Cooper and Randall (2008) define a third educational sector, residing between the traditional private and public school sectors. This new sector consists of charter schools, voucher programs, increasingly diverse private schools, and the opening of new "religious charter schools" (Cooper & Randall, 2008; p. 217). The topic of charter schools is already highly political and polarized. Adding a religious component raises the debate to new levels. This still undefined sector of schooling challenges basic assumptions about the very nature of schooling in America and requires additional investigation (Cooper & Randall, 2008; Daniel, 2007; Harvard Law Review Association, 2009; Weinberg, 2007).

The most lucid and definitive statement made in the literature about the general concept of religious charter schools is Weinberg's (2009) argument that charter schools allow "parents to create public schools that *accommodate* their religious beliefs," but "the Constitution, however, prevents parents from creating charter schools that *endorse* their religious beliefs" (p. 300). This statement underscores the reality that there must be a marked difference in how a religious charter school would undertake the business of religiosity in comparison to a private, religiously affiliated school. The primary complicating factor when considering any model of a religious charter school is determining exactly where the line is regarding religious separatism. For example, it is quite possible that a religious charter school could make many similar accommodations regarding religious beliefs as other religiously affiliated schools, it may close for religious holidays as a religious accommodation, provide space for its students to pray, and provide kosher or other religiously required foods, but it may not require students to pray or endorse any particular religion (Weinberg, 2008, 2007). When conducting a constitutional analysis of the Establishment Clause, the flexibility toward the separation between church and state as it relates to charter schools is unclear and still untested in the federal courts (Cooper & Randall, 2008; D'Adamo, 2008; Harvard Law Review Association, 2009; Hillman, 2008).

Governance Structure Lens

Religious charter schools may be viewed as a viable alternative model of schooling to Catholic schools or for local communities seeking a mission-based education. Some view this model of schooling as a competitor to Catholic schools and not as an option for an alternative governance structure that may be part of the solution to the Catholic school closing crisis (Ladner, 2007; National Catholic Education Association, 2009; Saroki & Levenick, 2009). Others view this model of schooling as a potentially promising alternative governance structure or option for Catholic schools in peril (Hamilton, 2008; Saroki & Levenick, 2009; Stephens, 2009). Regardless of the perspective that one takes on the role of religious charter schools in relationship to Catholic education, the emergence of this model affects the Catholic school sector and has even broader implications for American education. It has been argued that if religious charter schools, which are publicly funded, can successfully accommodate a faith-based education in practice then the face of public schooling in America may be radically different in the future (Bailey & Cooper, 2009).

Religious Charter Schools: What Are They Conceptually?

The classification "religious charter school" may seem to be a misnomer. The central reason is because the No Child Left Behind Act of 2001 states that a charter school "is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution" (e.g., SEC. 5210). This is consistent with church-state relations bearing upon other public schools in the United States. However, this does not mean that religion must be completely void from these schools. Consider the charter school program non-regulatory guidance statement that:

> As with other public schools, charter schools may not provide religious instruction, but they may teach about religion from a secular perspective. And though charter schools must be neutral with respect to religion, they may play an active role in teaching civic values. The fact that some of these values are also held by religions does not make it unlawful to teach them in a charter school. Furthermore, as discussed below, faith-based and religious organizations can be involved with charter schools in many ways, and religious expression by students is allowed in

> charter schools to the same extent as in other public schools. (USDOE, 2004, "Non-regulatory Guidance Handbook," p. 15)

Charter schools are ripe for developing a model of schooling not seen before in the United States—the religious charter school. Charter schools are autonomous by nature and their specific definitional purpose is to serve the needs of founding communities, plus they have the ability to teach religion and promote values held by religious.

A religious charter school is a conceptual term that is used in this review to demarcate a certain category of public charter schools. However, it should be noted that the federal government or state charter school legislation does not use the term religious charter schools. The reason for the distinction in terminology is to help categorize certain public charter schools that have established their particular purpose or mission based upon values or beliefs that coincide with religious values and beliefs. The term may also be applied to public charter schools that do not self-identify as faith-based or religious, but in practice the structure and composition of the school may come across to an objective party as highly reflective of a traditional religious school—with certain marked differences discussed in the subsequent sections of this review.

Religious Charter School Research

There is very little to report on the existing body of scholarly knowledge available on the topic of religious charter schools, and there is no synthesis of scholarly and popular literature. If a seminal piece of literature were to be identified, it would be Lawrence Weinberg's book *Religious Charter Schools: Legalities and Practicalities* (2007). This is the only published book with a specific focus on religious charter schools.

After providing a historical overview of the legal issues faced by private schools seeking public funding and addressing church-state relations to religious charter schools, Weinberg examines theoretical questions related to the operation and creation of religious charter schools; however, these questions are asked of hypothetical schools (Weinberg, 2007). This book is not an empirical study, but Weinberg does makes important clarifications regarding religious charter schools that set the stage for future debate and research on this new category of schools. Weinberg's best attempt at defining these schools is that religious charter schools are simply charter schools that in some sense are based on faith (Weinberg, 2008). He concludes his book with the argu-

ment that religious charter schools present an opportunity for parents and communities to form schools that will accommodate their beliefs; however, the Constitution does not allow them to form schools that endorse their beliefs (Weinberg, 2007). This is a reoccurring theme—public charter schools can teach and accommodate religion, but they cannot endorse religion. It is an issue of "neutrality" when considering how religion can be accommodated in the classroom (*Locke v. Davey*, 2004; Weinberg, 2007; *Zelman v. Simmons-Harris*, 2002). At the time of Weinberg's first publication, he did not identify any existing religious charter schools that might be considered "Catholic," but he alluded to the potential reality. As it turns out, public charter schools that accommodate faith, as Weinberg's definition of religious charter schools suggests, are a current reality—and a growing one.

Religious Charter Schools and Catholic Education

Weinberg did not focus specifically on the potential interplay between religious charter schools and Catholic schools in his work published in 2007, but headlines are now plentiful regarding new "controversial" moves by certain archdioceses to "convert" failing urban Catholic schools to public charters (Brinson, 2010; Hernandez, 2009a; Rodriguez-Soto, 2009; Robelen, 2008; Vitello & Hu, 2009; Weinberg, 2009). The question of Catholic school conversion to public charters hit the national scene when the Archdiocese of Washington began discussing the conversion of eight Catholic parochial schools to public charters because the Archdiocese could no longer afford to keep them open (Labbé, 2007).

The evolution of the charter proposal discussion for these Catholic schools hit national news, and in 2008 *USA Today* reported on the Archdiocese's plan to "convert a handful of schools to secular 'values based' charter schools that reflect Catholic morality, but don't overtly teach church doctrine" (Toppo, 2008, p. 13D). Subsequently, the charter was approved and seven former Center City Consortium Catholic schools were converted to the Center City Public Charter Schools in 2008, which operate on six campuses in Washington, DC (Center City Public Charter Schools, 2010). More recently, another large-scale model of Catholic school conversion has been adapted in Miami, Florida. The Archdiocese of Miami's conversion of eight Catholic schools to public charters in 2009 includes the addition of offering religious instruction after school (Brinson, 2010; Rodriguez-Soto, 2009). This additional higher-profile public charter school conversion confirms that while controversial within the Catho-

lic community and wider public community, embracing public charter schools in lieu of shutting urban Catholic school doors completely is being put into practice. What remains contested is a public charter school's ability to maintain a Catholic identity or any religious identity at all.

The Controversy Surrounding Religious Charter Schools

Immediately following Weinberg's publication, the topic of religious charter schools gained national attention outside the Catholic school universe. Several charter schools have come under great scrutiny regarding the alleged inappropriate and illegal promotion of religion—Islam and Judaism, specifically—while functioning as publicly funded charter schools (Bailey & Cooper, 2008, 2009; D'Adamo, 2008; Daniel, 2007; Feldman, 2007; "Florida Charter School Halts," 2007; Gootman, 2009; "Lawsuit Says," 2009; Lemagie, 2009).

In one case, the ACLU filed suit in 2009 alleging that the public school TIZA promotes the Muslim religion, violating the Constitution's first amendment (Lemagie, 2009). The school filed a counter-suit claiming defamation (Boldt, 2009). In 2011 TIZA closed its doors, but the school's successes and failures are still being reflected upon (Kubitskey, 2012; "Lessons to learn from troubled TIZA," 2011). In another case, Ben Gamla Charter School was ordered by the county superintendent to discontinue Hebrew classes in 2007 until school officials could determine whether teachers were advocating the Jewish faith in contrast to public charter law ("Florida Charter School Halts," 2007). After further review, concerns were cleared up and the school resumed its Hebrew classes (Associated Press, 2007). In fact, the founder of Ben Gamla has since spoken of the possibility of creating a network of Hebrew language charter schools across the country, a concept that is attracting attention from sociologists, educators, and community leaders focused on strengthening Jewish identity and culture (Gootman, 2009). Despite controversy, religious charter schools have weathered initial storms and their evolution continues. They are finding ways to walk the delicate line between church and state and provide culturally relevant and responsive education to their students. Providing a culturally relevant and responsive education is a key component for urban Catholic elementary schools to continue to strive for despite the shifts in their historical purposes (Bailey & Cooper, 2009; O'Keefe & Scheopner, 2009).

Concerns and Benefits Noted in the Catholic Community

In addition to the controversy surrounding the Establishment Clause, percep-

tions about a loss of religious identity and mission once a Catholic school is turned into a public charter have been discussed theoretically by select scholars and noted in popular media stories (Bailey & Cooper, 2008; Hernandez, 2009a, 2009b; Morken & Formicola, 1999; Robelen, 2008; Russo & Cattaro, 2009). They have also raised concerns about increased competition for students from public charters, thus questioning their appropriateness and sustainability as an alternative governance structure for Catholic education supporters (Brinson, 2010; Cavanagh, 2012; National Catholic Education Association, 2009; Russo & Cattaro, 2009). However, other Catholic school sympathizers speculate that these newly formed schools may offer new possibilities to a Catholic system that is struggling deeply with too few meaningful alternative solutions identified to help ailing urban Catholic schools (Brinson, 2010; Hamilton, 2008; Smarick, 2009).

Potential benefits arising from the conversion of Catholic schools to public charters have been discussed in the literature (Hernandez, 2009a; Karp, 2009; Smarick, 2009; Stephens, 2009; Stern, 2009). For example, Susan Gibbs of the Washington Archdiocese noted that the new public charters were able to keep their former staff and most of their students; that 71% of the students in the converted schools were not Catholic in the first place; the parishes that now house the public charter schools get paid rent, which they can use toward after-school and religious education; and charter schools in Washington also spend $11,000 per child, much more than Catholic schools can afford to spend (Karp, 2009). In fact, the average tuition and per pupil costs for Catholic elementary schools are $3,383 and $5,486, respectively (McDonald, 2010). In addition, teacher salaries at the schools in Washington, DC increased 22% since the conversion (Hernandez, 2009a). In Miami, the main benefit of leasing former Catholic school facilities to public charter schools is the rental income received that directly supports the operating budget of the affiliated Catholic parish that may, in certain circumstances, literally save the parishes from financial ruin (Brinson, 2010).

In sum, the dominant concerns raised about Catholic schools converting to public charters are twofold. The first is the loss of religious identity and the ability to provide a gospel-based education, which is the core purpose of Catholic schools (United States Conference of Catholic Bishops, 2005). The second is the increased marketplace competition of new charter schools that are "free" for the educational consumer and offer greater financial stability for the institution and its employees (Cavanagh, 2012). The main benefit of converting failing Catholic schools to a public charter school is more money—much

more—for the new charter school and the community it serves. Regardless of any particular constituency's opinion about public charter schools that accommodate particular values and beliefs, it is clear that these schools do exist and are becoming more prevalent in many states with Catholics and Evangelical Christians poised to embrace them in larger numbers (Bailey & Cooper, 2008, 2009). What is lacking in the literature is a consensus of exactly what it means when a school is described as a religious charter school. It is virtually impossible to determine the merits and pitfalls of a type of school that is misunderstood. In fact, Weinberg's most recent publication is aptly titled "Religious Charter Schools: Gaining Ground yet Still Undefined" (2009). A clear leader in this emerging field recognizes the ambiguity surrounding religious charter schools.

Discussion

Charter School Terminology

In the literature reviewed, several different terms are cited related to the topic investigated in this paper—religious charter schools. The most commonly used terms are "faith-based" charter schools and "religious" charter schools (Bailey & Cooper, 2009; Cooper & Randall, 2008; Russo & Cattaro, 2009; Weinberg, 2007, 2008, 2009). These two terms and others are often used interchangeably. The broad and ambiguous understanding of the term religious charter school exhibited in the literature presents as problematic from a Catholic schooling perspective. Catholic schools are rooted in a deep and long-standing religious tradition. They were established to serve immigrant Catholic populations by enabling them to preserve, practice, and spread their Catholic faith (Buetow, 1970; Walch, 2003). Furthermore, the U.S. Catholic Bishops have committed themselves and the entire Catholic community to the goal that "Catholic schools will continue to provide gospel-based education of the highest quality" (United States Conference of Catholic Bishops, 2005, p. 2).

Given this historical Catholic context, using the term religious charter school to describe a potential alternative governance model of schooling in association with the Catholic Church is incongruous. This becomes especially apparent when considering the need to separate or compartmentalize the religious or faith-based aspects of a religious charter school because of legal restrictions. As such, it is unlikely that the term will provide much useful or constructive meaning within the Catholic community based upon the literature reviewed. Rather,

what has the potential to be profoundly meaningful to the Catholic schooling community is researching possibilities related to public charter schools that specifically set out to accommodate particular values and belief systems that coincide with the values of traditional Catholic schools.

Religious Charter School Concept

The problematic nature of the religious charter school term reflects a similar issue associated with the general concept of a religious charter school. Preferred terminology aside, conceptualizing a common understanding of a religious charter school in practice is also a moving target in the literature reviewed. A familiar situation that is prevalent in popular media articles is the reality of urban Catholic elementary schools closing and charter schools opening in their place (Hernandez, 2009b; Robelen, 2008; Rodriguez-Soto, 2009). This is sometimes referred to as Catholic school "conversions" or Catholic schools "converting" to charter schools (Smarick, 2009; Vitello, 2009). While there is no body of scholarly research that evaluates how these so-called conversion schools function in practice, there are a few important facts in the popular literature about Catholic school "conversions" in the Archdioceses of Washington, DC and Miami.

One fact about the Washington, DC Catholic schools "conversions" is that the vast majority of students (approximately 70%) in the former Catholic schools were not Catholic, and therefore the new public charter schools had limited Catholic populations (Smarick, 2009). Second, it was reported that "secular values have replaced the religious curriculum" at the new charter schools and religious elements have been "purged" (Stephens, 2009). Third, once the Catholic schools in Washington, DC and Miami became charter schools they were no longer Catholic schools operating under the jurisdiction of the Archdiocese—they were simply "secular public charter schools" (Brinson, 2010; Smarick, 2009; Stephens, 2009). This is an important point of clarity when discussing potential models of religious charter schools.

The literature strongly posits that when a Catholic school closes its doors and reopens as a charter school, it reopens as a secular, public charter school and is no longer Catholic in any way. The literature also supports the idea that "conversions" are not acceptable models of religious charter schools. It can therefore be argued that one aspect of the common understanding of religious charter schools is that Catholic school "conversions" do not qualify as an acceptable model of religious charter schools.

There is no evidence in the literature indicating that Catholic educational communities prefer closing their school doors in favor of opening public charter schools. However, in the absence of strong and viable alternatives that will sustain struggling urban Catholic elementary schools, all Catholic school supporters and parish communities that run Catholic schools must reflect deeply on the role that charter schools can play when schools and potentially entire parishes face closure. Choosing not to respond to the Catholic schools closing crisis in new and meaningful ways is no choice at all. The literature reviewed suggests that practitioners should investigate relationships with local charter schools and reputable charter school management organizations in order to determine how they might be beneficial partners to Catholic schools and the associated parishes that face worst case scenarios. This paper also illuminates a new perspective that in many senses, Catholic education communities are uniquely positioned to capitalize on the continued growth of charter schools and the inherent complementary nature of these schools, potentially allowing them to benefit former, urban Catholic school populations.

Religious Charter Schools in Practice

Wraparound programs and the Miami experience

There were two main opportunities noted in the Archdiocese of Miami report related to leasing former Catholic school facilities to charter schools. One was securing new funds for the financially struggling urban parishes that could no longer support their parochial schools and the second was to potentially provide a "public school with a private school feel" as an alternative to failing district public schools while meeting the religious education needs of those children through other avenues (Brinson, 2010, p. 3). As previously stated, the report notes that the charter schools in the former Catholic school facilities are secular, public charter schools. However, the report does discuss many similarities between the charter schools selected as tenants and Catholic schools such as school uniforms, safe and disciplined learning environments, and a focus on character development (Brinson, 2010).

The perspective shared in the Miami report is that if a charter school can provide a similar academic experience as a Catholic school for "free," then that is an attractive option to investigate for families in urban areas where Catholic schools are closing as opposed to having empty school buildings. A potential answer to the loss of a religious education component comes from "strength-

ening other venues for religious formation" and this might include the development of wraparound programs (Brinson, 2010, p. 4). Unfortunately, there is no solid data available yet on the proposed plans of "growing" religious education programs for the charter school and parish communities (Brinson, 2010, p. 14). In fact, Brinson (2010) notes that some people are already wondering if opportunities to create stronger religious education programming have already been missed at the parishes that house charter schools in the Archdiocese of Miami.

Financial Benefits of Religious Charter Schools

In the literature reviewed, there is one crystal-clear benefit to religious charter schools in comparison to ailing urban Catholic elementary schools—increased funding. The evolution of the detrimental financial state of urban, Catholic elementary schools has been documented for decades (Cibulka, O'Brien, & Zewe, 1982; Greeley, McCready, & McCourt, 1976; O'Keefe et al., 2004). As a result of financial constraints as well as other demographic factors, urban Catholic elementary schools have continued to close (McDonald, 2011; O'Keefe & Scheopner, 2009). In fact, the literature always implicitly acknowledges that the primary benefit to exploring such an option is a significant increase in funding (Brinson, 2010; Hamilton, 2008; Karp, 2009; Morken & Formicola, 1999; Smarick, 2009; Stephens, 2009). As is the case in the Miami report, the obvious impetus behind investigating potential relationships with charter schools is the dire financial straits of not only the urban, parochial schools, but also the financial health of the parishes running the schools.

As the limited literature is evolving on the topic of religious charter schools, it seems as though an emerging benefit might be the rental income received from reputable, secular public charter schools leasing former Catholic school facilities (Brinson, 2010; Hamilton, 2008; Smarick, 2009). One of the reasons provided for the willingness to allow public charter schools to operate in former Catholic school facilities in the Archdiocese of Miami were the various similarities between charter schools and Catholic schools (Brinson, 2010). The option of replacing Catholic schools with secular public charter schools was never touted as the most attractive option to save or replace failing Catholic schools in the Miami report, but rather it was presented more like a necessary surgical procedure that ultimately would have a more positive effect on the local community formerly served by the Catholic school than the alternative of doing nothing (Brinson, 2010). Furthermore, when viewed through the Cath-

olic social teaching lens of the Church and in light of the urban, poor communities that Catholic schools have historically served, investigating such options may been seen as compulsory. This is a different angle regarding the benefits of public charter schools to a Catholic parochial community. Although some dioceses may not embrace this approach, it appears to be worthy of further reflection and investigation (Brinson, 2010; Sullivan, 2012).

Religious Charter School Challenges: Legal and Religious

When entertaining religious charter schools as alternative governance structures for Catholic schools, a multitude of potential complications are raised in the literature reviewed about legal restrictions and requirements. These complications range from the demographic make-up of governing boards to different staff certification requirements for public school employees (Cooper & Randall, 2008; Russo & Cattaro, 2009). However, governing boards and increased accountability regarding academic excellence were not the core concern noted in the literature related to public funding and religious charter schools. The main concerns that surfaced in the literature reviewed all stem from the more restrictive legal requirements regarding religious practice and faith formation at public schools (Bailey & Cooper, 2008; Morken & Formicola, 1999; Robelen, 2008; Russo & Cattaro, 2009). These legal and religious complications set the table for inherent challenges and external opposition to the creation of religious charter schools.

Legal concerns. Church and state issues are consistently highlighted as the chief concern associated with religious charter schools in the scholarly and popular literature reviewed (Bailey & Cooper, 2008, 2009; Cooper & Randall, 2008; Daniel, 2008; Feldman, 2007; Hillman, 2008; "Lawsuit Says," 2009; Lemagie, 2009). There have been high-profile legal contests alleging inappropriate and illegal promotion of religion at two charter schools often associated with Islam and Judaism (Bailey & Cooper, 2008, 2009; D'Adamo, 2008; Daniel, 2007; Feldman, 2007; "Florida Charter School Halts," 2007; Gootman, 2009; "Lawsuit Says," 2009; Lemagie, 2009). One of the schools, Ben Gamla Charter School, remain in operation today and is seemingly in compliance with federal and state law. However, the concern illustrated in the literature reviewed that religious charter schools are likely to face severe legal opposition is justified and significantly dampens any attractiveness to this model of schooling for those seeking new governance structures to aid Catholic schools (Kubitskey, 2012; "Lessons to learn from troubled TIZA," 2011).

The general perception in the Catholic school literature on the topic is that adding a religious or Catholic component to charter schools would set off too many alarms regarding the separation of church and state, raise heated debates about who has rights to what funding, and seemingly derail any attempts at establishing religious charter schools that serve the interests of Catholic school advocates. However, what is noteworthy when reflecting upon the potential legal challenges is that the literature is not yet conclusive regarding how the courts will treat the constitutionality of religious charter schools at the federal level. This begs the question, if a grassroots community of Catholics and others sympathetic to Judeo-Christian values started a charter school based upon their "beliefs," would it be legal and successful? Theoretically, the question can certainly be answered in the affirmative. The fluidity in the application of the Establishment Clause invites advocacy and policy engagement on behalf of the Catholic community and those seeking values-based educational opportunities for urban communities.

Religious concerns. The literature that targets the legality of religious charter schools does not posit a definitive position on the topic. Weinberg's most recent work concedes that because the Establishment Clause line is unclear on the topic of religious charter schools, a discussion of legally permissible religious practices and activities related to these schools must take place in broad terms (Weinberg, 2009). The few legal scholars that have directly addressed the topic of religious charter schools all note that how the courts will eventually treat this topic as it relates to the separation of church and state is yet to be determined. Even the *Harvard Law Review* asserts that its own analysis of religious charter schools is filled with "maybes" and "mights;" however, all of the legal reviews agree that the time will come when the courts and legislators will be forced to revisit the issue of publicly financed education as it relates to religious charter schools (D'Adamo, 2008; Harvard Law Review Association, 2009; Hillman, 2008).

In light of the literature reviewed, it is somewhat surprising that there is no mention of any Catholic community attempting to establish a religious charter school to serve a former Catholic school community or the urban poor if solely as an attempt to see how the legal analysis will ultimately play out in practice. While it is true that certain states have more restrictive anti-establishment legislation than others, advocating for educational opportunity and public funding is nothing new for Catholics in America (Buetow, 1970; Walch, 2003). Rather, the limited enthusiasm to push hard for religious charter schools among Catholics seems to be grounded in the belief that no matter

what the courts might determine in the future, religious charter schools will never possess a religious identity akin to a Catholic school. This perception of the negative effects that public school funding would have on the mission and religious identity of any religious charter school attempting to mimic aspects of a Catholic school is the dominant paradigm exhibited in the literature reviewed (Bailey & Cooper, 2008; Hernandez, 2009a, 2009b; Morken & Formicola, 1999; National Catholic Education Association, 2009; Robelen, 2008; Russo & Cattaro, 2009).

This viewpoint is grounded in the definitive, reoccurring statement about religious charter schools' severe limitation when it comes to assessing their ability to overtly serve a faith community—they cannot endorse a particular religion (Weinberg, 2007, 2008, 2009). Based upon the literature reviewed the possibility of losing a core purpose of Catholic education—to provide a gospel-based education—appears to be too big of a risk for the Catholic community despite the significant increase in funds associated with charter school legislation (United States Conference of Catholic Bishops, 2005).

It is completely understandable that Catholic school advocates are not able to fully embrace an alternative governance structure such as religious charter schools given the fact that they cannot endorse the Catholic faith. Given the deep historical tradition of Catholic education it is quite apparent that forgoing such a central component of the purpose of Catholic education cannot be an option no matter how much revenue such a concession would yield. It can also be inferred that due to the weakened financial position of many Catholic parishes coupled with an insipid reception of religious charter schools because of religiosity concerns, Catholic communities may not be well positioned nor motivated to fight this particular legal battle. Having all of that said, when reflecting upon the literature reviewed concerning the potential of the wraparound programs, it seems as though the question of how a religious charter school might be beneficial to certain Catholic communities should not be discarded prematurely.

Catholic School Future Viability: How Charter Schools May Help

The most likely scenario that emerged from the literature is the leasing of former Catholic school facilities to charter schools, and subsequently developing religious education programs to serve the charter school population and the surrounding parish community. While this relationship would not necessarily be viewed as an alternative governance structure for Catholic schools nor

perceived as establishing a religious charter school, it very well may provide for critical needs of the Catholic Church in urban America. It is quite possible that developing positive relationships with charter schools can result in receiving much needed additional income for struggling urban parishes as well as opening new doors for religious education programming and outreach to the urban poor.

The vision suggested by this paper is to view empty Catholic school facilities and charter school growth as an opportunity. One can speculate that the Catholic Church is uniquely positioned to capitalize on this situation in order to aid the larger Church as a whole, if not Catholic education. The conversation is therefore redirected from debating the issue of losing religious identity at a "religious" charter school to seeking beneficial alternatives to having empty school buildings on parish grounds that may save entire parish communities. Furthermore, in the cases where a majority of non-Catholic urban poor were attending Catholic schools that close, continuing to serve these populations by leasing to public charter schools must be considered in light of Catholic social teaching and the common good.

The Catholic parochial school has historically served the educational needs of urban communities, the poor and the marginalized. With the various demographic and financial shifts that have occurred over the past 40 years this reality is changing. As urban Catholic elementary schools continue to close, parishes should consider revisiting their religious education programs and how they serve their local communities. Just because a parochial school is forced to close, it does not necessarily mean that providing multiple forms of religious education to the local community must cease. There are still opportunities to develop alternative religious education programs, youth ministry, and formal catechises such as the Confraternity of Christian Doctrine (CCD). In particular, in cases where charter schools lease former Catholic school facilities, the development of new religious education programs that can serve both the student body before and after school hours and the parish community merit serious consideration. These new programs may be a viable alternative to providing a traditional Catholic school education in the most severe circumstances when a parish school must close.

When it comes to identifying benefits and challenges to such schools, it can be argued that the exploration of how charter schools and Catholic schools may be mutually beneficial to each other is not yet complete. If charter schools are complementary to Catholic schools in a multitude of ways—save the explicit religiosity component—then perhaps there are ways for these two sectors

to serve each other in a positive fashion.

Implications and Recommendations for Further Research

Further research on the topic of religious charter schools is needed. Current research on the topic of religious charter schools is exclusively based in theoretical analysis. While models of religious charter schools are identified in the literature, there are no scholarly field-based case studies on the religious charter schools noted in the literature. Further research that focuses on particular schools that are classified as religious charter schools in the literature would provide much needed insight into how these schools actually function on a day-to-day basis and how separatism regarding church and state legislation is actually achieved or not achieved. Ground-level research on charter schools that accommodate religious groups and share characteristics with Catholic schools is needed in order to illustrate what these conceptual schools are like in practice.

Further research on various aspects of the relationship between charter schools and Catholic schools is needed. The literature raises many questions about the dynamic between charter schools and Catholic schools. Specifically, the question of how charter schools are perceived as mutually beneficial to Catholic schools merits further consideration. In addition, the literature points to a very specific situation that exists today in practice—when charter schools lease space in former Catholic school facilities. Further research that investigates an array of variables associated with these situations may prove beneficial.

Recommendations include conducting analyses as to how Catholic schools and charter schools compete or do not compete for resources in local communities when a charter school opens in the place of a former Catholic school; investigating the benefits and challenges of developing working relationships between charter schools and Catholic schools; surveying urban families' perceptions regarding their educational desires at traditional public schools, charter schools, and Catholic schools; and assessing the rental income benefits and challenges associated with Catholic parishes leasing facilities to charter schools. Further research that identifies and analyzes religious education programs in association with charter schools that lease former Catholic school facilities may also provide beneficial insight into the feasibility and effectiveness of these programs when a parish school has no other option than to close

its doors.

Conclusion

The catalyst for this literature review and analysis was born from a conversation about the topic of religious charter schools and the evolving diversity of urban Catholic schools in America. A question posed at the time was, "How different are urban Catholic schools, really, from a concept of public charter schools that can accommodate particular values and even faith?"

Through investigating the literature on this topic two themes stood out. One, it is clear that the defining characteristic that sets Catholic schools apart from any public charter school is their historical mission and ability to embrace a gospel-based education. Two, public charter schools have the capacity to offer quality educational opportunities that are grounded in particular values and accommodate various religious beliefs. The ever-growing pluralistic society and competitive educational marketplace that currently define urban America, coupled with these two themes, raises more questions than answers for the future direction of urban Catholic schools and the potential for establishing public charter schools that accommodate religion and mirror characteristics of Catholic schools. Nonetheless, public charter schools that embrace particular values and accommodate traditional religious beliefs exist and require serious investigation.

This paper has further convinced the researcher that as the Catholic Church develops specific plans for urban Catholic education in America, the Church must move forward not in fear, but with hope. Hope that God will be found in all things and that the Holy Spirit is at work in all situations. Romanticizing the pinnacle of Catholic education in this country and conducting "business as usual" has proved to be nothing but detrimental to urban Catholic elementary schools. Having the courage to respond to the signs of the times with openness to new life is where the prayer of the Catholic Church and Catholic educators must reside. It is the spirit of renewal that has sustained the Catholic Church for over 2,000 years. It is this same spirit that must continue to be embraced when considering the future of urban Catholic education in America.

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