



POLICY STATEMENT ON CHARTERED PUBLIC SCHOOLS & RELIGION

In establishing charter schools in 1991, the MN Legislature created a new type of organization for providing public education opportunities for the young people in Minnesota. It provided a means for a nonprofit or cooperative group of educators, parents and community folks to be granted a “public charter” for the purpose of establishing new, different and innovative public schools. The charter law, MN Statute 124E.03 Subd.1 explicitly states that “*A charter school is a public school and is part of the state’s system of public education.*”ⁱ This means that, while the organization that governs a charter school is a nonprofit, the school program itself is a public school, and as such is a state actor.

Thus, the idea or concept of a “religious public charter school’ or a charter being granted to a sectarian organization is a fallacious concept. Such an institution is a violation of both the federal and state constitutions; such a school is contrary to the letter and spirit of Minnesota’s charter school law.

By virtue of the fact that charter schools are part of the public education system in Minnesota, charter schools are covered by the First Amendment. Thus, charter schools are subject to the Establishment Clause of the United States Constitution, which is often referred to as the “separation of church and state.”

“When applying the Establishment Clause to public schools, the Court often emphasizes the importance of ‘neutrality’ by school officials toward religion. This means that public schools may neither inculcate nor inhibit religion. They also may not prefer one religion over another – or religion over non-religion.” Thus, charter schools as public schools should not do anything that promotes a particular religion or faith.

The Minnesota Association of Charter Schools believes that, while public education and religious institutions both seek to instill civic and moral ideals in young people, public charter schools and religious institutions have different, distinct, and unique roles in the development of young people.

Therefore:

- **We expect that every** charter school has an initiative to assure that board members, administrators, teachers and staff members know and understand the constitutional and legal precepts that apply to charter schools with regard to the establishment clause, the accommodation of religious needs and requirements of students, and the teaching of religion in public schools.
- **We expect that every** charter school board has established policies to assure that the school is in compliance with the federal and state constitutions, laws and regulations regarding religious expression, accommodations of religious needs and requirements, and the teaching of religion in the school.

- **We expect that every** charter school has an initiative to continually inform and educate parents about the fact that charter schools are public schools and about the school policies related to religious expression, accommodation, and the teaching of religions in the school.
- **We expect that, if there** is a charter school whose policies or practices are going beyond what has been deemed constitutional in terms of accommodation or the teaching of religions, investigations of alleged violations should be undertaken by the proper authorities.
- **We further expect** that, if an investigation finds a charter school is violating the law or is acting contrary to the law, the school will immediately take action to reform its policies or practices. If a school does not act to correct the violations, we support the authorizer or the state taking action to terminate the charter and close the school.

A charter school that operates in violation of the basic tenets of the constitution and the law not only undermines the charter school community - it undermines religious liberty and democracy itself.

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ⁱ Charles C. Haynes, Sam Chaltain, John Ferguson Jr., David L. Hudson Jr., Oliver Thomas, [The First Amendment in Schools](#) (ASCD, Alexandria, VA/First Amendment Center, Nashville TN) 36.