

SFGate: Charter school's religious tone/Operation of South Bay academy raises church-state questions

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Monday, December 17, 2001 (SF Chronicle)  
Charter school's religious tone/Operation of South Bay academy raises church-state q  
Meredith May, Chronicle Staff Writer

A Sunnyvale school that was part of a network of 14 public charter schools may have crossed the line between church and state by applying for public education funds while teaching Islam to its students.

And in violation of state law, Silicon Valley Academy also collected tuition from parents after it became a charter school this fall, public records from Fresno and the school's Web site show.

In a type of arrangement that is raising concerns with state lawmakers, education officials and charter school advocates, Silicon Valley Academy was created as a spin-off of Gateway Academy Charter School, 130 miles away in Fresno.

Gateway is chartered through the Fresno Unified School District. As such, oversight of the charter and its 14 satellite schools -- from Oakland to Los Angeles -- falls to Fresno Unified. The district said it sent someone to visit Gateway schools but admits it's hard to keep tabs on things from so far away.

"We inspect these schools as soon as we find out about them, and so far all we've found is good teaching," said Fresno Unified spokeswoman Jill Marmolejo. "But it's difficult because there's a lot of travel, and we have 95 schools of our own to worry about."

An unannounced visit to Silicon Valley Academy by The Chronicle last week found Korans in the principal's office, along with children's picture books titled "My Little Qu'ran." Students reported studying Islam in class and praying with their teachers.

The academy appeared to operate like a private religious school, and parents picking up their children in the school parking lot said they thought it was.

In the principal's office, decorated with pictures of Mecca, parents wrote tuition checks. And the school's Web site promised to provide instruction and moral values based on dedication to Allah. The Web site also asked parents to pay \$350 to \$400 a month for tuition.

In an interview last week, the school's principal, Mazhar Jamil, stood below a sign describing Silicon Valley Academy as a kindergarten through sixth grade school while insisting he had only preschoolers on site. He referred questions about his school seeking charter funding to the Gateway phone number in Fresno.

The Web site, he said, must be outdated and was done by a volunteer.

State law prohibits public schools, including the state's growing number

of nearly 400 charter schools, from teaching religion or charging tuition.

Because charter schools hire their own teachers and choose their own curriculum, some critics say charter school leaders are misinterpreting that to mean they can do whatever they want, such as teach religion. A federal lawsuit is on appeal against a network of Waldorf charter schools in the Sierra foothills over teaching children about the Old Testament and Christian saints.

Gateway Superintendent Khadijah Ghafur, who said she was unaware of the situation at Silicon Valley Academy, severed ties with the school a day after The Chronicle called to ask about the school's religious mission.

#### 'HARD TO TRACK' THE MONEY

Although Silicon Valley Academy applied for about \$35,000 in monthly state funding for the months of September, October and November, Ghafur said the Sunnyvale school never got any public funds.

The state pays public schools based on last year's enrollment. Gateway listed enrollment of about 250 last year, so this year California reimbursed Gateway \$5,000 per student, a little more than \$1 million. Gateway adds the enrollment of all its campuses and submits one figure to the state, so it is impossible to verify which satellite schools are getting state funding.

"We pay Gateway, and they decide how to spend the money," said Colin Miller of the charter schools unit of the California Department of Education. "It makes it really hard to track where the money ends up without an audit."

Ghafur says the 85 pupils Silicon Valley Academy reported for the three months of this year won't be counted in state funding that has yet to be distributed to Gateway for the current school year.

State schools chief Delaine Eastin is threatening to withhold funding from Gateway in January if the school doesn't straighten out its financial and enrollment reports.

"There needs to be more controls, especially if a public school is doing something illegal, like teaching religion or charging tuition," Eastin said. "The idea of charter schools was not to create the McDonald's Happy Meal approach to education. The Legislature set up a limit to how many charter schools could operate in the state, but what good is that if one charter school multiplies and becomes 14?"

#### BESET BY PROBLEMS

The loss of state funding would only add to Gateway's growing list of problems.

The charter is \$1.3 million in debt, and it is asking Fresno for a \$900,000 loan to stay afloat.

The California Network of Educational Charters is the state's largest organization advocating charter schools. In a letter to Fresno Unified Superintendent Santiago Wood and copied to Eastin, the group has called for an investigation into Gateway curriculum and financing.

"We are gravely concerned these charters may be violating the law with sectarian practices and charging tuition, and we expect they will be investigated promptly," said Joe Lucente, president of the California Network of Educational Charters.

Gateway students also posted abysmal scores last year on the annual statewide Stanford 9 exam.

All of Gateway's seventh-graders and 11th-graders who were tested posted reading scores below their grade level. More than 80 percent of Gateway students tested in grades 2 through 11 read and compute below their grade level.

Four of the Gateway schools, including Blackhouse Learning Center in Oakland, were in violation of state law because they were operating as an independent study where students pick up schoolwork and schedule meetings with their teacher.

The state Education Code bars charters from creating independent-study

schools outside the county or neighboring counties where the original charter was granted.

"Gateway says they won't include the enrollment from the four independent-study schools, or Silicon Valley Academy, in their funding reports to the state, and we are going to monitor them closely," said Marilyn Sheppard, director of charter schools at Fresno Unified.

And in Oakland, the Institute of Human Excellence, a Gateway satellite school, was operating out of a city recreation center until it lost its lease - - which Principal Nabeehah Shakir blamed on "a tripling of the rent due to post-Sept. 11 anti-Muslim sentiment." Parks and Recreation Department Director Harry Edwards declined to comment about the school, referring questions to the city attorney.

On Nov. 30, the school packed everything into a U-Haul, and now the students are being home-schooled, Shakir said.

While most students are Muslim, she said, Shakir doesn't allow any religious teaching and is too busy spending time teaching students to read at their grade level.

**SATELLITES SPROUTED QUICKLY**

Fresno never imagined such a headache when it granted Gateway a charter to start a local school in 1998.

A group of community leaders and parents approached Fresno with a proposal to start a charter school with a program that integrates "academics, vocational skills, agricultural science and life skills."

The proposal did mention starting satellite schools in other districts in California.

With a contract, or "charter," from Fresno Unified, Gateway is free of the district office and board regulations and can pick its own teachers and curriculum. Fresno agrees to monitor the school for safety, finances and academic standards.

Gateway began holding classes in fall 2000, and within a year it had opened 14 more charter schools throughout California.

Four more Gateway satellite schools opened in Fresno, along with schools in Adelanto and Fontana (San Bernardino County); Bakersfield (Kern County); and Pomona, Compton and Alhambra (all in Los Angeles County).

One Gateway school, Miramonte Learning Center, is located in a gated Muslim community hours down a two-lane winding road, deep in the snowy Fresno foothills. Chronicle staff members who showed up at the school were allowed on the campus grounds but were turned away from the school by teachers and the principal.

It's highly unusual for charter school networks to proliferate without informing the school district that granted the original charter, said Lucente, the California Network of Educational Charters chief.

"It's not a law, but it's standard procedure that you get permission from the original chartering agency before you expand," he said.

Fresno Unified spokeswoman Marmolejo said, "We had no idea they were going to do this without telling us."

A Fresno assemblyman wants to close the loophole that allowed Gateway's operators and others in California to open satellite campuses hundreds of miles from the school district that granted them their original charter contract.

Republican Mike Briggs was amazed to learn his local school district now has responsibility for more than a dozen schools that are operating half a state away.

"In January, I'm going to introduce a bill that will require charter schools to operate within the county where they got the charter contract," he said. "It only makes sense that the county needs to be able to inspect it and keep an eye on it."

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## ADL Letter to California Department of Education

January 10, 2002

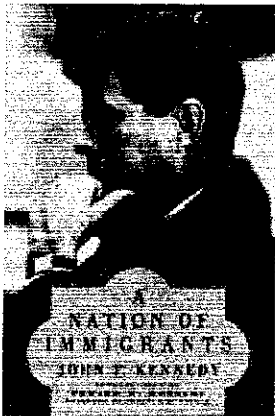
State Superintendent Delaine Eastin  
 California Department of Education  
 721 Capitol Mall  
 Sacramento, CA 95814

Dear Superintendent Eastin:

We are writing you to express our deep concern and outrage over state funding of the GateWay Academy charter school system. There are indications that this school is linked to an Islamic terrorist group and that the school has violated the First Amendment by teaching religion in this state-funded school.

The GateWay Charter school superintendent is Khadijah Ghafur. According to published news reports in the *Fresno Bee* of January 6, 2002, Mrs. Ghafur is an officer of the Muslims of the Americas, (MOA), a virulently anti-Semitic, Islamic extremist group. According to Newsweek, MOA has served as a corporate front for another group founded by Sheik Jilani, the terrorist organization Al-Fuqra, whose members have committed firebombings and murders on U.S. soil. The state department describes Al Fuqra as an Islamic sect that seeks to purify Islam through violence. We are deeply concerned about this tie between the charter school superintendent and the MOA. For further information about the Muslims of the Americas, please read about MOA in their own words on ADL's website at: </extremism/moa/default.asp>

The suspected linkage of GateWay and MOA is also suggested by the connection of the Muslims of the Americas and the Qu'ranic Open University, which were both founded



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by Sheik Jilani. The Miramonte Learning Center, a GateWay charter school, is located within the gated Muslim enclave of Baladullah. Until September of 2001, Baladullah also contained a campus openly marked as a Qu'ranic Open University. For further information about Al Fuqra, you can read ADL's report at: [/extremism/moa/al-fuqra.pdf](#).

Aside from this suspected linkage to terrorist groups, we are extremely concerned by allegations that GateWay schools have engaged in open teaching of religion using state money. In an article in the December 17, 2001, the *San Francisco Chronicle* pointed to direct evidence that religion was being taught at a GateWay school. The reporter found that the Sunnyvale chapter of GateWay school had Korans in the principal's office, as well as childrens' books entitled "My Little Qu'ran." Allegedly, students reported studying Islam and praying in class with teachers. As charter schools, GateWay schools are prohibited by the First Amendment, the California Constitution, and state law to instruct their students in religion. State funds may not be used for public religious instruction.

We urge you to investigate these allegations seriously, and to immediately suspend funding to GateWay schools. If our organization can provide further assistance, please do not hesitate to contact us.

Sincerely,

Jonathan Bernstein  
Regional Director

Gil Serota  
Regional Board Chair

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