

Council for American Private Education

CAPE outlook

Voice of America's private schools

Some Stimulus Initiatives Shut Out Students in Private Schools

Congress is considering an economic stimulus package that includes unparalleled levels of federal aid to education, but for students in non-government schools, the proposed aid would not be available equitably. Although the plan provides substantial increases in a few programs that have traditionally served needy students regardless of the type of school they attend, it also includes new massive spending initiatives that would effectively shut out students in religious and independent schools.

CAPE has long held that federal programs that benefit public school students and teachers should provide equitable benefits to comparably situated private school students and teachers. Such equity is mandated in much of federal education law, but is nowhere to be found in new components of the stimulus package.

Named the *American Recovery and Reinvestment Act* (ARRA), the package of spending initiatives and tax cuts supported by President Obama and passed by the House includes up to \$145 billion in additional federal spending for education over the next two fiscal years, an amount that more than doubles the U.S. Department of Education's discretionary education budget for 2008.

Fiscal Stabilization

ARRA provides \$79 billion (\$39.5 billion in FY 2009 and \$39.5 billion in FY 2010) for a new State Fiscal Stabilization Fund (SFSF) to help offset state-level cuts to education and to provide funds for innovation and other purposes. Although school districts are expected to use SFSF funds for activities authorized by several existing statutes, including the *Elementary and Secondary Education Act* (ESEA) and the *Individuals with Disabilities Education Act* (IDEA), which both include requirements for services to children in private schools, the SFSF itself contains no such

requirements for equitable services, even though the count of students in private schools helps generate SFSF funds. Thus, a funding stream that would provide more money for ESEA and IDEA activities than would the regular annual appropriations for these programs has been stripped of hard-won and long-standing provisions that require districts to serve students who happen to attend private schools.

The House version of ARRA also includes language that expressly prohibits SFSF funds from being used "to provide financial assistance to students to attend private elementary or secondary schools." So even if local public school boards wanted to, they would be banned from using the monies to place, say, children with special needs, or children not succeeding in public schools, in what might be more appropriate private school settings. The Senate bill includes similar language but makes an exception if SFSF funds are used "to provide special education and related services to children with disabilities, as authorized by the *Individuals with Disabilities Education Act*."

School Modernization

The bills also include a multi-billion dollar program (\$14 billion in the House version and \$16 billion in the Senate) for modernizing public schools, including charter schools, with technology, safety, health, and energy-efficiency improvements. Unfortunately, religious and independent K-12 schools are excluded from this provision, even though a companion component (with additional funds) relating to higher education includes religious

and independent colleges and universities.

Not surprisingly, the private school community reacted with deep disappointment to the proposed recovery package, noting that the Obama Administration's first major legislative undertaking—

involving a staggering sum of money for fiscal stimulus—did not fully include the faith-based community, whose urban schools are under tremendous financial pressure right now.

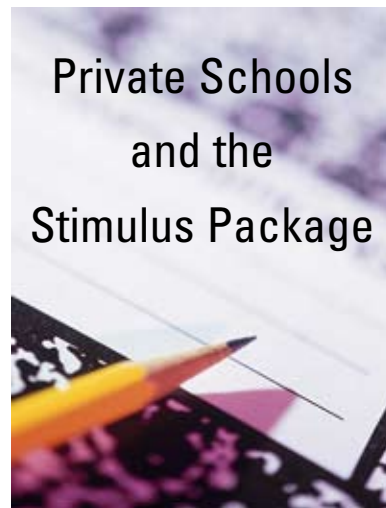
CAPE Response

In a letter to Congress, CAPE presented the case for including religious and independent schools in the recovery package: "First, efforts to improve educational technology and the school environment should extend to all of

America's children, regardless of the type of school they attend. For good reasons, this principle will be applied without question to the post-secondary component of the package; for the same reasons, it should be applied to the PK-12 component. Second, the economic stimulus effect of a particular expenditure is not dependent on the public or private control of the participating institution... Third, there is a particular national interest in preserving private elementary and secondary schools in that their closing (as has been the case, unfortunately, with many urban religious schools) presents an added financial burden on already hard-pressed public schools."

The letter went on to identify important legislative precedents for including the private school community in programs relating to school buildings, educational technology, and teacher training, including

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CAPE member organizations:

- Agudath Israel of America
- American Montessori Society
- Association Montessori International—USA
- Association of Christian Schools International
- Association of Christian Teachers and Schools
- Association of Waldorf Schools of N.A.
- Christian Schools International
- Evangelical Lutheran Church in America
- Friends Council on Education
- Lutheran Church—Missouri Synod
- National Association of Episcopal Schools
- National Association of Independent Schools
- National Catholic Educational Association
- National Christian School Association
- Oral Roberts University Educational Fellowship
- Seventh-day Adventist Board of Education
- United States Conference of Catholic Bishops
- Wisconsin Evangelical Lutheran Synod Schools
- 31 Affiliated State Organizations

a coalition of national associations serving private schools K-12
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the following:

- *Elementary and Secondary Education Act* (1965): In its current version, Title V-A authorizes federal assistance for the acquisition of library resources, instructional materials, and educational equipment; Title II-D provides assistance for acquiring and using educational

increase under ARRA is Title II-D, Educational Technology (EdTech). The program makes funds available to improve technology in schools and includes equitable provisions for services to private school students. The private school community has long been advocating for increases in EdTech funds as part of its “Keep 2-4-5 Alive”

campaign. (EdTech is the “2” portion of the campaign, as in Title II.) ARRA would provide an additional \$1 billion (\$500 million per year) for EdTech, a program which, through regular appropriations, currently receives \$267 million per year.

The *Individuals with Disabilities Education Act* (IDEA) provides funds to

American Recovery and Reinvestment Act Select Education Provisions (House Bill)		
<u>Purpose</u>	Amount (in billions)	Private School Provisions?
School Modernization	\$14	No
State Fiscal Stabilization Fund	\$79	No
Title I-A Grants (ESEA)	\$13	Yes
Education Technology (ESEA Title II-D)	\$1	Yes
IDEA, Part B	\$13	Yes

technology; and Title II-A provides assistance for teacher training and professional development.

- *National Energy Conservation Policy Act* (1978): Established energy conservation grants to schools to make them more energy efficient.
- *Asbestos School Hazard Abatement Act* (1984): Directed the EPA to provide financial assistance to schools for asbestos abatement projects.
- *Telecommunications Act* (1996): Provides discount “E-rates” on advanced telecommunications services for schools, including high-speed Internet service, routers, hubs, and network file servers.
- *Hurricane Education Recovery Act* (2005): Provided start-up aid to schools damaged by the Gulf Coast hurricanes.

help school districts meet the special education needs of students with disabilities. It requires districts to use IDEA funds proportionately to help children with similar needs in private schools. The program is currently funded at about \$11 billion, and ARRA would provide an additional \$13 billion.

Express Route

The bill has been taking an express route through Congress. The House Appropriations Committee marked up the spending portion of the House bill January 21, and the Senate Appropriations Committee did the same for the Senate bill January 27. The full House passed its \$819 billion package January 28 by a vote of 244 to 188, with all Republicans and 11 Democrats voting against the bill. The full Senate began considering a nearly \$900 billion bill February 2, but the outcome—at least for the bill’s initial form—looked uncertain. In the days leading up to the formal Senate debate, some senators were expressing unease about the bill, with concerns centering on the ratio of spending to tax cuts, the amount of debt the bill would leave, the number of truly stimulative provisions in the package, and whether the bill had too much or too little money for particular purposes. The tension between addressing some of these concerns and getting a package passed quickly also marked much of the discussion.

Noting that Congress “did the right thing by extending the benefits of these statutes to students and teachers in both public and private schools,” the letter urged Congress to “do the right thing when fashioning the school component of the stimulus package.”

ESEA and IDEA

ARRA would also provide additional direct funding for several existing programs that, unlike the SFSE, specifically include services to children in private schools. Title I of ESEA would receive an additional \$13 billion (\$6.5 billion each year), of which \$2 billion would be used for public school improvement grants and \$11 billion for regular Title I programs that include remedial assistance for low-achieving students in public and private schools that draw students from high-poverty neighborhoods. Title I has required equitable services for eligible private school students since it was established in 1965.

Assuming the Senate passes a bill, the House and Senate versions will then go to a conference committee to iron out differences. The reconciled bill, which will likely look very different from the original proposals, will then have to be approved by both chambers and signed into law by President Obama. All of this is supposed to happen sometime before Presidents’ Day.

Another ESEA program slated for a direct



Most States Fail to Ensure Title I Services

Private school representatives have long complained that some government officials are not always diligent in carrying out federal education program requirements relating to the equitable participation of students in private schools. Now those complaints have found support in a new [report](#) summarizing results from a government review of practices surrounding what is probably the best known federal education program.

In its most recent round of monitoring states for compliance with requirements of Title I of the *Elementary and Secondary Education Act* (ESEA), the U.S. Department of Education has found that only 17 states fulfilled fiduciary responsibilities relating to services to private school students. A report on the monitoring, released October 2008, revealed that out of 11 indicators of fiduciary responsibility, “services to private school children” yielded the lowest rate of state compliance, with only 33 percent of states meeting an indicator that reads: “The SEA [state education agency] ensures that LEAs [local education agencies, i.e., school districts] provide Title I services to eligible children attending private schools.”

Help for Students

Title I of ESEA provides remedial assistance to underperforming students who attend schools that draw students from high poverty areas. Under the statute, students in private schools are supposed to be given the same opportunity to participate in Title I as students in public schools, and services to those students are supposed to be equitable. The program also provides services to teachers and parents designed to help them improve the performance of student participants. But according to the report, “With regard to Title I, Part A services to private school students, their families, and teachers, some states did not have processes in place to check for compliance.”

The Education Department’s Office of Student Achievement and School Accountability Programs (SASA) monitors states (plus the District of Columbia, Puerto Rico, and the Department of the Interior/Bureau of Indian Education) for Title I compliance over a three-year cycle, with about one-third of states monitored each year. The purpose of the monitoring “is

to ensure that state educational agencies (SEAs) implement programs under Title I, Part A using policies and procedures at all levels (state, school district and school) that comply with the overall intent and specific provisions of Title I, Part A.”

The monitoring process employees key indicators “to evaluate state compliance with statutory and regulatory requirements.” Detailed reports for each state are posted on the department’s Web site, but the new report provides a summary of findings from all states during the monitoring cycle that ran from October 2003 to September 2006, the first full cycle since ESEA was amended by the *No Child Left Behind Act*.

In September 2006, the department published a toolkit (available at <http://www.ed.gov/programs/titleiparta/ps/titleitoolkit.pdf>) to help officials ensure equitable Title I services to private school students. Aimed at state, school district, and private school officials, the kit is designed to help all parties:

understand various provisions in law relating to the services to private school students, families, and teachers; “become knowledgeable about practices that enhance collaboration and help support the process of consultation and provision of services; work together as partners to ensure a fair, equitable, and significant opportunity for private school Title I children to reach high academic standards; and share best practices and models among colleagues.”

An earlier report from the department, titled *National Assessment of Title I* and released October 2007, found that in 2005-06, 16 percent of private schools participated in Title I. For Catholic schools, the participation rate was 37 percent. In 2004-05, nearly 188,000 students in private schools received Title I services, up from 127,922 in 1985-86 (see table).

Changes in Title I

In the most recent reauthorization of ESEA, Congress made several improvements to the statute with respect to Title I services to students in private schools, including a requirement that school districts document the consultation that is supposed to take place between school district officials and private school officials. The private school community has developed proposals for additional changes to Title I in anticipation of the upcoming reauthorization of ESEA.

Number of Title I Student Participants in Private Schools

Year	Students
1985-86	127,922
1990-91	157,360
1996-97	167,590
1997-98	188,194
1998-99	197,356
1999-00	183,894
2000-01	201,572
2001-02	195,556
2002-03	183,066
2003-04	188,617
2004-05	187,951

Source: National Assessment of Title I, Final Report (2007)

Choice Satisfies

Parents who get to choose their child’s school are generally satisfied with the school and more involved in their child’s education, according to a study of the school voucher program in Washington, D.C., that was released last month. Conducted by a research team at the School Choice Demonstration Project at the University of Arkansas, the study found that “parents whose children attend private schools on the vouchers describe moving from the margins to the center of their children’s academic development,” notes a press summary released by the university.

“This study provides extraordinary insights into the experiences of families participating in a unique publicly funded education reform initiative,” said Thomas Stewart, lead author of the study. “Their reflections will help refine the District of Columbia Opportunity Scholarship Program and inform other efforts to help low-income families secure quality school options for their children.”

“The greatest source of satisfaction reported by parents was simply in being able to choose their child’s school,” added Patrick Wolf, director of the School Choice Demonstration Project.

The study, conducted through parent focus groups, examined a host of issues, including the following: What do families look for in private schools? What forms of information about the schools were most and least helpful? How do parents and students respond to the challenges and opportunities associated with their new schools? How do parents measure student progress? Are the parents or families satisfied?

According to the study, “The vast majority of parents...consistently expressed high levels of satisfaction overall with the [voucher program].”

The report is available online at <http://www.uark.edu/ua/der/SCDP.html>.

Return service requested

CAPE notes

★ **Fast Facts About Private Schools:** Forty-four percent of private schools and 80 percent of Catholic schools have students who participate in one or more federal education programs under the *Elementary and Secondary Education Act* (see related story on p. 3).

★ There she is, Miss America 2009, a student at the University of Indianapolis, a budding television news reporter, and a graduate of a Lutheran elementary school. Katie R. Stam, 22, from Seymour, Indiana, graduated in 2001 from St. John's Lutheran School in Sauers, a community near Seymour. The school is affiliated with the Lutheran Church–Missouri Synod.

The first Miss America to hail from Indiana, Katie was crowned January 24 at the Planet Hollywood Resort and Casino in Las Vegas, Nevada.

Katie's pageant platform is "Passion for Service: Promoting Community Service and Involvement," and true to that theme she is serving as the National Goodwill Ambassador for Children's Miracle Network. One of her first stops on the Miss America tour was Superbowl XLIII in Tampa, Florida.

Ralph Blumenburg, pastor at Immanuel Lutheran Church in Seymour, told the local TV station, "Katie is a beautiful girl, not only in her appearance, but in her actions, so she stands out everywhere she is."

★ A *Wall Street Journal* columnist used the occasion of Catholic Schools Week to

invite President Barack Obama to seize a "provocative opportunity" by proclaiming that urban Catholic schools are "the only lifeline of hope" for "tens of thousands of inner-city families."

In his "Main Street" column January 27, William McGurn, wrote that if Obama, who once attended a Catholic school, were to publicly recognize "Catholic schools as a national treasure that should be preserved," he would give those schools "a badly needed shot in the arm."

McGurn predicted manifold results from Obama's action: "Bishops wondering about devoting so many of their scarce resources to people who are largely non-Catholic would be encouraged to work harder to keep their schools open. Business leaders who donate millions to support change in our public schools might devote at least some of these dollars to places that are already working. And good men and women who make it their mission to teach children others have given up on would be inspired to keep going."

★ In last month's *Outlook* we reported that President Bush had awarded the Presidential Citizens Medal December 10 to Rev. John P. Foley, S.J., founder of the Cristo Rey Network of schools. But we failed to mention that another recipient of the award that same day was Rev. Timothy R. Scully, C.S.C., director of the Institute for Educational Initiatives (IEI) at the University of Notre Dame. The award recognizes citizens "who have performed

exemplary deeds of service for the nation."

Father Scully was honored for "committing his life to strengthening communities through faith-based education that prepares individuals for a lifetime of achievement, service and compassion," according to a White House statement.

"Through his leadership at the University of Notre Dame, he has developed innovative ways to support under-resourced schools. The United States honors Father Scully for demonstrating that every human being has boundless potential," the statement concluded.

According to its Web site, the Institute for Educational Initiatives is "dedicated to improving the education of all youth, particularly the disadvantaged, with a special call to sustain and strengthen Catholic schools." An IEI program that Scully helped establish is the Alliance for Catholic Education (ACE), "a two-year service program offering college graduates the opportunity to serve as full-time teachers in under-resourced Catholic schools."

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