

Council for American Private Education

CAPE outlook

Voice of America's private schools

House Panel Approves Two ESEA Reauthorization Bills

The House Committee on Education and the Workforce approved two bills February 28 to modify and reauthorize the *Elementary and Secondary Education Act*. Although the legislative package would mostly affect public schools—chiefly by eliminating the burdensome and impractical provisions of Adequate Yearly Progress or AYP—it would also improve certain provisions in ESEA relating to the equitable participation of students and teachers in private schools.

“With these proposals, we aim to shrink federal intrusion in classrooms and return responsibility for student success to states and school districts,” said Committee Chairman John Kline (R-MN). “We’ll untie the hands of state and local leaders who are clamoring for the opportunity to change the status quo and revive innovation in our classrooms. And we will free states and school districts to provide every child access to the skills and knowledge necessary to succeed.”

The *Student Success Act* (HR 3989), which the committee approved by a party-line vote of 23 to 16, would require states to develop their own school accountability systems. States would measure the achievement of public school students against state standards of performance and would provide improvement interventions for low-performing schools. As with current law, the bill would require annual assessments in reading and math in specified grades and would require the reporting of scores by designated subgroups. Although offering school districts considerable flexibility in using funds across several programs under ESEA, the legislation would not allow funds earmarked for Title I schools to be moved elsewhere.

Private School Provisions

With respect to eligible students in religious and independent schools, a sum-

mary provided by Chairman Kline’s staff notes that the legislation strengthens provisions relating to equitable participation.

“The bill improves the consultation and negotiation processes to provide clearer procedures and faster notice for private school officials. These changes will better protect access for private school students.”

One private school provision would compel school districts to spend funds allocated for services to private school students in the fiscal year for which the funds are received or, if that becomes an impossibility, in the following fiscal year. Another improvement would require states to provide a written resolution of complaints about services to private school children within 45 days. Current law says such complaints should be resolved within a rather vague “reasonable period of time.”

Effective Teachers

The companion legislation, the *Encouraging Innovation and Effective Teachers Act* (HR 3990), which the committee also approved 23-16, provides funds for teacher evaluation systems and consolidates various existing teacher improvement programs into a single, flexible grant program. Consistent with some other federal initiatives that focus on teachers, the program requires recipients to provide equitable services to private school teachers.

The bill would also establish Local Academic Flexible Grants, which would, according to the legislative language, pro-

vide funds to school districts “to support the initiatives important to their schools and students to improve academic achievement.” Under the new

program, participating states would be required to reserve at least 10 percent of their allotment for grants to “nongovernmental entities, including public or private organizations, community-based or faith-based organizations, and business entities” for programs to improve the achievement of students attending public schools.

The legislation also streamlines the federal education portfolio by abolishing more than 70 existing programs

at the elementary and secondary levels. According to the bill summary, many of those programs “have never been funded, are too small to have a meaningful impact on student achievement, or have been deemed ineffective.”

Long Way Off

The partisan votes in the committee suggested the reauthorization of ESEA is a long way off and probably won’t happen in the current session of Congress. Rep. George Miller of California, the House committee’s senior Democrat, said the bills would “turn the clock back decades on equity and accountability in American public education” and were not “a serious attempt” to reauthorize ESEA. Elaborating, Miller added: “A serious attempt to rewrite ESEA would involve consensus building and bipartisanship. It would recognize



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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
- 33 Affiliated State Organizations

a coalition of national associations serving private schools K-12
Executive Director: Joe McTigue

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President Obama Proposes Budget for 2013

President Barack Obama last month released the administration's proposed budget for 2013, which includes an increase of \$1.7 billion in education spending, bringing total discretionary funding for education to \$69.8 billion.

The spending plan generated comments of either praise or disapproval from predictable sources. U.S. Secretary of Education Arne Duncan said the president "is making a clear statement that high-quality education is absolutely critical to rebuilding our economy," adding, "If we want to strengthen the American workforce, we must continue to invest in education."

U.S. House Committee on Education and the Workforce Chairman John Kline (R-MN) said the budget represents a tighter federal grip on education, "prescribing more intrusion in K-12 classrooms, more burdensome mandates on colleges, more unsustainable costs for taxpayers, and more uncertainty for students of all ages."

The president's budget proposals include funds for several programs that serve students in religious and independent schools. Title I, revamped and renamed to "College- and Career-Ready Students," would be level-funded at \$14.5 billion. Grants to states for special education programs authorized by the *Individuals with Disabilities Education Act* (IDEA) would also see

the same funding as FY 2012, \$11.5 billion. A few programs that include private school students would undergo name changes under the president's plan (for example, "Mathematics and Science Partnerships" would be known as "Effective Teaching and Learning: STEM") as well as shifts in focus, but presumably the private school provisions would remain intact. (Current names are listed in the accompanying table.)

Spending for most major programs that include services to private school students and teachers would remain the same as last year. A huge exception, however, is the successful D.C. Opportunity Scholarship Program, which currently serves over 1,600 students and which was authorized in the FY 2011 budget agreement that the president signed last April. The president is proposing to eliminate funding for that program. News of the proposed cut came February 13, just two days after 700 people participated in an event to sign up for the scholarship program for the coming school year.

"The president says he's for education reform, but his actions continually aim to send low-income and minority students back to schools that are failing them academically, are unsafe, or are otherwise not meeting their needs," said Kevin P. Chavous, a former D.C. councilman.

President's FY 2013 Spending Proposals for Key Programs Affecting Private Schools (in millions of dollars compared to FY 2012 actual amounts)

Program	FY 2012 (actual)	FY 2013 (proposed)
Career Education (Perkins Act)	\$1,123	\$1,123
Community Learning Centers (IV-B)	\$1,152	\$1,152
English Language Acquisition (III-A)	\$732	\$732
Math & Science Partnerships (II-B)	\$150	\$150
Special Education (IDEA Part B-611)	\$11,578	\$11,578
Migrant Education (I-C)	\$393	\$393
Teacher Quality (II-A)	\$2,467	\$2,467
Title I (grants to LEAs)	\$14,516	\$14,516

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that the federal government has an obligation to ensure that all children have equal access to a quality education. It would not turn its back on the civil rights promise of this nation: that every child deserves a fair shot at success, no matter their background."

Senator Tom Harkin (D-IA), chairman of the Senate Health, Education, Labor and Pensions (HELP) Committee, said the House bill "fails to ensure that students graduate ready for college and careers, and clears the way for states to cut education funding."

Last fall, the HELP Committee approved its own bill to reauthorize ESEA, but so far the full Senate has failed to act on the measure, suggesting that the formula for a successful resolution

there is not yet in place.

Window of Opportunity

At the start of the session to approve the bills, Chairman Kline reminded his colleagues that ESEA "has been overdue for reauthorization since 2007." He said the committee had a window of opportunity. "We can advance this legislation to tear down the barriers to progress in our education system, and grant states and school districts more freedom to innovate.... Or we can let politics stand in the way of advancing the reforms our children need, and sentence schools to more time under an archaic law." Kline urged committee members to join him "in taking this next step in the process of ending *No Child Left Behind*."

Charter Schools Causing Collapse of Religious Schools

Catholic elementary school enrollment in New York State has plummeted 43 percent in the past decade, and “a significant factor in this collapse is the advent of charter schools,” according to new research from Abraham Lackman, scholar in residence at Albany Law School.

Lackman presented his findings February 13 at St. Francis College in Brooklyn, NY, at a **forum** fittingly titled “The Tension Between Catholic Schools and Charter Schools.”

At the K-8 level, state Catholic school enrollment went from 202,722

students in 2000 to 115,492 students in 2010. About 24 percent of the 87,230 enrollment drop was attributable to an overall statewide decline in available students, but 38 percent was traced to a migration out of Catholic schools to traditional public schools, and 37 percent to a similar exodus to charter schools. Lackman noted that over 4,000 traditional public schools absorbed the 38 percent of transfers, while only 180 charter schools captured the 37 percent share. Charter schools are attracting Catholic school students in disproportionately large numbers. Lackman estimates that of the 54,527 students in the state’s charter schools in 2010, 32,495 came from Catholic schools.

Based on past transfer rate—along with recent legislation that more than doubled the maximum number of charter schools in the state to 460—Lackman concluded that, absent a change in law, the outlook for Catholic schools “is bleak.” He predicted that the higher charter school cap would cause Catholic school enrollment to decline by an astounding 50,000 students by 2020. “I don’t think this system can sustain that,” he said. “I have no good news.”

Several panelists at the forum responded to Lackman’s findings. James Cultrara, director for education for the NYS Catholic Conference and co-chair of the NYS CAPE, said he was alarmed by the report, adding, “I hope parents are alarmed; I hope taxpayers are alarmed; I hope lawmakers are alarmed.”

Cultrara explained that when families transfer to charter schools, private schools have to raise tuition for the remaining students in order to make up for the revenue loss. Thus, the ef-

fect is “compounding.” By subsidizing only public schools, lawmakers force private school tuition to rise, force families to leave, and force schools to close. The result is an increase in cost to taxpayers, a disruption in the lives of thou-

sands of children, and the loss of lifelines for families. He called for a level playing field in government subsidies for education.

Calling the report “grim,” Sol Stern, a senior fellow at the Manhattan Institute and contributing editor of *City Journal*, provided a political and economic backdrop to the growth of charter schools

and the decline of Catholic schools, especially in New York City. Stern said current Mayor Michael Bloomberg generated huge increases in funding for public schools since 2003, essentially doubling spending to \$23.7 billion and presiding over what was “likely the biggest increase in education spending by any school district in the history of American education.” Unfortunately, although “not very much” was accomplished by that spending spree in terms of academic improvement, the impact of those additional billions of dollars on Catholic schools was “very, very serious.” A huge amount went to “a 43 percent across the board” increase in teacher salaries in public schools, putting “tremendous financial pressure on the Catholic schools to raise their own teacher salaries.” Further, said Stern, “the Mayor brought in at least another \$200 million in contributions to the public schools from his friends in the philanthropic community.” Some of that money was spent on an “advertising campaign touting the progress of the public schools” and some of it went into “poaching the Catholic school students.” A charter school campaign in Harlem purchased signs on buses and enlisted community workers to go door to door “selling the charter schools to parents.”

Noting that Mayor Bloomberg has “never spoken a word about the crisis of the Catholic schools,” Stern observed, “It seems to me that just as a matter of smart public policy, if not morality, that is extremely short sighted, because as these schools close, the kids inevitably will be coming into the public schools where the city is now spending over \$20,000 per pupil for an inferior product. It just doesn’t make sense.”



NYS CAPE Co-Chair James Cultrara, right, speaks at St. Francis College, Brooklyn, NY, as Sol Stern, center, contributing editor of *City Journal*, and Timothy Houlihan, provost of the college, listen. (photo, St. Francis College)

Scholars Speak

Nine scholars and analysts took to the pages of *Education Week* last month to issue a thoughtful statement on “What the Research Says About School Choice.” They conclude that “the early evidence is promising” and that the case “for expanding our ongoing national experiment with school choice is strong.”

Noting the “unprecedented wave of new school choice programs” launched last year, the authors say these program “reflect a growing sophistication regarding the design and implementation of school choice policies.”

Their commentary covers the gamut of choice options, including voucher programs, tax-credit scholarships, education savings accounts, and charter schools.

Commenting on studies of voucher programs, the writers note that “random-assignment studies generally find modest improvements in reading or math scores, or both.” Although achievement gains “are typically small in each year,” they are “cumulative over time.” More limited evidence on graduation rates “indicates a substantial positive impact.” Further, findings on “student safety, parent satisfaction, racial integration, services for students with disabilities, and outcomes related to civic participation and values” have been “consistently positive.”

As for the fiscal impact of choice, “Even under conservative assumptions... the net impact of school choice on public finances is usually positive and has never been found to be negative.”

In an age obsessed with math and reading performance, the writers want a broader research agenda on the effects of school choice, looking into “everything from character traits to content mastery to broader life outcomes.”

Bottom line: Early evidence on choice “is promising, and the grounds for concern have been shown to be largely baseless.”

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CAPE notes

★ Virginia legislators used Leap Day to leap into the pool of states that offer tax credits for contributions to nonprofit organizations that offer private school scholarships. Passage of the bill was the Virginia CAPE's top legislative priority for the year.

Governor Bob McDonnell, who is expected to sign the bill in early March, said the scholarship tax credit legislation "will truly spur private-sector investment in education." He called school choice "an important component of my 'Opportunity to Learn' agenda, ensuring that every child, regardless of their zip code, has access to the high-quality education they deserve."

The American Federation for Children praised Senator Mark Obenshain and Delegate Jimmie Massie, "who shepherded the bill through their respective chambers."

"This is an important step forward for Virginia families on the road to providing educational options to the families who need them most," said AFC Chair Betsy DeVos. "We applaud legislators for building upon the momentum of last year and continuing to expand school choice."

Virginia is the ninth state to enact scholarship tax credit legislation.

★ In another "School Choice Leaps on Leap Day" story, Arizona Governor Jan Brewer used February 29 to sign a bill that doubles the amount of donations allowed to the state's Individual School Tuition Organization Tax Credit Program, the nation's first scholarship tax credit program.

"Thanks to the hard work of legislators, advocates, and dedicated parents, today marks a significant step forward for Arizona families," said Betsy DeVos, chairman of the American Federation for Children. "We applaud Arizona legislators and Governor Brewer for their actions, and look forward to continue working to strengthen school choice across the state."

According to the AFC, the tax credit program, which was the focus of a favorable decision by the U.S. Supreme Court last year, "currently serves more than 25,000 students at more than 900 schools this school year." In addition, taxpayers last year made "over \$47 million in donations to school tuition organizations" under the program.

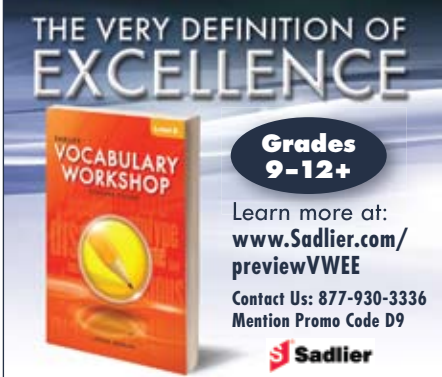
★ Students participating in the school voucher program in Milwaukee, WI, have a greater chance of getting a high school diploma and attending college, according to a five-year evaluation of the program. "Our clearest positive finding is that the choice program boosts the rates at which students graduate from high school, enroll in a four-year college, and persist in college," said John Witte, professor of political science and public affairs at the University of Wisconsin-Madison. "Since educational attainment is linked to positive life outcomes such as higher lifetime earnings and lower rates of incarceration, this is a very encouraging result of the program."

Witte worked on the evaluations with Patrick Wolf, holder of the Twenty-First

Century Chair in School Choice at the University of Arkansas and director of the university's School Choice Demonstration Project, and a team of researchers.

"Our final set of reports on the Milwaukee Parental Choice Program represents the last word on the first private school choice program targeted to low-income inner-city students in the U.S.—a pioneering program that operated for 22 years and paved the way for 25 voucher and tax-credit scholarship programs that have come in its wake," Wolf stated in the summary of final reports.

★ The Friedman Foundation for Educational Choice issued a report last month titled "[The Fiscal Effects of School Choice Programs on Public School Districts](#)." According to the Foundation, the report shows that when it comes to finances, "public schools throughout the country are not harmed by school choice programs."



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