

cape Council for American Private Education outlook

"Voice of the Nation's Private Schools"

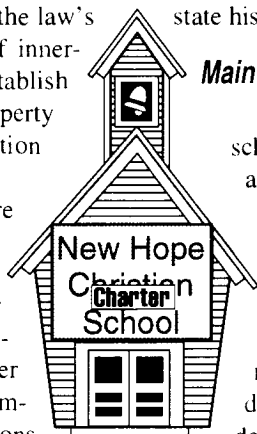
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Council Members: American Montessori Society • Christian Schools International • Evangelical Lutheran Church in America • Friends Council on Education • Lutheran Church-Missouri Synod • National Association of Episcopal Schools • National Association of Independent Schools • National Catholic Educational Association • National Society for Hebrew Day Schools • Seventh-day Adventist Board of Education, K-12 • Solomon Schechter Day School Association • U.S. Catholic Conference • Affiliated State Organizations in 31 States

Charter School Programs Blur Public-Private Line

The distinction between public and private schools is blurring. New York last month became the 34th state to authorize the establishment of charter schools, and within days of the law's enactment, two ministers of inner-city churches promised to establish charter schools on church property and to offer religious instruction during non-school hours.

Passed by the legislature December 18 with strong encouragement from Governor George Pataki, the Charter Schools Act allows for the establishment of 100 new charter schools and an unlimited number of charter school conversions from existing public schools. No private schools are permitted to convert to charter schools.



"This is an enormous victory for the children of New York," said Pataki, who went on to call the measure "the single greatest improvement in education in state history."

Main Provisions

Under the new law, charter schools will be exempt from state and local mandates except those relating to health and safety, civil rights, and student assessment. Charter school students must take state tests, and the schools themselves must meet state education standards, though they are free to design their own academic programs. Student admission is by application, and if demand exceeds capacity, by random selection. Prohibited from

charging tuition, the new schools will receive the same levels of per-pupil funding as public schools.

In concessions to the state's teacher organizations, the law requires that 70 percent of the teachers in charter schools be certified. In 10 of the new schools and in any school with an enrollment under 250 children, teachers need not be unionized, though they are free to join or form a union if they wish.

Religious Dimension

Rev. Floyd H. Flake, a former member of Congress and pastor of Allen AME Church in Queens, NY, said the new law "flings open the door of educational equality for thousands of New York's children and their families trapped in under-performing schools."

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New House Speaker Supports Public and Private Schools

In his first news conference since becoming the designated Speaker of the U.S. House of Representatives, Illinois Republican J. Dennis ("Denny") Hastert last month pledged to provide federal support for children in both public and private schools. "When we talk about education we talk about education for all children, public and pri-

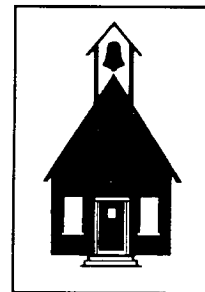


Denny Hastert

private," he said. "Every kid in this country needs to have a fair shake when it comes to education."

A former high school teacher and wrestling coach, Hastert has a solid voting record on issues relating to the right of parents to choose the schools their children attend. Last year he voted with the House majority in support of scholarships for low-income parents in Washington, D.C., and also voted in support of education savings accounts for parents of children in public or private schools.

Hastert, an evangelical Christian, graduated from Wheaton College in 1964 and received a master's degree from Northern Illinois University in 1997. His voting record in 1996 earned a 100 percent approval rating from the American Conservative Union but 0 percent from the Americans for Democratic Action.



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Flake told *The New York Times* that a charter school would help with the excess enrollment in his church's elementary school. His church would offer religious instruction for charter school children at times other than regular school hours.

Rev. Wyatt Tee Walker, pastor at the Canaan Baptist Church in Harlem, told the newspaper he already has a school with ten classrooms waiting to become a nonsectarian charter school and he is also planning on making religious instruction available before or after school. He said his community's public schools are "not satisfactory" and area families are too poor to afford private schools.

Apparently, clergy interest in charter schools is not limited to Protestant ministers in New York City. An associate of Rev. Michael Pflieger, pastor of St. Sabina Roman Catholic Parish in Chicago, told CAPE that the priest is talking with Chicago public school officials about transforming the parish school into a charter school.

For such conversions to pass constitutional muster, it would seem that all religious activity would have to be divorced from school sponsorship, an arrangement that many schools with pervasively religious programs would find unacceptable. Still, with some religious schools facing financial realities that threaten their very existence, the possibility of becoming a charter school with

some allowances for separate religious activities is an alternative more attractive than closing the school altogether. No doubt the courts will eventually be the arbiter of how far a charter school can go in accommodating religious beliefs, but even now many public schools already allow for "released time" schedules during which students leave the building during the school day for off-site religious instruction.

Steady Growth

Since its inception in the early 1990s, the charter school movement has seen steady growth. The U.S. Department of Education estimates that this year over 1,000 charter schools will serve more than 200,000 students. According to a recent federal report, parents are most drawn to charter schools by a variety of reasons, including a nurturing and safe environment, the school's value system, high standards, small class size, and a specialized curriculum focus. Importantly, these are many of the same reasons parents select private schools.

At a conference on private school issues in November of 1997, Dr. Bruno Manno, a senior fellow at the Hudson Institute, talked about the profound impact that consumer-oriented public schools could have on private education. He argued that the new "hybrid" public schools of choice — schools that display "some of the prized features of private schools" — are smudging the line that distinguishes a public school from a private school.

Court Watch

Parent Rights Affirmed

A recurring issue in education-related jurisprudence is the extent to which government can regulate a child's education. In a decision that bolsters parental rights in education, the Supreme Judicial Court of Massachusetts last month unanimously declared that local school districts in the state cannot require home schoolers to submit to home inspections.

In *Brunelle, et al. v. Lynn Public Schools* (SJC-07709), the state's highest court affirmed that it is "the basic constitutional right of parents to direct the education of their children." While maintaining that the state "can insist that the children's education be moved along in a way which can be objectively measured," the court said the Lynn school district's policy of observing home instruction was neither necessary nor tolerable. "Home education proposals can be made subject only to essential and reasonable requirements," said the court. The ruling also warned against applying "institutional standards" to noninstitutional settings, adding that home visits raised "issues of family privacy."

Michael P. Farris, lead attorney for the plaintiffs and head of the Home School Legal Defense Association (source of the excerpts from the decision), called the ruling "a great victory for parents' rights."



One of the National Education Goals is that high school graduates demonstrate competence in core subjects. The recently-released annual report on the condition of education from the National Center for Education Statistics includes information on the percent of public and private schools that meet the recommendations of the National Commission on Excellence in Education (NCEE) for 4 years of English, 3 years of mathematics, 3 years of science, and 3 years of social studies. The chart to the right shows the percentages for three school years.

High School Graduation Requirements		
% of Schools Meeting NCEE Recommendations		
Year	Public	Private
1987-88	12.3%	38.6%
1990-91	15.2%	43.9%
1993-94	19.8%	44.8%

Q's and A's on Federal Programs

Reading Excellence Act

CAPE continues its series on the federal education initiatives enacted last October that affect students in public and private schools. In this issue we focus on the Reading Excellence Act, a new program to improve the reading skills of students.

What is the program's purpose?

The Reading Excellence Act (REA) provides \$260 million to be used to improve the reading skills of youngsters before the end of 3rd grade through:

- programs of reading instruction based on scientifically-based reading research,
- professional development activities that help teachers to teach reading,
- family literacy services,
- tutoring in reading during non-school hours.

How are funds distributed?

Of the available funds, \$241 million will be awarded on a competitive basis to states in amounts no less than \$500,000. In turn, states distribute the funds on a competitive basis to school districts that fall into at least one of the following categories: (1) districts with one or more schools in Title I school improvement status, (2) districts with the highest or second highest percentage of children counted for Title I allocations, (3) districts with the highest or second highest percentage of school-age poverty in the state.

How can the funds be spent?

Funds can be used for the following activities:

- securing assistance from a pro-

gram of reading instruction based on scientifically-based reading research;

- providing professional development activities to teachers and other staff, including tutors;

- promoting reading and library programs that provide access to engaging reading materials;

- providing voluntary training to parents on how to help their children with school

work, especially reading skills;

- carrying out family literacy services;

- programs to assist kindergarten students who are not ready for the transition to first grade, especially when it comes to reading skills;

- providing support — before school, after school, on weekends, during the summer, and during non-instructional periods of the school day — for children preparing to enter kindergarten and for students in grades K-3 who are experiencing difficulty reading (such support to be provided by tutors or other supervised individuals who have been trained using scientifically-based reading research);

- providing instruction in reading to children at risk of being referred for special education.

In addition, states must award at least one Tutorial Assistance Grant (TAG) to the most needy school districts to allow them to provide tutoring programs during non-school hours for children who need help with reading.

Are private schools eligible to participate in the program?

Yes. The REA includes a specific provision regarding private school students and teachers. It amends Section 14503(b)(1)(B) of the Elementary and Secondary Education Act (20 U.S.C. 8893(b)(1)(B)) to include the REA under uniform provisions relating to private schools. Among other things, those provisions require public school districts to provide for the equitable participation of eligible private school students and teachers. In arranging for

private school participation, school district officials must consult in a timely and meaningful way with private school officials regarding (1) the needs of private school students and teachers, and (2) the design and delivery of services to meet those needs.

How can I get involved with this program?

Step 1 is to find out whether your state and district (i.e., the district in which your school is located) is planning to participate in the program. Although every state is an eligible applicant, not every district is. Because districts are required to serve eligible students and teachers in private schools and to involve private school officials in the design and delivery of services, it would be prudent for public school applicants to involve private school officials before the grant application is submitted. Thus, private school officials should contact officials in public school districts to express interest in the program and a willingness to become involved in the planning process.

What is the timeline for a school district to submit an application to the state and for states to submit applications to the U.S. Department of Education?

The U.S. Department of Education has not yet determined the due date for grant applications from states, although funds will not be awarded to states before July 1, 1999. States will determine their own timeline and procedures for the submission of applications by school districts.

Where can I find more information?

For general information about the Reading Excellence Act as well as some of the other new education initiatives enacted in October, point your Web browser to:

<http://www.ed.gov/initiatives/FY99/index.html>





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• Questions like “Why do you wear a yarmulke?” are normally not asked of teachers in Catholic schools. But when the teacher is a rabbi participating in the Catholic/Jewish Educational Enrichment Program, that kind of question is actively encouraged. Similarly, students in Jewish day schools are urged to ask their visiting priests questions about Catholicism, like “Why are priests celibate?” Using grant monies from **Steven Spielberg’s** Righteous Persons Foundation, which was established to foster interfaith understanding, the Philadelphia-based enrichment program is, according to a December 29 report from the Associated Press, “among a handful of efforts putting a new twist on educating private school students about other faiths.” There are similar programs in at least four other cities: New York, Chicago, Los Angeles and San Francisco.

• Frank Riggs, former chairman of the House Subcommittee on Early Childhood, Youth and Families and an ardent

advocate of school choice, has joined the Heritage Foundation as a visiting fellow in education studies.

• Have you ever wished that your school’s outstanding accomplishments were more widely recognized? Well, the U.S. Department of Education’s **Blue Ribbon Schools Program (BRSP)** provides an opportunity for just such recognition. CAPE is proud to be the organization designated by the U.S. Department of Education to manage the private school component of the BRSP. Applications are available now for the 1999-00 middle school and secondary school cycle. To receive more information about the program, simply send the following one-sentence e-mail message to <cape@impresso.com>: “Please send BRSP information.”

• Christian Schools International’s 1999 summer convention will be held in Appleton, Wisconsin, July 19-22. This four-day event, titled *Discipleship in the Marketplace*, will look at growing parental educational choice and the need for Christian schools to promote their distinct mission and vision. The speaker roster will take on an international flair

with **Jim Skillen** of the Center for Public Justice in Washington, DC; **Gary Duthler** of the Association for Independent Schools and Colleges of Alberta in Edmonton, Alberta; and **Doug Blomberg** of the National Institute for Christian Education in Australia. The convention is open to anyone interested in the future of nonpublic education in North America. Contact **Bob Van Wieren** at CSI, 1-800-635-8288, for information.

• A new report from the U.S. Department of Education has found that private schools in 22 urban communities across the country could accommodate as many as 150,000 additional students. In nine communities in which detailed data was collected, the report says that if public school students filled up available seats in private schools, excess enrollments in public school districts could be lessened by nearly 25 percent. The full report, entitled *Barriers, Benefits and Costs of Using Private Schools to Alleviate Overcrowding in Public Schools: Final Report*, is available from the U.S. Department of Education by calling toll-free 1-877-4-ED-PUBS.

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