

# cape Council for American Private Education outlook

"Voice of the Nation's Private Schools"

February 1999 • Number 242

**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

## Fed Ed Initiatives

In a flurry of events and announcements, President Clinton and Congressional Republicans recently unveiled two different assortments of education proposals for the 106th Congress.

Within his State of the Union address and his proposed budget for FY 2000, the President offered an extensive education agenda, including the following items of interest to the private school community:

- \$320 million increase in Title I,
- elimination of Title VI,
- elimination of capital expenses for private school services,
- tax credits to pay interest on nearly \$25 billion in bonds to build and modernize public schools,
- \$1.4 billion to hire 8,000 additional public school teachers and to continue the 30,000 teachers hired in 1999,
- a tripling (from \$200 million to \$600 million) in funds to expand community after-school programs on public school sites,
- an increase (from \$7.5 million to \$35 million) in scholarships for outstanding students who commit to teaching in high-poverty public schools,
- \$18 million to provide scholarships for training and placing in public schools more than 3,000 retiring military personnel and other mid-career professionals,
- \$130 million to provide parents with greater public school choice

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## Giuliani, Bush Back Voucher Program

Fulfilling predictions that the U.S. Supreme Court's clearance last November of the Milwaukee voucher program would fuel similar initiatives elsewhere, two nationally prominent Republican leaders, New York City Mayor Rudy Giuliani and Texas Governor George Bush, have called for pilot voucher programs to improve the education of children who attend poor-performing schools.

In his annual State of the City address last month, Giuliani proposed a parent choice experiment modeled on the Milwaukee program. The city would provide some low-income parents in a single community school district the chance to attend the public, private, or religious schools of their choice. The mayor said he wanted to see if giving "poorer parents the same opportunity to make choices about their children's education that the richest and the most affluent parents in New York City have" would have the effect of energizing school districts. He said creating competition within the school system "makes a lot of sense" and predicted the program would strengthen the ties between parents and their children's education. "It gets [par-

ents] to start making choices about their children...."



*NYC Mayor Rudy Giuliani*

While acknowledging it is not the single answer to school system reform, the mayor said vouchers are "an alternative that in good conscience we should make available to the children of this City." And anticipating opposition to the initiative from various quarters, he said he

wished he could "create a pill" to help people overcome their fear of new ideas and to stop them from destroying new



*Texas Governor George Bush*

proposals before they get off the ground. "Even if you don't agree with the idea, give it a chance to grow," he said. "Don't kill it before it even gets a chance to grow."

**Texas: Let's try it.**

In Texas, Governor George Bush, another Republican in the national spotlight, sounded a similar call for a parent choice demonstration project in his

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**"Giuliani" continued from page 1**

biennial State of the State address on January 28. "I know there's a huge debate raging," Bush said, "but we must not trap students in low-performing schools. It is time to see if it works."

Bush said other "bold experiments" in education reform, such as charter schools, open enrollment campuses, and public school choice, "have shown that parents from all walks of life are hungry for a better education for their children." He challenged Texans to show the country that "Texas is not afraid to change and innovate."

**Opt-Out Problem**

One potentially troubling provision of Mayor Giuliani's proposal is something called the religious opt-out provision, a component of the Milwaukee program which the mayor included apparently to address First Amendment concerns. As described by the mayor, children who received vouchers and attended a religious school would not "in any way be required to take religious education." Further, participating schools would have to promise to excuse children from the religious component of the program if parents did not want them exposed to that.

But many religious school officials consider the religious dimension to be a necessary and integral part of the school and thus require all students to attend religious instruction. They don't want to see the school divided into religious and secular tracks. Moreover, many school choice legal experts say a voucher program can pass constitutional muster without the opt-out provision. They believe the religious freedom of parents would be protected through their initial choice of school. Parents would select schools that reflect their expectations of what a school should be, and if they did not want a school affiliated with a particular religion or, for that matter, with any religion, they would select a school accordingly.

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by increasing the number of charter schools to 1,700.

**Republican Proposals**

Meanwhile, Republican leaders also announced a series of education initiatives for the 106<sup>th</sup> Congress, some of which would directly affect the private school community:

- giving families greater education choice through education savings accounts and tax credits,
- consolidating various federal education programs and sending dollars to the classroom,
- providing additional funding for the Individuals with Disabilities Education Act.

Republican Senator Paul Coverdell of Georgia and Majority Leader Trent Lott introduced S. 277, which includes IRA-type accounts to help parents save for elementary and secondary education expenses in public or private schools. The bill also amends the IRS code to provide a tax credit of up to \$250 for elementary and secondary school expenses and for charitable contributions to organizations that provide scholarships to attend private schools (see Court Watch). Another section calls for the consolidation of over 30 federal programs while providing for the equitable participation of youngsters in private schools.

**Strong Support for ESAs**

Strong support seems to be emerging around education savings accounts. Sen. Coverdell and Sen. Robert Torricelli (D-NJ) introduced S. 14, a stand-alone ESA bill that mirrors the measure that last year won support from 56 senators. On the House side, Rep. William Goodling (R-PA), chairman of the Committee on Education and the Workforce, listed education savings accounts among his top priorities for the year. While acknowledging that the issue comes under the jurisdiction of the Ways and Means Committee, which is chaired by Rep. Bill Archer (R-TX), Goodling said, "I will help Chairman Archer in any way I can to get this bill passed and signed into law."

**Court Watch**

**Big Win in Arizona**

In yet another major court decision that boosts parent choice in education, the Arizona Supreme Court last month upheld a state tax break for contributions to private scholarship programs. "This decision is a triumph not only for Arizona schoolchildren, but for the school choice movement nationwide," said Clint Bolick of the Institute for Justice, which argued the case. "The decision will resonate widely as a major First Amendment precedent."

The Arizona program provides tax credits of up to \$500 for contributions to privately-funded scholarship programs and up to \$200 for contributions to extracurricular programs in public schools. A tax credit, unlike a deduction, represents a dollar-for-dollar reduction in tax liability.

In its 3-2 ruling, the court said the program violated neither the Arizona Constitution nor the First Amendment of the U.S. Constitution. The court declared private schools are only "incidental beneficiaries" of the program, while the primary beneficiaries are taxpayers, parents, and children.

If the Arizona Education Association, the ACLU, and other groups that initially challenged the program decide to appeal, the matter could come before the U.S. Supreme Court, which last November refused to hear the case of the Wisconsin voucher program, thereby clearing the way for that program's continuation. Bolick said he was confident the court would "uphold parental autonomy and expanded educational opportunities" whenever a school choice case reaches it. Other state-level cases on school choice issues are awaiting decisions in Ohio, Vermont, and Maine.

The decision, *Kotterman v. Killian*, is available on the court's Web site at [www.supreme.state.az.us](http://www.supreme.state.az.us).



# Independent Schools Boycott High School Project

When *U.S. News and World Report* listed 96 “outstanding” high schools last month, the list lacked the expected share of independent schools. Why? The National Association of Independent Schools (NAIS) encouraged its member schools to boycott the project, and many independent school heads did just that. “We have never been more right,” said Richard Drew, chair of the NAIS board of directors.

NAIS maintains that the magazine’s roster of outstanding schools implies that schools not listed are inferior, thereby creating a “*de facto* list of winners and losers.”



The association believes using the same measure to judge remarkably different types of schools is unfair, misleading, encourages “destructive competitiveness,” and leads schools “away from offering rich alternatives and toward a stultifying sameness.” The “best” public, parochial, or independent school, according to NAIS president Peter Relic, “is the one that uniquely meets the needs of each particular child.” Relic summed up the boycott this way: “...we had to stand for the principles we believe in and we had to oppose a project that was destined, even if inadvertently, to set up an unhealthy comparison of schools. It’s not good for the children, and that’s our bottom line.”

*U.S. News* noted NAIS’s opposition to the project as did several other publications. John Hechinger, writing in the January 13 edition of *The Wall Street Journal*, observed that many colleges, graduate schools, and hospitals have complained about being ranked by *U.S. News*, “[b]ut few of them have been

brave enough to refuse to participate in the influential surveys....”

## 23 Private Schools

Of the 96 schools that *U.S. News* identified as exemplary in its January 18 issue, 23 were private schools. Schools in six metropolitan areas were surveyed — Atlanta, Boston, Chicago, New York, Dallas-Fort Worth, and Detroit — but Atlanta and Dallas had too few private schools to yield reliable private school results. Thus, in the regions where they were included, private schools accounted for 23 of 74 outstanding schools.

## Sophisticated or Mumbo-Jumbo?

Schools were classified as outstanding if, given the socioeconomic mix of enrolled students, they demonstrated higher-than-expected performance on four measures:

- state test scores,
- percentage of students taking the SATs or ACTs,
- percentage of AP test takers,
- percentage of students who completed the school year.

The magazine called its approach to school assessment, which it developed with the National Opinion Research Center at the University of Chicago, “the most sophisticated means yet devised of assessing schools’ performance.”

But Chester E. Finn, Jr., a senior fellow at the Manhattan Institute, said the ratings were based on “statistical mumbo-jumbo.” In an opinion piece he co-authored with Michael J. Petrilli in the January 18 edition of *The Wall Street Journal*, Finn said that by taking into consideration the effects of poverty and family circumstances in predicting expected performance levels, the *U.S. News* assessment model sends a “destructive message” to poor and minority children: the message that less is expected of them. “If accountability means

anything, it is that the education system must strive to erase the effects of race, poverty and family circumstances, not treat them as forces of predestination.”

## Key Traits

In its high school report, *U.S. News* noted several key traits that characterize outstanding schools:

- high academic standards,
- a core curriculum,
- highly qualified teachers,
- strong mentoring for new teachers,
- partnerships between parents and schools,
- administrators and teachers who know each child and foster a sense of community,
- policies that encourage high attendance rates.

The magazine illustrated various exemplary traits in six feature articles, each focusing on a different school. Three of the six pieces dealt with private schools. Hanna Sacks Bais Yaakov High School, an orthodox Jewish girls’ school in Chicago, was cited as an illustration of the effects a strong principal can have in propelling a school to excellence. Malden Catholic High School outside Boston was featured for its work in carefully recruiting and developing excellent and committed teachers. And Aquinas High School in New York City was held up as an example of how to develop a sense of service, social justice, and community outreach in students.

For more information on the high school project visit: [www.nais-schools.org](http://www.nais-schools.org) or [www.usnews.org](http://www.usnews.org).

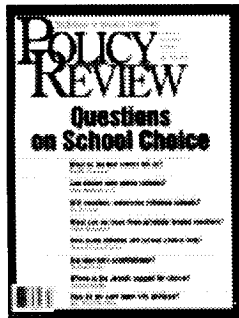




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## capenotes

• Will vouchers undermine religious schools? Can choice help public schools? What can we learn from privately-funded vouchers? These and other provocative questions are tackled in the January-February edition of *Policy Review*, which devotes the entire issue to "Questions on School Choice." The all-star line-up of writers for the special-focus issue includes **Paul Peterson** of Harvard and former congressman **Floyd Flake**. The publication is available on the Web at [www.policyreview.com](http://www.policyreview.com).



• What makes a good community? What gives life meaning? Students in grades K-12 will have a chance to look

at questions like these as they create a village for 100 earthlings on Mars in the year 2030. The **Mars Millennium Project**, sponsored by NASA, the U.S. Department of Education, and a host of other public and private organizations, is intended to foster parental, family, and multi-generational involvement and to inspire youngsters to explore the culture, history, and traditions of their current communities as they work to design a meaningful community for another time and place. The project could present youngsters, their families, and their teachers an opportunity to look at the religious, spiritual, moral, aesthetic, cultural, scientific, and human dimensions of the good life. Information packets and forms will be sent to all public and private elementary and secondary schools, and more information can be found at [www.mars2030.net](http://www.mars2030.net) or by calling 310-274-8787 x 150.

• In 1997, the National Assessment of Educational Progress, which has been measuring the knowledge and skills of children in U.S. schools for over 25 years, conducted a national assessment of arts education in grade 8. The assessment covered music, theatre, and visual

arts in public and private schools. In reporting the ability of students to express ideas and emotions through original works of art, NAEP reported results as average percents of the maximum possible score. For all 8<sup>th</sup> grade students in the country that average score in music was 34 percent, while for 8<sup>th</sup> grade students attending private schools it was 37 percent. In the visual arts, the score for all 8<sup>th</sup> graders was 43 percent, and for private school students it was 44 percent. NAEP also measured the ability of students to perform works of music and theatre as well as their ability to observe, describe, analyze, and evaluate works of art. The recently-released report is available on the Web at <http://nces.ed.gov/>.

• Advocates of parent choice in education lost a dear friend and champion when **Dr. Quentin L. Quade** passed away on January 20, 1999. Dr. Quade was director of the Blum Center for Parental Freedom in Education and the editor of the Friedman-Blum Educational Freedom Report. He left a rich legacy of scholarly analysis in the field of school choice, and his monthly reports provided a comprehensive picture of legislative developments state by state.

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(ISSN 0271-1451)

Outlook is published monthly (September to June) by CAPE using an Apple G3 computer. An annual subscription is \$15.