

# cape Council for American Private Education outlook

"Voice of the Nation's Private Schools"

January 2002 • Number 271

**Council Members:** American Montessori Society • Association of Christian Schools International • Association of Waldorf Schools of North America • Christian Schools International • Evangelical Lutheran Church in America • Friends Council on Education • Jewish Community Day School Network • Lutheran Church-Missouri Synod • National Association of Episcopal Schools • National Association of Independent Schools • National Catholic Educational Association • National Christian School Association • Seventh-day Adventist Board of Education, K-12 • Solomon Schechter Day School Association • Southern Baptist Association of Christian Schools • Toussaint Institute for Historically Black Independent Schools • U.S. Catholic Conference • 30 State Affiliates

## Congress Approves Landmark Education Legislation

After a year of proposals and counter-proposals, Congress last month finally approved landmark education reform legislation, with provisions that pleased and displeased almost everyone involved in the negotiations. A product of compromise from the start, when the Bush administration signaled a willingness to take vouchers off the table in exchange for broad congressional support, the No Child Left Behind Act (NCLBA) ultimately won wide bipartisan backing. The Senate approved the measure by a vote of 87 to 10, and the House passed it 381 to 41.

President Bush commended Congress for "acting boldly and in an overwhelmingly bipartisan way." He said the historic legislation would provide all children "the opportunity for a better and brighter future."

Although the media understandably played up components of the bill affecting public schools, including the requirements for annual school report cards and for tests in reading and math for children in grades 3 through 8, the legislation includes some significant provisions impacting private schools and the communities that support them.

### Supplemental Services

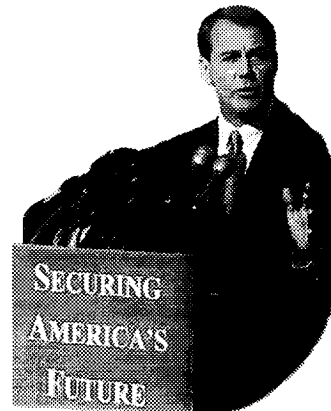
A remnant of the president's original school choice proposal allows parents of children in persistently failing public schools to use Title I funds (approximately \$500 to \$1,000 per child, depending on the district) for supplemental educational services, such as tutoring, after-school, and summer school

programs offered by for-profit and non-profit providers, including faith-based institutions and private schools. The providers of supplemental services must: be financially sound; meet all applicable health, safety, and civil rights requirements; provide parents and the school district with reports on the child's progress; have a demonstrated record of effectiveness, and provide services consistent with certain instructional and academic standards. Providers must also ensure that instruction funded by Title I is secular, neutral, and nonideological.

According to a report prepared by the majority staff of the House Education and the Workforce Committee, students at over 2,800 public schools will be eligible for supplemental services during the 2002-03 school year. The count includes 812 schools in California, 422 schools in Massachusetts, 352 schools in Missouri, 226 schools in Arizona, 209 schools in Wisconsin, and 183 schools in Pennsylvania. "For the first time ever," says the report, "federal Title I funds will be permitted to flow to private, faith-based educational providers." The report calls the school choice provisions in the legislation "an important step toward equal educational opportunity in America, but

not by any means the final step." It goes on to claim that "Congress has laid the groundwork for future reforms that go even further for parents and children."

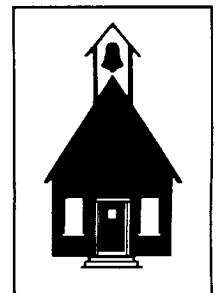
Echoing the first-step-toward-full-choice theme, Rep. John Boehner (R-OH), chairman of the House-Senate conference committee that produced the compromise bill, said the push for equal educational opportunity "must continue until all parents of all incomes can choose the best available school for their children—public, private, or otherwise."



Rep. John Boehner (R-OH), chairman of the House-Senate committee that forged the new law.

### Reading First

The No Child Left Behind Act expands the list of programs through which private school students can receive equitable services. One of the most generously funded programs on the expanded list is Reading First, which in FY 2002 will provide \$900 million to improve the reading skills of students in grades K-3. The funds can be used to establish reading programs based on scientifically based reading research, to provide profes-



**Continued  
on page 2**

**Continued from page 1**

sional development for teachers, to administer assessments, and to select or develop instructional materials and strategies that help children become more proficient readers.

**Learning Centers**

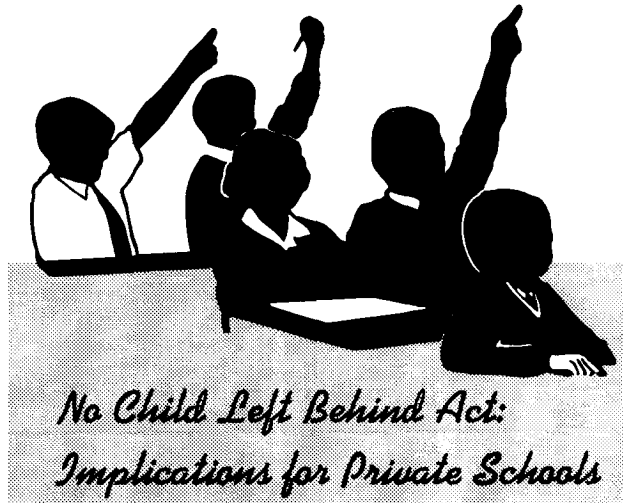
NCLBA provides for the equitable participation of private school students in community learning centers and expands the list of entities eligible to receive funds to establish the centers. Currently, school districts are the only eligible entities, but under the new law, community-based organizations and other public or private institutions would also be eligible. The learning centers, which operate during non-school hours, or periods, such as summer recess, when school is not in session, provide students with opportunities for academic enrichment, counseling, recreation, and other activities. The centers must primarily target students who attend schools in areas with high concentrations (40 percent or more) of low-income families.

**Even Start**

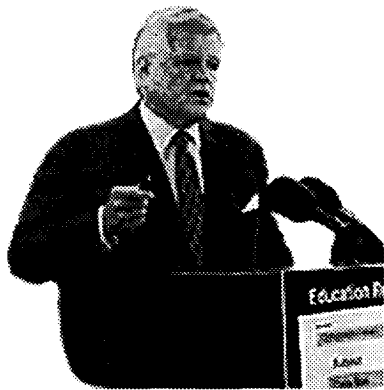
Even Start is another program that, for the first time, provides equitable services to private school students. Aimed at families with young children (under eight years of age) and low levels of income, literacy, or English proficiency, the program provides family literacy services that help parents become more involved in the education of their children and help children become better learners.

Private school teachers can participate equitably in services provided under the Mathematics and Science Partnerships. The program, designed to improve math and science curricula and

teaching, provides grants to partnerships involving school districts, institutions of higher education, and other entities.



The partnerships engage in activities such as developing more rigorous curricula, honing teaching skills, improving teacher education, and operating summer workshops for teachers. Two noteworthy activities allowed under the program involve bringing teachers in contact with working scientists and mathematicians, and encouraging young women and other under-represented individuals to take up teaching careers.



*Sen. Edward Kennedy (D-MA), head of the Senate majority delegation to the House-Senate committee that negotiated the new law.*

Math and science teachers are by no means the only teachers targeted for assistance under NCLBA. The act folds a variety of existing teacher-focused programs, including the class-size reduction program, into a massive and flexible package of teacher quality improvement, which in FY 2002 will be funded at \$2.85 billion. Districts will have considerable leeway in how they spend the money. They can use it, for example, for financial incentives to recruit teachers, for merit pay, for teacher testing, or for a host of professional development activities. To the extent they use it for professional develop-

ment, school districts must provide equitable services to private school teachers that address the needs of those teachers. An important provision is that district officials are permitted to determine the details concerning the nature and delivery of professional development services to teachers in private schools only after consulting with private school officials.

Not all the teacher provisions in the act, however, contain good news for private schools. Two programs providing incentives for people in other professions to become teachers—Troops to Teachers and Transition to Teaching—deny benefits to persons who want to teach in private schools and thereby put those schools at a disadvantage when it comes to recruiting professionals ready to change careers.

**General Provisions Strengthened**

As for the federal programs that have traditionally included benefits for students in private schools, NCLBA retains and in some cases improves the private school provisions. Programs that provide assistance in the areas of technology, drug prevention, migrant education, English language acquisition, and school innovation all apply to private schools in an equitable way. Moreover, the general provisions that govern private school participation in most of these programs have been strengthened, as have those that govern participation in Title I, a program aimed at improving the academic performance of disadvantaged students.

New provisions require that services to private school students, teachers, and families address their needs and be provided in a timely manner. The act also addresses the extent and subject matter of the consultation that must take place between public officials and rep-



**Continued on page 3**

**Continued from page 2**

representatives of private schools before any decisions are made about services. Other sections require school districts to give full consideration to the option of providing services to private school students through third-party providers. And in the event a state or school district is unable or unwilling to provide equitable services, the act clarifies the conditions under which the Secretary of Education can bypass those agencies and arrange directly for services to private school students.

To give school district officials a streamlined option for calculating the number of children in private schools from low-income families, the new law allows them to apply the low-income percentage of each public school attendance area to the number of private school children who reside in the attendance area.

**Greater Flexibility**

NCLBA gives states and school districts greater flexibility in determining how federal funds can be used. Certain safeguards attempt to protect the interests of private school students and teachers no matter how government of-

ficials decide to spend federal funds. For example, if a district decides to implement schoolwide programs under Title I, it is not relieved of the obligation

**Key Provisions Governing Private School Participation in Certain NCLBA Programs**

*Services and benefits must:*

- *be provided to students and teachers on an equitable basis;*
- *address their needs;*
- *be provided after timely and meaningful consultation with appropriate private school officials;*
- *be secular, neutral, and nonideological.*

to provide traditional Title I services to private school children. Likewise, if a state or school district receives permission from the Department of Education to consolidate non-Title I funds (a limited number will be permitted to do so as

a demonstration project) it must provide for the equitable participation of students and staff in private schools. Finally, if a state or school district decides to transfer funds under NCLBA from one program to another (up to 50 percent of funds may be transferred among various specified programs) it must first consult with officials from private schools if monies would be moved from programs that would serve private school students or teachers.

The law also includes important protections of the independence of private schools. Section 9506 says nothing in the act shall be construed "to permit, allow, encourage, or authorize any federal control over any aspect of any private, religious, or home school." or "to require any state educational agency or local educational agency that receives funds under [the] act to mandate, direct, or control the curriculum of a private or home school."

Other sections make clear that the act does not authorize federal control over curriculum, and that funds under the act may not be used to develop or implement national tests or to establish mandatory testing or certification of teachers.

**Federal Education Aid**

(in millions of dollars)

**Key Programs Affecting Private Schools**

	FY 2001	FY 2002
Bilingual Education	\$460	\$665
Capital Expenses	\$6	\$0
Community Learning Centers*	\$846	\$1,000
Even Start*	\$250	\$250
Math & Science Partnerships*	\$0	\$12.5
Migrant Education	\$380	\$396
Reading First*	\$0	\$975
Safe and Drug Free Schools	\$644	\$644
School Renovation	\$1,200	\$0
Special Education	\$6,340	\$7,529
Teacher Quality	\$2,225	\$2,850
Technology	\$586	\$701
Title I (grants to LEAs)	\$8,763	\$10,350
Title VI/Title V Block Grants	\$385	\$385

**Record Hike in Ed Spending**

Congress gave final approval last month to a \$48.9 billion education appropriations package that boosts support for schools from last year by \$6.7 billion, the largest increase ever in federal education spending. The measure includes funding for all initiatives in the No Child Left Behind Act as well as other important education programs.

The FY 2002 funding package includes \$7.5 billion for state grants for special education, a 19 percent increase over last year. Private school students are supposed to participate proportionately in those funds.

The package also provides \$2.85 billion in state grants for improving teacher quality. Private school teachers are entitled to benefit equitably from the portion of those funds used for professional development.

The chart at the left compares funding levels for FY 2001 and FY 2002 for some key programs providing benefits to students or teachers in private schools. Programs that will benefit the private school community for the first time in FY 2002 are noted with an asterisk.





Return Service Requested

---

## capenotes

• Facts have a wonderful way of clearing the air of false assumptions. A recent study of a school voucher experiment in the District of Columbia found that private school students display nearly twice as much political tolerance as students in public schools.

As the study put it: "Forty-seven percent of the private school students polled would permit a member of a group they dislike to live in their neighborhood, compared with just 26 percent of the public school students. Higher proportions of private school students than public school students would allow members of disliked groups to give a speech (34 percent vs. 18 percent) or run for president (37 percent vs. 20 percent)."

Lead author Patrick J. Wolf, an assistant professor of public policy at the Georgetown University Public Policy Institute, said most people "assume" that public schools foster more tolerance than private schools simply because they are public. "Our evidence suggests that private schools promote greater political tolerance in comparison to public schools," he said.

The study of the Washington Scholarship Fund (WSF), undertaken by the Program on Education Policy and Governance (PEPG) in the Kennedy School of Government at Harvard University in collaboration with the Georgetown University Public Policy Institute (GPPI), also found that private school parents were much more satisfied with their schools than were public school parents. "Eighty-one percent of private school parents gave their child's school a grade of A or B, as compared to 60 percent of public school parents." Private school parents were particularly pleased with the following school traits: amount of information from teachers, freedom to observe religious traditions, class size, safety, student respect for teachers, and the teaching of moral values.

The full report is available on the Web at <http://www.ksg.harvard.edu/pepg/>.

• Is school choice good for American education? According to a report released last month by the RAND Corporation, the jury is still out on that question.

Reviewing current research on vouchers and charter schools, a team of analysts at RAND (Brian P. Gill, P.

Michael Timpane, Karen E. Ross, and Dominic J. Brewer) looked at what light the evidence could shed on five areas of inquiry: academic achievement, choice, equitable access, integration, and preparation for civic responsibility.

With respect to vouchers, the authors concluded that "in some contexts—such as high-poverty cities with substantial African-American populations, or communities that have dysfunctional public schools—targeted voucher programs may produce discrete benefits." They go on to say, "Such programs will not be a silver bullet that will rescue urban education, but they are unlikely to produce the negative consequences that voucher opponents fear."

• The Summer Food Service Program for Children (SFSP) is a federally funded program operated by the U.S. Department of Agriculture that provides nutritious meals to low-income children attending enrichment or recreational programs over the summer.

Schools and nonprofit organizations are among the entities eligible to sponsor a summer food program. For more information visit the USDA Web site at <http://www.fns.usda.gov/cnd/Summer/AboutSFSP/Default.htm>.