

# cape Council for American Private Education outlook

"Voice of the Nation's Private Schools"

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## ***Elections Boost Prospects for School Choice***

The elections last month have pumped up the prospects for school choice legislation at the federal and state levels. Power shifts in the U.S. Senate and in some state legislatures, along with Republican gains in the House, have boosted chances for enacting vouchers and education tax credits, though such measures will continue to face formidable resistance.

### ***Two More Votes in Senate***

Eight of the ten new members of the Senate are school choice supporters. Five of the eight choice advocates—Lamar Alexander (R-TN), John Cornyn (R-TX), Elizabeth Dole (R-NC), Lindsey O. Graham (R-SC), and John E. Sununu (R-NH)—replace senators who themselves supported school choice, but the other three new advocates—Saxby Chambliss (R-GA), Norm Coleman (R-MN), and Jim Talent (R-MO)—succeed senators who opposed choice. Two new senators in the anti-choice column are Mark Pryor (D-AR) and Frank R. Lautenberg (D-NJ). Pryor takes over the seat once held by Tim Hutchinson (R-AR), a school choice proponent, and Lautenberg replaces Robert Torricelli (D-NJ), who strongly supported education savings accounts but opposed vouchers. All told, the net effect of the change in Senate seats is a likely gain of two votes for certain forms of choice-related legislation. The tally does not factor in the outcome of the December 7 runoff in Louisiana between Democratic incumbent Mary Landrieu, an opponent of

school choice, and Republican state Elections Commissioner Suzanne Haik Terrell, a choice supporter.

### ***New Advocates in the House***

On the House side, the Republican gain of at least five seats would seem to improve the chances for school choice



*Senator-elect Lamar Alexander*

legislation in that chamber as well. At least two incoming freshmen have played distinguished roles in the school choice movement. Trent Franks (R-AZ) was the author of legislation in Arizona that provides tax credits for contributions to organizations that award scholarships to help families pay tuition at private schools. During his Congressional campaign, Franks called scholarship tax credits one of the best ways to empower

parents to choose the schools their children attend. Another new member of Congress with a history of championing parental choice at the state level is Tom Feeney (R-FL), former speaker of the Florida House of Representatives. Feeney supported Florida's opportunity scholarship program for children in failing public schools as well as the state's new disability scholarship program for children with special needs. In his campaign for Congress he said he wanted to broaden education savings accounts, expand school choice demonstration projects, and promote a choice-based system of education for the District of Columbia.

### ***New Advocates in the Senate***

The Senate's freshman class is not without its own stellar supporters of school choice. Senator-elect Lamar Alexander of Tennessee helped fashion the GI Bill for Kids when he was U.S. Secretary of Education for the first President Bush. He continued to tout the concept during his Senate campaign. Noting that scholarships and loans for college students helped create the world's best colleges, he said the same idea could be used at the K-12 level to help create the world's best schools. Expect

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Alexander to be an articulate and forceful defender of school choice on the Senate floor.

Three members of the House in the 107th Congress who will serve as senators in the 108th Congress bring solid school choice credentials to their new jobs. Saxby Chambliss (R-GA), Lindsey Graham (R-SC), and John E. Sununu (R-NH) all voted for an amendment in May 2001 to authorize up to five pilot projects to test the effectiveness of choice in improving the academic achievement of disadvantaged students. And another former congressman, Senator-elect James Talent of Missouri, cast numerous votes for school choice during his tenure in the House from 1992 to 2000.

With Republicans gaining a majority of Senate seats, committee chairmanships will shift in January. Senator Judd Gregg (R-NH) takes the reins of the influential Health, Education, Labor, and Pensions (HELP) Committee from outgoing chairman Ted Kennedy (D-MA). In the last Congress, Gregg introduced legislation to fund about a dozen school choice demonstration projects in willing cities and states across the country.

**IDEA Reauthorization**

With the reauthorization of the Individuals With Disabilities Education Act (IDEA) likely to command center stage in the Senate and House education committees, Senator Gregg and his House counterpart, Representative John Boehner, chairman of the House Committee on Education and the Workforce, seem poised to push the concept of school choice for children with special needs. Last summer the President's Commission on Excellence in Special



*Congressman-elect Tom Feeney (R-FL)*

Education recommended that the revised IDEA "should allow state use of federal special education funds to enable students with disabilities to attend schools or to access services of their family's choosing." In an editorial last month, the Christian Science Monitor said, "a thoughtful national voluntary experiment could show that special-ed students and their parents are better served by private schools, or at least by public schools that must compete with private schools." The newspaper urged Congress to "look seriously" at vouchers for students with special needs "as a possible necessary next step toward reform."



*Congressman-elect Trent Franks (R-AZ)*

**Education Tax Relief**

Another arena for possible Congressional action on the school choice front is education tax relief. At the close of the 107th Congress, House leaders decided to postpone a vote on a proposal to provide an education tax deduction for low-income parents. They could revisit that measure as part of an expected package of tax cuts intended to stimulate the economy. And while the outlook for education tax credits on the Senate side is brighter in the 108th Congress than the 107th, the pivotal factor—not only for tax credits but for other school choice initiatives as well—will likely be the Bush administration's willingness to expend political capital on behalf of the idea.

**State Strides**

A shift in control of state legislatures and governorships has improved the chances of school choice initiatives in some states. The Associated Press reported last month that voucher prospects have increased substantially in Texas, Colorado, and South Carolina. In all three states, Republicans will be in charge of the governor's mansion and both houses of the legislature. In Texas, voucher supporter Tom Craddick will serve as speaker of the House of Representatives, which shifted hands from Democrats to Republicans. In Colorado, where the Senate underwent the same change in party control, school choice advocate John Andrews will serve as Senate president. And in South Carolina, Governor-elect Mark Sanford, a Republican replacing a Democrat, will have a chance to implement a host of initiatives proposed during his election campaign. His school choice "to do" list includes "academic passports" to help children in poor-performing schools attend schools that work, tax credits for corporations that support school choice, scholarships for students with special needs, and revisions to the Blaine amendment in the state's constitution.



## Final Regulations for Title I Released

U.S. Secretary of Education Rod Paige last month released final regulations for Title I of the No Child Left Behind Act (NCLBA), saying he believed the new rules would help states improve education for every child. "With these regulations in hand, states can continue to move forward in their efforts to raise student achievement," Paige said.

Regarding Title I services for children in private schools, the rules provide a few important clarifications but no big surprises.

The regulations, reflecting the law they clarify, require school districts to provide Title I services "on an equitable basis and in a timely manner" to eligible children enrolled in private schools. They also require that teachers and families of participating private school children receive services equitable to teachers and families of participating public school children. To be eligible for Title I services, children in private schools must reside in public school attendance areas served by Title I and must fall short of meeting certain academic achievement standards.

### Consultation

The rules specify that before making any decisions about services for private school children, school district officials must have "timely and meaningful consultation" with appropriate private school officials. Consultation must cover how the needs of private school children will be identified, what services will be offered, and a host of other details about the program. The regulations also require school districts to give "a thorough consideration and analysis of the views of the officials of the private schools on the provision of services through a contract with a third-party provider."

### Off the Top

The new requirements clarify that when a school district reserves funds "off the top" of its Title I allocation, a proportionate share of those funds used

for "instructional and related activities" for public school children must be made available for equitable services for eligible private school children (Sec. 200.64(a)(2)(i)(A)). Still to be resolved, however, is the issue of precisely what activities fall within the heading "instructional and related activities." In any event, funds used for equitable services under applicable "off the top" reserves must be in proportion to the number of private school children from low-income families residing in participating public school attendance areas (Sec. 200.64(a)(2)(i)(B)).

### Academic Performance Standards

To eliminate confusion about whether recipients of Title I services in private schools must be measured against

the state's achievement standards for students in public schools, the new regulations clarify that services to private school children must provide reasonable promise of such children achieving the state's standards "or equivalent standards applicable to the private school children" (Sec. 200.64(b)(2)(iii)(B)).

### Reserves for Teachers and Families

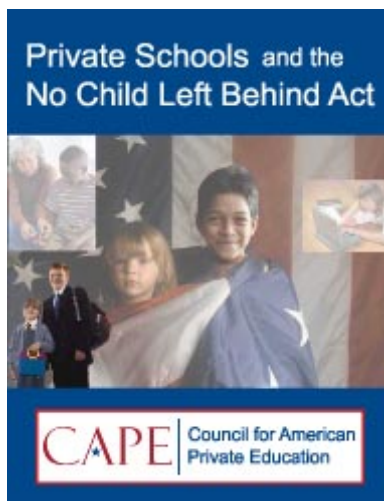
The regulations require that funds reserved by a school district for services to teachers and families of Title I students be made available on a proportionate basis for equitable services to teachers and families of eligible private school students. Such services include parent involvement and professional development activities aimed at helping the parents and regular classroom teachers of Title I students. Section 200.65(a)(2) specifies that the amount of funds available for services to private school parents and teachers "must be proportionate to the number of private school children from low-income families residing in participating public school attendance areas."

### Teacher Qualifications

On the question of what teachers come under the requirements relating to teacher qualifications, the regulations make clear that teachers employed by public school districts for the purpose of providing Title I services to private school students are covered (Sec. 200.55(a)(2)(iii)), while teachers employed by private schools are not (Sec. 200.55(d) and 200.65(c)).

The final regulations for Title I are available on the Web at: <http://www.ed.gov/offices/OESE/SASA/cepprogresp.html#reg>. The Private School Guide to the No Child Left Behind Act, updated to reflect the new regulations, is available on CAPE's Web site at [www.capenet.org/pubs.html](http://www.capenet.org/pubs.html).

**CAPE's guide to the No Child Left Behind Act, updated to reflect the latest regulations and guidance, is available at [capenet.org/pubs.html](http://capenet.org/pubs.html)**



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## capenotes

• When do children learn how to add and subtract? When can they understand words in context? These and other questions are answered by the Early Childhood Longitudinal Study (ECLS), which is following a nationally representative sample of 22,000 children in public and private schools on their journey from kindergarten through fifth grade. The project—one of the first national studies to document early childhood development and educational experiences—began in the fall of 1998, when the children started kindergarten, and will end in the spring of 2004.

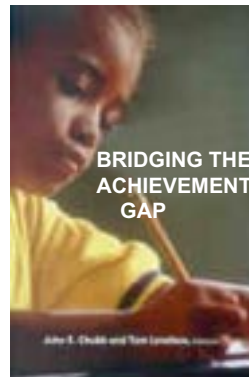
Jerry West, who directs the project for the National Center for Education Statistics, met recently with representatives of private schools and shared some findings. For example, in the fall of kindergarten year, 3 percent of public school children and 8 percent of private school children can add and subtract basic whole units, but by the spring of first grade, 74 percent of public school children and 86 percent of private school children can do so. As for understanding words in context, only 1 percent of

public school children and 2 percent of their counterparts in private schools can do so at the start of kindergarten, but by the spring of first grade the numbers jump to 45 percent for students attending public schools and 63 percent for those in private schools. More information about ECLS is available at <http://nces.ed.gov/ecls/>.

• A particularly stubborn problem plaguing American education is the gap in achievement scores between minority and majority students. As John E. Chubb and Tom Loveless write in their new book, *Bridging the Achievement Gap*, “The average black or Hispanic student, in elementary, middle, or high school, currently achieves at about the same level as the average white student in the lowest quartile of white achievement.” It’s hard to overstate the longterm consequences of the performance disparity. As the authors put it, blacks and Hispanics are much less likely than whites to graduate from high school, go to college, and enter the middle class, and are much more likely to suffer the social ills

associated with poverty.

The new book by Chubb and Loveless offers a collection of papers detailing the research findings for programs that have made progress in narrowing the achievement gap. From offering vouchers to reducing class size, from establishing a culture of achievement to focusing on core academic skills, the book offers a series of promising approaches to tackling the troubling divide in academic performance.



• In the October issue of *The Atlantic Monthly*, Jonathan Rauch describes the upward path of ambitious urbanites: They stay in the city for fun and convenience; they marry and have kids; they look at the local public schools, and they abandon the city to buy a house in the suburbs. “The tying of schools to houses is a historical accident that has undermined the economic integrity of cities,” writes Rauch. His remedy is school vouchers, which he says would not only keep families in cities and thereby boost the tax base, but would also help to revitalize and integrate poor neighborhoods.

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