

Council for American Private Education

# CAPE outlook

Voice of America's private schools

## New Majority Leader Supports School Choice

Senator Bill Frist of Tennessee, tapped by Republicans to replace Trent Lott as Senate Majority Leader, has a voting record in solid support of school choice.

Since his arrival in the Senate in 1995, Frist, a heart and lung transplant surgeon and the Senate's only physician, has consistently voted for education savings accounts, vouchers for disadvantaged students, and school choice demonstration projects.

In his new role as majority leader, Frist will set the Senate's legislative agenda and serve as its chief Republican spokesperson. He will also help establish a tone, and the tone he chose in his statement upon being elected majority leader was that of a healer. "We must dedicate ourselves to healing the wounds of division," he said, and then pledged to use his new post "to strengthen the institutional integrity of the Senate, and to work with members of both parties in both chambers to make the lives of all Americans more fulfilling."

On the school reform front, Frist has consistently supported programs designed to improve opportunities for children stuck in substandard schools. In 1997 he voted to allow states and school districts to use federal funds to allow students who were victims of violent crime to transfer to another public school or private school. In the same year he voted to end the filibuster of an amendment to the District of Columbia's appropriations bill that would have provided scholarships to help low-income students in DC attend private schools. More recently, in June of 2001, Frist backed an amendment to the No Child Left Behind Act that would have funded a dozen or so school choice demonstration projects in willing cities and states across the country.

Frist was also a reliable "yea" vote in the multi-year effort to expand education savings accounts to cover K-12 education expenses for children in public or private

schools. The effort ended successfully with the enactment in 2001 of a tax package allowing contributions of up to \$2,000 annually to such accounts.

With Republicans resolved to increase



Senate Majority Leader Bill Frist (R-TN)

outreach to the African-American community, Frist's support of school choice may help build bridges. According to a poll released just before Election Day by the Joint Center for Political and Economic Studies, support for school vouchers is higher among African-Americans (57 percent) than Americans in general (52 percent).

### Unity and Positive Change

Referring to the race-related events that had caused the change in Senate leadership, Frist said he was proud of how his colleagues had responded: "We have risen to the challenges of the past two weeks, and we will rise to the challenges of the next two years. We stand united; we speak as one team; and we will transform this

moment into a catalyst for unity and positive change."

Continuing the theme of unity, Frist announced that shortly after being elected majority leader, he called the outgoing majority leader, Thomas Daschle (D-SD), and committed "to work with him and the Democratic Caucus to make this a positive and productive Congress."

Frist compared his obligations as Senate Republican leader with his work as a physician. He said his new responsibility rivaled that of holding in his hands a human heart, "recognizing all its glory and all its potential." He said he accepted the new challenge "with a profound sense of humility," adding that his intentions were "to serve, not be served" and to "capture the remarkable potential...of the United States Senate on behalf of the American people."

Last June, Senator Frist addressed the graduates at St. Albans School, an Episcopal school for boys in Washington, DC. Frist urged the graduates to fortify their lives "with the interlocking foundation of faith and family." Commenting on the school's commitment to the intellectual and moral growth of students, Frist said St. Albans had given the graduates the values and traditions to turn what they had learned into a fulfilling life. "This is your duty," he told the students, "to take your foundation of knowledge, honor, courage, and leadership" and use it to serve God and country. He noted that these obligations had been "captured beautifully" by their class window, which depicts an American flag as backdrop to the school's coat of arms.

A strong sense of duty seems to drive the senator. In the statement after his election as majority leader, he reminded his colleagues that in these extraordinary times, "We have a duty—an historic duty—to lead the whole of America, and together we will."

**CAPE member organizations:**

- American Montessori Society
- Association Montessori International—USA
- Association of Christian Schools International
- 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
- Seventh-day Adventist Board of Education
- Solomon Schechter Day School Association
- Southern Baptist Association of Christian Schools
- Toussaint Institute for Historically Black Independent Schools
- United States Conference of Catholic Bishops
- 28 Affiliated State Organizations

a coalition of national associations serving private schools K-12  
Executive director: Joe McTighe

**Outlook is published monthly (September to June) by CAPE. An annual subscription is \$15. ISSN 0271-1451**

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## Bush: End Discrimination Against Religious Organizations

Saying government has been slow to recognize the importance of faith-based organizations in delivering social services, President Bush last month announced a series of steps “to stop the unfair treatment of religious charities by the federal government.” The steps include the issuance of guidance by the Department of Education reiterating that religious schools and other faith-based organizations can be eligible providers of supplemental services to public school children under the No Child Left Behind Act.

Speaking in Philadelphia at the White House Regional Conference on Faith-Based Initiatives, the President said that if a charity is helping the needy, “it should not matter if there is a rabbi on the board, or a cross or a crescent on the wall, or a religious commitment in the charter.” He added, “The days of discriminating against religious groups just because they are religious are coming to an end.” To carry out that pledge, the president signed an executive order directing federal agencies not to discriminate “on the basis of religion or religious belief in the administration or distribution of federal financial assistance under social service programs.”

### New Policy on Disaster Relief

The president also directed FEMA to revise its policy regarding disaster relief for religious nonprofits. Under current FEMA policy, religious nonprofits, such as schools, cannot receive federal disaster relief when they are damaged or destroyed by natural disasters. Under the new policy, they will be eligible for such relief. According to the White House, the policy change “stems from an appeal by the Seattle Hebrew Academy, a private religious school that was denied relief after its building was seriously damaged in an earthquake.”

President Bush also announced the release by the U.S. Department of Education of updated guidance for the supplemental services provisions of the No Child Left Behind Act. The guidance makes clear that religious organizations, including schools, can deliver supplemental services to eligible public school children if those organizations meet the criteria for approval and comply with applicable legal requirements.

Federally funded supplemental services, such as summer-school programs and after-school tutoring, are available to students from low-income families who attend public schools that have been in need of improvement for two or more years. Students at several thousand public schools are eligible to receive supplemental services this year, and the number is expected to rise significantly next year.

Parents select the provider of services from a list of providers approved by the state. For-profit corporations have been quick to win state approval as providers of supplemental services, but private schools and faith-based organizations so far have not been as enterprising. Criteria that states must use in approving providers include “a demonstrated record of effectiveness in improving student academic achievement.” Private schools should have no trouble meeting that standard.

Like the earlier document it replaced, the updated guidance, issued December 12, states, “Faith-based organizations (FBOs) are eligible to become providers of supplemental educational services if they meet the applicable statutory and regulatory requirements.” The guidance goes on to encourage FBOs and community-based organizations “to become providers of supplemental educational services on the same basis as other eligible entities.”

While the document makes clear that FBOs need not “give up their religious character or identification to be providers,” it at the same time underscores the prohibition against federal funds being used to support “religious practices, such as religious instruction, worship, or prayer.” The guidance also alerts providers that they must not “discriminate against beneficiaries on the basis of religion” in delivering services.

### Not Recipients of Federal Assistance

Stating that providers of supplemental services must meet all applicable federal, state, and local civil rights laws, the guidance notes that most federal civil rights laws—including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section



President George W. Bush at the White House Regional Conference on Faith-Based Initiatives in Philadelphia, PA, Thursday, Dec. 12. White House photo by Eric Draper.

## Paige Establishes New School Recognition Program

U.S. Secretary of Education Rod Paige has established the No Child Left Behind—Blue Ribbon Schools (NCLB-BRS) program to honor high-performing elementary and secondary schools.

Compared to the recognition program it replaces, the new program has stricter standardized testing requirements and a significantly streamlined application. As the name of the program implies, it is designed to identify and recognize schools where all children learn and no child is left behind.

A private school must meet one of two assessment criteria to qualify for the award. First, it must be in the top 10 percent of schools in the nation (as measured by national standardized tests) or in the state (as measured by state standardized tests). Or second, if 40 percent or more of its students are from disadvantaged backgrounds, the school must show that students have dramatically improved performance in the past three years and are currently achieving at high levels. All schools that meet the criteria—including recent recipients of the Blue Ribbon Schools award—are eligible to apply.

CAPE continues its tradition of serving as the private school coordinator for the U.S. Department of Education's school recognition programs. Since the Blue Ribbon School program began in 1982, nearly 900 private schools have been honored with the award.



Here is the application process and timeline for private schools:

- By January 30, 2003: School officials use CAPE's online registration form to advise CAPE of their interest in applying for the NCLB-BRS award.
- By February 21, 2003: School officials submit two copies of the application to CAPE for review and comment.
  - By March 7, 2003: CAPE provides school officials with feedback from the application review process.
  - By March 21, 2003: School officials submit four copies of the final application to CAPE.
  - March 28, 2003: CAPE delivers up to 50 private school applications to the U.S. Department of Education for review.
- September 8, 2003: Secretary Paige announces the 2003 No Child Left Behind—Blue Ribbon Schools.

CAPE's Web site contains a wealth of information for applicants, including an application packet, answers to frequently asked questions, and qualifying cutoff scores for standardized tests. The Department has published tables of scores for the most popular standardized tests to help schools determine whether their performance levels place them within the top ten percent of schools in the country.

Persons interested in more information about the program should visit CAPE's Web site at <http://www.capenet.org/brs.html>.

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504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975—apply in general to “recipients of federal financial assistance.” Importantly, the guidance goes on to point out that supplemental service providers are not, by virtue of being providers, recipients of federal financial assistance. Thus, the civil rights laws cited above do not apply merely because an entity becomes a provider.

Of course, various federal, state, and local civil rights laws may apply to providers for other reasons. For example, the guidance states that under Title III of the Americans With Disabilities Act of 1990, “private providers that are places of public accommodation (except for religious entities) must make reasonable modifications to their policies, practices, and procedures to ensure nondiscrimination on the basis of disability, unless to do so would fundamentally alter the nature of the program.” But this and other such provisions apply anyway to

qualifying entities and are not triggered by their becoming providers of supplemental services.

Concluding his address in Philadelphia, President Bush said he hopes faith-based groups in America understand that the government respects their work and the motivation behind it. “We do not want you to become carbon copies of public programs,” he said. “We want you to follow your heart. We want you to follow the word. We want you to do the works of kindness and mercy you are called upon to do.”

More information about the President's speech and executive action is available on the Web at <http://www.whitehouse.gov/news/releases/2002/12/20021212-3.html>.

The supplemental services guidance document is available at <http://www.ed.gov/offices/OESE/SASA/suppsvcsguid.pdf>.

CAPE's Private School Guide to the No Child Left Behind Act is available at <http://www.capenet.org/pubs.html>.

## Congress to Take Up IDEA

The 108<sup>th</sup> Congress, which convened this month, is confronting a challenging agenda of education issues. High on the priority list is the reauthorization of the Individuals With Disabilities Education Act (IDEA). Education committees in both chambers are gearing up to consider an array of particular proposals for improving IDEA, including the Bush administration's blueprint. In all, the road toward reauthorization will likely be long and rocky.

CAPE's board has called for equitable services for parentally placed private school students in the reauthorization of IDEA. Although IDEA provides significant assistance to public school children in need of special education, it has never provided the same scope and quality of services to children in private schools. Currently, no individual child in a private school is entitled to any services under IDEA, and collectively, children with special needs in private schools receive funding for only a small share of special education services available to their public school counterparts.

To address the inequity, CAPE is calling for various changes to IDEA, including the following:

- Incorporate innovative approaches that would ensure equitable services to eligible individual private school students.
  - Require on-site services for children in private schools.
  - Require districts to provide each private school child identified as having a disability with services or with a certificate for services.
  - Require districts to develop an Individualized Education Program (IEP) for each private school child identified as having a disability.
  - Increase significantly the federal share of funds for IDEA.
- CAPE's IDEA issue paper is available at [www.capenet.org](http://www.capenet.org).



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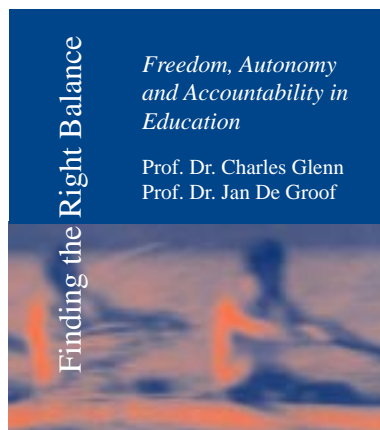
## CAPE notes

★ The new year brings a new look for CAPE. Our simplified logo and color scheme are designed to convey an enduring message with a modern feel. The message is symbolized by the star in the crossbar of the letter “A,” the letter that stands for “American” in CAPE’s full name. It’s the star from the American flag and the star that’s awarded for excellent performance in schools. Private schools have a proud history of academic excellence and service to America. As America’s first schools, they established our country’s foundation for education. Today, private schools continue to educate the public, promote the common good, and help fulfill the American ideal of educational pluralism. Together with public schools, they work to ensure an educated citizenry—the backbone of democracy. Their record of excellence speaks for itself. As for the new logo’s color scheme—the proud colors of our country’s flag—it also stands for the service to America that private schools provide.

★ It is hard to imagine anyone in America who has done more thinking and writing than Charles Glenn on the issue of educational freedom and the balance between the rights of states and those of nonstate schools. In his latest work, the second and final volume of *Finding the Right Balance*, Professor Glenn of Boston University and co-author Jan De Groof of College d’Europe provide a thorough

analysis of the “legal and policy aspects of freedom, accountability, and competition in education from a comparative international perspective.” The book includes a chapter devoted to the voucher movement in the United States, right up to the recent ruling by the U.S. Supreme Court.

But the authors’ subject matter extends well beyond vouchers and well beyond U.S. borders. International issues such as



the legal foundations for nonstate schools, the funding of such schools, protecting school distinctiveness while promoting cohesive social goals, advancing the right of low-income families to choose private schools, accountability to the state, and autonomy about staff and curriculum are but some of the challenging topics the book tackles.

Their global review of education has

led the authors to conclude that “legislators and other policymakers have begun to think about education in a new way, less as a standardized product to be provided in a routinized way through bureaucratic procedures, and more as a diversified process responding to the infinite variety of interactions between pupils and those educating them.” The book is a valuable tool for policymakers and educators trying to navigate the “new way” to education.

*Finding the Right Balance: Freedom, Autonomy and Accountability, Volume II* is available for purchase at the publisher’s Web site: <http://www.lemma.nl>.

★ Last month, the Milwaukee Journal Sentinel reported this: “For the first time, the number of students attending Milwaukee charter schools is about the same as the number participating in the city’s voucher program.” Voucher schools and charter schools each enroll about 11,500 students this year, according to the newspaper, with the charter school enrollment jumping 22 percent since last year, due in part to some public schools converting to charter schools.

The paper was reporting on a research brief on charter schools by the Milwaukee-based Public Policy Forum, which describes itself as “a nonpartisan public policy research organization and good government watchdog.” The report is available online at the Forum’s Web site: [www.publicpolicyforum.org/](http://www.publicpolicyforum.org/).