

Council for American Private Education

CAPE outlook

Voice of America's private schools

Fate and Form of Hurricane Assistance Uncertain

The House and Senate last month passed two different versions of a budget-cutting bill that varied on a range of issues. But for the private school community, the most striking point of variance was this: the Senate bill included a specific program of assistance for students displaced by Hurricane Katrina, and the House bill did not. The two deficit-reduction bills now head for a conference committee charged with crafting a compromise. But agreement and approval by year's end are anything but certain.

House and Senate conferees will have to reconcile a slew of issues that sharply divide the two bills, including how to help hurricane-affected students forced to find new schools. The Senate bill contains a bipartisan proposal developed by Senators Michael Enzi (R-WY), Edward Kennedy (D-MA), Lamar Alexander (R-TN), and Christopher Dodd (D-CT). And although it is the only specific hurricane relief proposal in either bill, the Senate proposal has some serious flaws.

For one, it funnels funds from the federal government through states to school districts and finally, in the case of private schools, to accounts established at the request of parents for access by schools. Every layer of government is involved in the process, all but ensuring delays and roadblocks in the flow of funds. What's more, the Senate plan requires that funds be spent only for secular and neutral purposes, ignoring Supreme Court rulings that allow aid directed by parents to be used also for religious purposes. As a con-

sequence, religious schools, which often infuse faith and values throughout the curriculum, would be forced either to forgo the federal aid or to draw distinctions between the school's secular and religious components, steering the aid exclusively toward the former.

The bill is also plagued by other problems. It does not provide start-up aid to hurricane-damaged private schools, while doing so for public schools. It stops federal assistance once students go back to their original schools, thus denying help for the schools that were initially forced to close while at the same time providing a

disincentive for their students to return home. Further, it disallows aid for families who change schools once the bill is enacted.

Another major problem with the Senate plan is that it prohibits displaced students in religious schools from participating in religious worship or instruction unless their parents affirmatively elect to have them do so. Most religious school officials insist that all students participate fully in the school's programs and practices, and parents understand that before they freely choose the school. Besides setting a terrible legal precedent, the requirement that private schools provide separate programs and supervision for students whose parents do not want them to participate in the regular program could prove to be a very tough administrative challenge.

Finally, the bill prevents participating religious schools from giving preference

to displaced students who are co-religionists. Although it would seem perfectly reasonable for, say, Jewish schools to tend to assist Jewish students and for Catholic schools to do the same for Catholic students, the bill prohibits them from doing so, insisting that participating schools not consider the religion of displaced students when it comes to enrollment.

Addressing the Pitfalls

Private school officials and others are hoping the conference committee will address most, if not all, the pitfalls of the Senate proposal. Two resources that conferees could draw upon are an amendment sponsored by Sen. John Ensign (R-NV) and a bill sponsored by Rep. John A. Boehner (R-OH). Both measures would streamline the delivery mechanism for assistance to students in private schools—Boehner's by having funds flow directly from the federal government into family reimbursement accounts, and Ensign's by having states, not school districts, write reimbursement checks directly to parents for restrictive endorsement to schools. Neither the Boehner nor Ensign proposal prohibits the use of funds for religious activities. In fact, they provide specific safeguards to protect a school's religious character and autonomy. Protections extend to a school's religious practices and activities, including its teaching mission, the use of religious symbols and art, religious references in its mission statement, and other components of the program. Moreover, both proposals explicitly allow participating schools to exercise their rights in matters of employment consistent with Title VII of the Civil Rights Act of 1964.

What Could Have Been

The Boehner proposal could have been included in the House deficit-reduction measure. After his bill was defeated in



Help for Hurricane Students

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CAPE member organizations:

Agudath Israel of America
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
Oral Roberts University Educational Fellowship
Seventh-day Adventist Board of Education
United States Conference of Catholic Bishops
28 Affiliated State Organizations

a coalition of national associations serving private schools K-12
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committee, 26 to 21, Boehner tried unsuccessfully to persuade first the Budget Committee and then the Rules Committee to attach the measure to the budget bill anyway. But House leaders decided against doing so, perhaps because they thought it would peel off the votes of some moderate Republicans, which they desperately needed to pass the overarching bill. As it was, the House approved the budget-cutting bill by a razor-thin margin, 217 to 215. But the unfortunate upshot is that although the House bill contains funds to help with the education of displaced students, it does not include a specific plan on how to spend those funds. Thus, when House and Senate negotiators meet to iron out the differences between the two deficit-reduction bills, the only Congressionally endorsed proposal they'll have before them for helping displaced students is the one approved by the Senate.

Not Dissuaded

Not dissuaded by the setback, Representatives Boehner and Bobby Jindal (R-LA), who cosponsored the bill, reaffirmed their commitment to the measure. "Our first priority remains establishing a simple, streamlined system to provide relief to the students and schools affected by the Gulf Coast hurricanes that will bypass layers of cumbersome bureaucracy," said Boehner. "Public, private, and charter schools are working diligently to educate each and every child impacted by these storms, and our efforts to assist both students and schools will continue.

Rep. Jindal expressed disappointment that the proposal that he and Boehner backed was not voted on, but said he was pleased that at least the House had provided funds to give "relief to the families whose lives have been uprooted by Hurricanes Katrina and Rita." He added, "We will



Rep. Bobby Jindal (R-LA)

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that receive grants may participate equitably in activities that address the particular needs of their students.

The Enhancing Education Through Technology program (Title II-D) supports the integration of technology into the curriculum and increases access to technology by students and teachers, especially in high-need school districts.

To assess the benefits of these programs for children in private schools, CAPE invited school

continue our work on the reimbursement accounts plan to bring that relief, without red tape, to families so their children continue to have the educational opportunities they deserve."

The Boehner/Jindal plan would allow displaced families to establish federally funded "family education reimbursement accounts" by using the Internet or a toll-free telephone number. Parents would provide their child's public or private school with the account number, and the school would then access the account to be reimbursed for the actual costs of educating the child up to \$6,700 per student. The streamlined reimbursement mechanism would get aid to schools quickly. An independent contractor would administer the program.

Available Options

Apart from a compromise agreement on the budget-savings bill, some other vehicles are available to House and Senate leaders for securing assistance to students displaced by the hurricane. A proposal could be folded into a supplemental spending bill or even the defense appropriations bill, which may wind up carrying the supplemental. Both are considered to be in the category of bills that Congress must pass before the end of the year. Still, the more likely vehicle seemed to be the budget-cutting package. On December 2, the *Congressional Quarterly* reported that Senate Majority Leader Bill Frist (R-TN), returning from a leadership retreat that outlined the legislative agenda for the remainder of 2005, said that despite distinct differences between the House and Senate versions, he thought the spending-cut bill could be approved by the 19th or 20th of the month.

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administrators last spring to rate the programs and describe their importance. Responses overwhelmingly demonstrated that the programs were producing projects that had clear purposes and that effectively and efficiently addressed student needs. Moreover, the responses conveyed the strong conviction among educators that all three programs were important, valuable, and effective. (The report on CAPE's survey is available at www.capenet.org/pdf/wpss.pdf.)

Campaign for Title Funds Sees Mixed Results

The private school community's campaign to Keep 2-4-5 Alive saw mixed results last month. A House-Senate conference committee reached agreement on a major education-spending bill for FY 2006 that contained dramatic cuts in the three programs targeted by the campaign. But while the proposed cuts were steep, they were not as extreme as those originally requested by the White House. What's more, a rare defeat of the bill in the House set the stage for possible additional increases in funding levels.

The 2-4-5 campaign focused on three federal programs reauthorized by the No Child Left Behind Act: Title II-D (Education Technology), Title IV-A (Safe and Drug-Free Schools), and Title V-A (Innovative Programs).

The programs are widely used by schools across the country, and all provide equitable services to eligible students in private schools.

Conference Committee Agreement

The House-Senate conference committee on the Labor/HHS/Education appropriations bill reached an agreement November 16 that would fund Title II-D at \$275 million, Title IV-A at \$350 million, and Title V-A at \$100 million. Compared to FY 2005 figures, the 2006 levels reflect a 45 percent decrease for Title II-D (down from \$496 million), a 20 percent decrease for Title IV-A (down from \$437 million), and a drop of 50 percent for Title V-A (down from \$198 million). In his budget proposal to Congress earlier this year, President Bush called for eliminating Titles II-D and IV-A and for funding Title V-A at \$100 million, the amount agreed to by the conference committee. Thus, except for Title V, the committee's bill was an improvement over what might have been. (The accompanying table compares FY 2005 levels for the three programs with what President Bush requested for FY 2006 and what the House-Senate conference committee approved November 16.)

To complicate matters, the House rejected the conference committee's bill, something that generally does not happen since the majority membership on the committee reflects the majority party in each chamber of Congress. Nevertheless, 22 Republicans joined a unanimous

block of Democrats to reject the measure 224 to 209.

One reason for the rejection was what some members regarded as woeful funding levels for education. Following that defeat, Congress passed, and the president signed, a continuing resolution, a stopgap measure that will fund education and other programs through December 17. But the next steps in education funding for FY 2006, which actually



began October 1, are uncertain. Congressional leaders face several options. One is to renegotiate the Labor/HHS/Education appropriations bill to win enough votes for passage, which could mean finding some additional

funds for education. Another is to fold the bill and possibly some additional spending priorities into the only other outstanding appropriations bill, the one for defense spending, in order to create an omnibus measure with majority appeal. A third option is to craft a continuing resolution that would provide funding at a specified level throughout the fiscal year. The impact of any of the endgame scenarios would be deferred for most education programs since they are "forward funded," meaning the allocation for FY 2006 would not affect programs until the school year that starts September 2006.

Title V Down Since 2003

The 50 percent slash in spending that educators might see next year in Title V-A, an enormously popular program within the public school and private school communities, comes on top of steady and steep cuts in the program over the past several years. In FY 2003, Congress funded Title V-A at \$382 million, while in FY 2006 funding could drop to \$100 million, a three-year plunge of nearly 75 percent. Title V-A was designed to provide services, materials, and equipment for educational programs that address a variety of needs identified at the local level.

The Safe and Drug-Free Schools and Communities program (Title IV-A) provides states and school districts with grants to support violence prevention and drug-abuse prevention programs. Private schools located in school districts

The Kalamazoo Promise

Private schools have always had to compete in a market where a version of what they have to offer is available to the public free of charge. But private schools in Kalamazoo, MI, now face an additional marketing challenge. Students who attend the city's public schools receive not only a free elementary and secondary education but also a free college education.

Thanks to a group of anonymous donors, all students who graduate from Kalamazoo public schools (KPS) and have been KPS students since kindergarten will receive a full scholarship to cover tuition at any Michigan public university or community college. Students in the district's schools only since 9th grade will receive a scholarship worth 65 percent of tuition. Once in college, students must maintain at least a 2.0 academic index to remain eligible.

Called "The Kalamazoo Promise," the program is the only one of its kind in the country. A tuition assistance program for residents of the District of Columbia differs from the Kalamazoo program in that it is federally funded and applies equally to graduates of public and private schools. The DC program provides students the chance to attend any public college or university in the country at in-state rates by covering the difference between in-state and out-of-state tuition up to \$10,000 a year.

Interviewed by the *Kalamazoo Gazette*, private school officials in the region had different takes on the effect that the promise of four years of free college tuition would have on private school enrollment. But the paper said public school officials were predicting "that families most likely to transfer into the system at first will be those who already live in the district but send their children to nonpublic or charter schools."

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Return service requested

CAPE notes

★ Fast Fact About Private Schools: “For black and Hispanic students who attend private school, I find no evidence of a trade-off between popularity and achievement.” So writes Roland Fryer, assistant professor of economics at Harvard University, in an article titled “Acting White,” published in the winter 2006 edition of *Education Next*. Fryer describes “acting white” as a “set of social interactions in which minority adolescents who get good grades in school enjoy less social popularity than white students who do well academically.” He calls the phenomenon a “vexing reality within a subset of American schools,” but notes that private schools are not part of that subset.

Using data from the National Longitudinal Study of Adolescent Health (Adhealth), Fryer compared the friendship patterns and grade-point averages of students. He notes that if minority students “deliberately underachieve in order to avoid social sanctions,” it could help explain why the performance of 17-year-old black students on NAEP has worsened since the late 1980s and why there is “the shortage of minority students in most elite colleges and universities.” He says society “must find ways for [minority] high achievers to thrive in settings where adverse social pressures are less intense.”

★ It’s a classic David and Goliath story, except that the giant in this case, the mammoth University of California system (UC), would probably not approve of the

biblical analogy. The “David” is Calvary Chapel Christian School in Murrieta, CA, which, with the help of the Association of Christian Schools International (ACSI), has filed a lawsuit challenging UC’s decision that some of Calvary Chapel’s courses do not satisfy the university’s admission requirements. Specifically, the suit charges that the university’s rejection of the courses constitutes unlawful discrimination against Christian school instruction and textbooks. The case, which a federal district court in Los Angeles will initially hear December 12, has captured the attention of the media, religious freedom groups, and private school officials across the country.

UC regularly reviews course submissions from California high schools, public and private, and determines whether academic content meets the university’s standards for admissions. University officials have disallowed science courses in Calvary Chapel and other Christian schools that rely on particular textbooks, claiming such texts contain information “not consistent with the viewpoints and knowledge generally accepted in the scientific community.” UC has also rejected an English course from Calvary Chapel titled “Christianity and Morality in American Literature” as well as a history course called “Christianity’s Influence on America.” The rejections provide a curious contrast with some of the narrowly focused courses the university has accepted: “California Problems,” “Cinema Studies,” “Armenian History,” and “Chicano Literature,” to name just a few.

The lawsuit charges that UC is unlawfully attempting “to regulate the viewpoint and content of Christian schools and texts,” thus violating freedom of speech and academic freedom. Ironically, while denying admission to students who rely on the rejected courses, the university has not shown that such students lack the skills and concepts necessary for college-level work in the subjects at hand. In fact, as the lawsuit points out, “[T]he students in the Christian schools using texts with Christian viewpoints generally outscore their counterparts in California public schools.”

★ The E-Rate provides discounts to help schools secure affordable telecommunications and Internet access. The Form 471 application filing window for 2006 will open on December 6, 2005, and will close on February 16, 2006. For more information, visit: <http://www.sl.universalservice.org/>.

Schools directly affected by Hurricane Katrina are eligible for 90 percent E-Rate discounts on internal connections for funding years 2005 and 2006 and will be given “broad latitude” in changing services already approved. Additional funds will also be available to schools that have experienced a substantial increase in enrollment due to Hurricane Katrina. The application window for additional hurricane-related funds closes December 13, 2005. For more information, visit: <http://katrina-usf.org/katrina/sl/summary.asp>.