

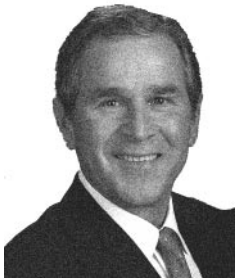
Council for American Private Education

CAPE outlook

Voice of America's private schools

President Signs Hurricane Education Recovery Act

President Bush last month signed into law historic legislation that provides assistance to students and schools, both public and private, affected by Hurricanes Katrina and Rita. Called the *Hurricane Education Recovery Act*, the new law will help restart schools damaged by the hurricanes and will help educate students forced to find a new school.



President Bush

Specifically, the law provides services, equipment, and supplies to get schools that were in the hurricanes' paths back on their feet. It also offers schools across the country up to \$6,000 per student, or \$7,500 per student in special education, to help cover the costs of educating displaced students. (See accompanying stories for details about these programs.)

The law caps months of struggle and negotiation in Congress aimed at accommodating various views about its scope and structure. The bipartisan legislation reflects refinements of three different proposals—one advanced by President Bush; one sponsored by Senators Michael Enzi (R-WY), Edward Kennedy (D-MA), and other senators; and a third proposal sponsored by Representatives John Boehner (R-OH), Bobby Jindal (R-LA), and 25 other members of the House. (Stylized photos of some of the people who helped bring about this landmark legislation are offered throughout this edition of *Outlook*.)

Neither a determined National Education Association nor contention about how the relief should be delivered could deter Congress from approving the legislation. The NEA fought the measure every step of the way, denouncing it as the "first taxpayer-funded, nationwide voucher pro-

gram in the guise of hurricane relief." And though various lawmakers offered varying proposals on how the program should be structured, negotiators managed to craft a compromise bill and leaders agreed on a way to secure its passage. The legislation started out in the Senate as an amendment to the deficit reduction bill but wound up embedded in the 2006 Department of Defense appropriations bill, which ultimately passed the Senate by a 93-0 vote and the House by unanimous consent.

Path to Passage

Congressional approval of the unprecedented hurricane assistance came about due to a convergence of support from several essential sources. President Bush initiated the process by announcing, soon after Hurricane Katrina, a comprehensive proposal for education-related aid that encompassed all schools, public and private. In the ensuing weeks, U.S. Education Secretary Margaret Spellings regularly championed and vigorously defended the president's proposal, and her staff collected critical data and helped plan the proposal's details. On other fronts, Senators Mary Landrieu (D) and David Vitter (R) of Louisiana unveiled their own plan for hurricane relief in September that included assistance to private schools. Senator Lamar Alexander (R-TN) held a hearing on the



Secretary Spellings

issue of educating students displaced by the hurricane and worked with Senators Mike Enzi (R-WY), Ted Kennedy (D-MA), and Christopher Dodd (D-CT) to develop a proposal that extended to students educated in private schools. The bipartisan team of senators withstood fierce resistance from some public school

groups that opposed the proposal's private school provisions and successfully steered the Enzi/Kennedy measure through the Senate in early November as an amendment to the deficit reduction bill—a move vital to securing approval of the final version. Meanwhile, on the House side, Representatives Boehner and Jindal were advancing their own approach, which would address the education of displaced students through family reimbursement accounts. In the end, Boehner, House and Senate leaders, Bush administration officials, the original Senate sponsors, and several other senators, including Judd Gregg (R-NH), Rick Santorum (R-PA), and John Ensign (R-NV), all played a role in securing a bill more streamlined and less intrusive than the proposal originally passed by the Senate. And, as is always the case, a collection of conscientious and committed staff members worked the front lines to make it happen.



Senator Landrieu

Improvements

The bill signed by the president contains major improvements over the measure that the Senate approved in November. It includes private schools in start-up aid to hurricane-damaged schools, which the Senate bill did not. It removes restrictions that required funds for displaced students to be used only for secular, neutral, and non-religious activities. Further, it makes the delivery of funds more efficient and timely by requiring school districts to deposit them in parent-established accounts within 14 days after receiving the money from the state.

Secretary Spellings applauded Congress

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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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Outlook is published monthly (September to June) by CAPE using an Apple Power Mac G4. An annual subscription is \$20. ISSN 0271-1451

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Assistance to Schools Affected by the Hurricanes

The hurricane-relief program that the president signed December 30 has two components that relate to private schools. Herewith is a summary of the first component, which provides immediate assistance to schools directly affected by the hurricanes. The article on the facing page covers the second component: assistance for the education of students displaced by the hurricanes.

To be eligible for the assistance to hurricane-affected schools, a private school must be: (1) located in Louisiana, Mississippi, Alabama, or Texas; (2) serving an area in which a major disaster has been declared related to Hurricane Katrina or Hurricane Rita; (3) accredited, licensed, or otherwise operating in accordance with state law; (4) a school that was in existence prior to August 22, 2005. Although private schools are not eligible for direct funds, they are entitled to services, equipment, and materials that are secular, neutral, and nonideological (the criteria for similar assistance under the *Elementary and Secondary Education Act*).



Senator Vitter

State education agencies may either provide the assistance directly to eligible schools or contract with a third party to do so. The program requires states to set aside a portion of funds for assistance and services to private schools based

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for approving the assistance and redeeming what she described as President Bush's promise to districts and families that "they would be reimbursed for the unexpected costs of providing a quality education to the thousands of displaced students, including those in charter, private and parochial schools, who were not spared by the storm." The secretary went on to pledge that the Department of Education "will expedite delivery of this aid to where it's needed. We are working on a streamlined application process and have been in close consultation with the nation's state school chiefs so they can receive the money quickly."



Representative Boehner

the students, families, and schools impacted by Hurricanes Katrina and Rita." Boehner and his

on the share of private schools in the state. Thus, if private schools account for 20 percent of the elementary and secondary schools in the state, the state must set aside at least 20 percent of funds for services and assistance to students in those schools.



Senator Alexander

The law states that services and assistance to private school students "shall be equitable in comparison to the educational services and other benefits provided for public school students... and shall be provided in a timely manner." The assistance must be used for specific purposes such as the recovery of student data, the replacement of information systems, the rental of mobile educational units or other instructional space, the replacement of instructional materials, textbooks and equipment, and various other activities specified in the law.

Private schools must apply to the state for assistance, which they receive based on (1) the number of children served by the private school during the 2004-05 academic year, (2) the severity of the impact of the hurricane on the school, and (3) the extent of the needs in each school.

For more information, including CAPE's Q-and-A document on the program, visit <http://www.capenet.org/new.html>.

staff played a key role in ensuring that schools would be able to receive assistance quickly and with fewer restrictions than proposed in the Senate bill. He said the final agreement reflected his "key priorities for relief: streamlining bureaucracy, allowing full participation by public, private, and charter schools, and targeting relief based on individual students."



Representative Jindal

Representative Jindal of Louisiana noted that during the tough days after the hurricanes, the thousands of schools that opened their doors to displaced students served as "shining examples of our nation's compassion and willingness to serve others in need." He added, "This agreement ensures that all schools—public, private, and charter—will be reimbursed for the students they have taken in. Just as importantly, it provides Gulf Coast schools the resources they need to open their doors so students may return soon."

Assistance for the Education of Displaced Students

Section 107 of the *Hurricane Education Recovery Act* provides assistance for the education of students displaced by Hurricanes Katrina and Rita, whether in a public school or private school.

For private schools serving displaced students, the assistance flows through the local school district in which the private school is located. The district makes payments to accounts established at the request of the parent or guardian of the displaced student. Districts must make the payments within 14 days of receiving the funds from the state. Private schools then draw funds from the accounts to cover the costs of educating students. Payments are made quarterly, and for the entire school year the maximum payment cannot exceed \$6,000 per child without a disability and \$7,500 per child with a disability. The payment also cannot exceed the actual cost of tuition, fees, and transportation expenses at the private school.



Senator Kennedy

The law states that the parent or guardian of a displaced student in a private school must submit a timely application for funds to the school district. Even if a student has left the private school to attend another school, the parent, not the school, must submit the application.

Timeline

The Secretary of Education is supposed to publish a notice of the availability of funds by January 13. No later than 14 days after the publication of that notice, school districts are to submit an application for funds to the state education agency. In other words, the timeline will be unfolding quickly.

The program requires local school districts to secure from participating private schools attestations of attendance of eligible displaced students and attestations that accounts are used only for the purposes prescribed in the law. Those purposes include: paying the compensation of personnel; identifying and acquiring curricular material, including the costs of providing additional classroom supplies; obtaining mobile educational units and leasing sites or spaces; basic instructional services for displaced students, including tutoring, mentoring, or academic counseling; reasonable transportation costs; health and counseling services; education and support services. Funds may not be used for construction or major renovation of schools. In

order to clearly track the use of the funds for authorized purposes, schools may want to consider establishing a separate account for the receipt and expenditure of funds.



Senator Ensign

Eligibility

Eligible private school students are those who resided on August 22, 2005, in an area designated by FEMA as a disaster area related to Hurricane Katrina or Hurricane Rita and who enrolled in an eligible private school prior to December 30, 2005 (the date the law was enacted). It is possible for private school students to change schools during the school year and still be eligible for assistance, as long as they were enrolled in some private school prior to the enactment date. Students are no longer eligible for aid once they return to their original schools in the hurricane zone; nor are they eligible after the 2005-06 academic year.

An eligible private school is an elementary or secondary school that was in existence on August 22, 2005; is accredited or licensed or otherwise operates in accordance with state law; and serves at least one displaced student whose parent or guardian has applied for funds.

Nondiscrimination

The program requires participating schools not to discriminate against any student (displaced or otherwise) on the basis of race, color, national origin, religion, disability, or sex. For schools controlled by religious organizations, the prohibition of religious discrimination does not apply to the enrollment of students other than displaced students. Also, notwithstanding the prohibition of sex discrimination, the program allows for single-sex schools, classes, or activities. Further, to the extent consistent with title IX of the Education Amendments of 1972, the sex discrimination language does not apply to schools where it would violate religious tenets or beliefs.

Also under the heading of religious practices, a parent or guardian of a displaced student on whose behalf a payment to an account is made may opt to have the child excluded from religious worship or religious classes offered in the private school in which the student is enrolled.



Senator Enzi

What to Do Now

Private school officials intending to participate in the programs of assistance for schools directly affected by the hurricanes or for schools educating displaced students will have to understand fully the processes, timelines, and conditions associated with participation. CAPE has developed a Q-and-A document to provide an early overview of the sundry provisions in the programs and to give administrators a head start in working with colleagues in school districts and state education agencies. It is available at www.capenet.org/new.html. More detailed guidance will soon be provided by the U.S. Department of Education.

Private school representatives should work closely with state and school district officials to ensure that the programs run smoothly and efficiently. Here are a few steps that can be taken now.

1. *Cooperate with government officials in data-gathering efforts.* Various agencies will soon be facing the daunting task of collecting data about multiple phenomena such as the number of displaced students served in new schools and the damage sustained by schools in regions hit by the hurricanes. Private school officials can make the job a lot easier by providing the data quickly.

2. *Ensure that applications are completed correctly and submitted on time.* Damaged schools will have to apply to the state for assistance; parents of displaced students will have to apply to school districts for funds to cover the costs of education. Find out about the forms and deadlines as soon as possible.

3. *Keep track of displaced families that have moved on to other schools.* If a school is to be reimbursed for the costs of educating a displaced student, the family (not the school) must apply for those funds—even if students have since returned to their original schools.

Return service requested

CAPE notes

★ **Fast Fact About Private Schools:** Students in private schools post above-average performance in every grade, subject, and year covered in the latest report on results from the National Assessment of Educational Progress (NAEP).

Released last month, the report, titled *Student Achievement in Private Schools*, is the first report from the National Center for Education Statistics (NCES) to focus on the NAEP performance of private school students. It covers NAEP assessments from 2000 to 2005 in reading, mathematics, science, and writing in grades 4, 8, and 12, the three levels at which NAEP is administered. What follows are some highlights:

- “Students at grades 4, 8, and 12 in all categories of private schools had higher average scores in reading, mathematics, science, and writing than their counterparts in public schools. In addition, higher percentages of students in private schools performed at or above Proficient compared to those in public schools.”

- “In private schools overall, in every case but one, students from each racial/ethnic category [white, black Hispanic, Asian/Pacific Islander] had higher average scores than their counterparts in public schools in the most recent assessment year. The one exception was in grade 4 mathematics, where there was no statistically

significant difference between the average scores of Asian/Pacific Islander students in public schools (246) and in private schools overall (249) in 2003.”

- “In almost all cases, the average scores of students in all types of private schools were higher than those of their counterparts in public schools for each reported level of their parents’ education.”

Why do private school students perform above the national average? The report does not and cannot answer that question because it is

not able to measure or control for all the variables that help account for student success, whether they be in-school factors or out-of-school factors. As the report notes, “There are many reasons why the performance of one group of students differs from another, including factors that are not measured in NAEP.”

In addition to comparing the performance of private school students with public school students, the report also examines scores for three different types of private schools: Catholic, Lutheran, and Conservative Christian. It is the first NAEP report to do so. It notes, among other things, that “[t]he three types of private schools have few differences in their student demographics, except that Catholic schools generally enroll a greater proportion of Hispanic students than Lu-

theran schools.”

The full report is available for download from the NCES Web site at <<http://nces.ed.gov/nationsreportcard/studies/private-schools/>>.

- ★ By school year 2006, all schools, including private schools, that participate in programs authorized under the *National School Lunch Act* or the *Child Nutrition Act* must develop a local school wellness policy as specified in the *Child Nutrition and WIC Reauthorization Act of 2004*. The requirement applies to schools participating in such programs as the free and reduced-price lunch program, the school breakfast program, and even the special milk program.

Private schools have several options. Individual schools could adopt their own wellness policy, or the governing board of a group of schools could adopt one for all members of the group, or a private school could adopt the wellness policy of the school district in which it is located.

The Food and Nutrition Service division of the U.S. Department of Agriculture has prepared a Web site to help schools understand and comply with the new requirements. In addition to providing details about the requirements, the site offers suggestions on how to create and implement a wellness policy, provides examples of such policies, and includes answers to frequently asked questions. The address is <<http://www.fns.usda.gov/tn/Healthy/wellnesspolicy.html>>.

