

Council for American Private Education

CAPE outlook

Voice of America's private schools

Obama Budget Proposes Dramatic Changes for ESEA

President Obama last month proposed an education budget for fiscal year 2011 that contains significant increases in spending and signals dramatic shifts in the country's signature statute relating to elementary and secondary schools. It is unclear what, if any, effect the shifts will have on students and teachers in religious and independent schools.

The budget includes \$49.7 billion for discretionary programs in the Department of Education, which, defying freezes in other areas of federal spending, represents an increase of \$3.5 billion, or 7.5 percent, over the current budget. According to Secretary of Education Arne Duncan, "It's one of the largest increases ever proposed" and reflects President Obama's "deep commitment to education."

Big and bold, the budget provides the framework for a substantial overhaul in federal education programs, with additional money directed largely at competitive, rather than formula, grants. Modeled after the Race to the Top program and the Investing in Innovation fund, the new programs embedded in the budget would not distribute dollars to states and districts automatically on the basis of demographic data, but would require them to compete for funds by meeting, or pledging to meet, specific outcomes. "Race to the Top taught us that competition and incentives drive reform," said Duncan.

Several formula grants, however, would remain intact, including such notables as IDEA and Title I, although the latter would undergo an overhaul and name change.

The budget consolidates 38 programs within the *Elementary and Secondary Education Act* (ESEA) into 11 funding streams, while eliminating six other programs. According to an Education Department document, the consolidations would reduce inefficiencies and give recipients more flexibility in meeting local needs.

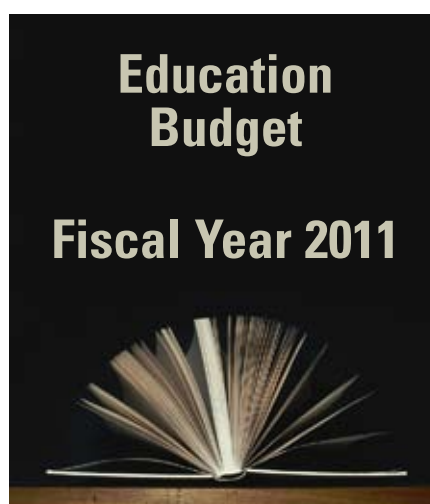
What all this means regarding the continued equitable participation in federal programs of students and teachers in religious and independent schools is anyone's guess. The budget is essentially a scaffold that doesn't include programmatic details. So while the budget document contains no hint that existing equity requirements would be eliminated, neither do they affirm that the Obama administration is committed to applying the requirements to new programs.

So far, the administration's track record on equity has not been good. Its marquee education programs, the State Fiscal Stabilization Fund and Race to the Top, do not include requirements that recipients serve needy students in religious and independent schools. Still, comments in recent months from Secretary Duncan and discussions with Education Department staff suggest that Title I and even some new programs under ESEA would likely include provisions for equity.

Change Ahead for Title I

The president is proposing \$14.5 billion for the reauthorization of Title I, which equals the program's funding level for 2010. The revamped Title I, newly named College- and Career-Ready Students, would be linked to states adopting standards and assessments aimed at preparing students for work or college. Under the new Title I, schools and districts would be measured based on progress in meeting standards, and would be rewarded for making significant gains in closing achieve-

ment gaps. Funds would also be used to "carry out rigorous interventions in the lowest-performing schools," according to the budget document.



In a meeting with state governors February 22, President Obama said states would have to establish high standards as a condition for receiving Title I funds. According to a White House press release, the redesigned ESEA would "require all states to adopt and certify that they have college- and career-ready standards in reading and mathematics, which may include common

standards developed by a state-led consortium, as a condition of qualifying for Title I funding." The change is consistent with the administration's strategy of using federal education dollars to leverage state-level reform.

It is uncertain to what extent the new program would improve upon provisions in the current Title I that relate to the delivery of equitable services to needy students in private schools.

Consolidation

The budget seeks to channel dozens of current programs into just under a dozen funding silos, a move expected to reduce paperwork and provide states and districts with greater control of the use of the funds. Various programs serving private school students and teachers would be affected. For instance, Mathematics and Science Partnerships would move into the Effective Teaching and Learning STEM strand (science, technology, engineering,

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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 Christian Teachers and Schools
- 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
- Wisconsin Evangelical Lutheran Synod Schools
- 33 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. An annual subscription is \$35. ISSN 0271-1451

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Push Continues for DC Voucher Program

A last-ditch effort is underway to save the D.C. Opportunity Scholarship Program (OSP), with Senators Joe Lieberman (ID-CT) and Susan Collins (R-ME) planning to attach their proposal to reauthorize the program as a bipartisan amendment to legislation that is moving in the Senate. Their original hope was to amend the Senate jobs bill, but that legislation came to the floor under a rule that barred amendments.

At a press conference last month about OSP strategy, Senator Lieberman said: “The great civil rights struggle of our time is the struggle to reform our education system so that all of our children have a chance to achieve the American dream. And the Opportunity Scholarship Program provides a vital opportunity for students in the District of Columbia to achieve the dream—and win their race to the top.”

Commenting on the program, syndicated columnist George F. Will wrote February 14: “Only two things are infinite—the expanding universe and Democrats’ hostility to the District of Columbia’s school choice program. Killing this small program, which benefits 1,300 mostly poor

and minority children, is odious....”

Meanwhile, *The Washington Post* continued to come to the program’s defense, writing in an editorial February 4, “It’s troubling that an administration that supposedly prides itself on supporting ‘what works’ is so willing to pull the plug on a program that, according to a rigorous scientific study, has proven to be effective.”

How effective? The Education Department’s contracted researcher described the program as “the most effective education policy evaluated by the federal government’s official education research arm so far.” His team’s evaluation of the program found that after three years, when compared to a control group, students who were offered vouchers had superior reading scores. What’s more, on February 23, the department’s What Works Clearinghouse (WWC) issued a review of that research and found it to be “consistent with WWC evidence standards.” The WWC review called the research “equivalent to a randomized controlled trial because the groups of students contrasted in the study were formed by random lottery.”

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and mathematics), which would provide competitive grants to states to “improve teaching and learning of STEM subjects, especially in high-need schools.” Teacher Quality Grants would move under the Effective Teachers and Leaders Program, which, among other goals, would provide formula grants to states and school districts “to promote and enhance the teaching profession” and to “recruit, prepare, support, reward, and retain effective teachers, principals, and other school leaders, especially in high-need [districts], schools, fields, and subjects.” Education Technology State Grants would be eliminated as a stand-alone program, replaced by various components of the Effective Teaching and Learning for a Complete Education authority, which would each encourage the use of technology to enhance instruction. Again, the precise effect that these and other changes might have on services to students and teachers in private schools cannot be determined until specific legislative language is developed and released.

Partner, not Boss

Meeting with public school superintendents February 12, Secretary Duncan said he wants the federal government “to be a partner in encouraging and supporting reforms, but not a boss. The best ideas for school reform always come from states and districts, not from Washington.” Duncan identified three guiding principles for the reauthorization of ESEA: “high standards,

rewarding excellence, and a smarter, less prescriptive federal role.”

Regarding standards, Duncan said the president and he believe “that we should be tight on standards, on setting a high bar, but loose about how to get there.” He went on to call for a balance between flexibility and accountability, with the government “offering support, not prescriptions.”

Timeline

Although the reauthorization of ESEA looks like an extraordinarily heavy lift for 2011, Democratic and Republican leaders in the House Education and Labor Committee announced February 18 plans for “a bipartisan, open and transparent effort to rewrite” the law. U.S. Reps. George Miller (D-CA), the chairman of the committee, John Kline (R-MN), the senior Republican of the committee, Dale E. Kildee (D-MI), the chairman of the subcommittee on elementary and secondary education, and Michael N. Castle (R-DE), the senior Republican of that subcommittee, said they would hold a series of meetings in the coming weeks “to explore the challenges and opportunities ahead as we work to ensure an excellent education is available to every student in America.”

Committee leaders invited stakeholders interested in the legislation to submit suggestions and comments regarding the reauthorization. The deadline is March 26, and the email address for submissions is <eseacomment@mail.house.gov>.

House Poised to Regulate Private Schools

The U.S. House of Representatives could vote in early March on legislation governing elements of a school's disciplinary policy and practice. The bill (HR 4247), which deals with the seclusion and restraint of students, would affect all public schools as well as private schools whose students or teachers benefit from any federal education program (about 80 percent of Catholic schools, for example). The measure would...

- establish detailed conditions surrounding the use of physical restraint and seclusion in schools that could ultimately serve to harm students;

- cover activities as commonplace as holding back two students in a playground scuffle;

- require an undetermined number of private school teachers to have special training and certification in the use of physical restraint and seclusion;

- require annual disaggregated demographic reports on the instances of the use of physical restraint and seclusion in a school.

Federal Micromanagement

The legislation represents an exceptional level of federal micromanagement of private schools that threatens their autonomy and puts them between a rock and a hard place: accept the federal intrusion in policies and practices or give up participation in federal programs that benefit students and their teachers. By using even limited involvement in federal programs as the pathway for regulating schools, the bill establishes a dangerous precedent for federal control of private education in the future.

In a letter about the bill to all members of the House, CAPE expressed deep concern about “the possible adverse effects the bill could have on the welfare of students.” The letter explained that schools would likely experience the reach of the legislation in ordinary events: “a teacher breaking up a schoolyard dustup, a coach holding back two hot-tempered players, an aide grabbing a child about to dart into the carpool lane at dismissal.” But with the bill specifying when and by whom such physical restraint (which is defined as “a personal restriction that immobilizes or reduces the ability of an individual to move his or her arms, legs, or head freely”) may lawfully be carried out, its effect

could be to “inhibit such instinctively shielding behavior by causing the adult to hesitate or second-guess herself out of fear she might be violating federal law. Hesitation in such circumstances could be dangerous.”

The CAPE letter contends that the legislation was intended to “address a narrow set of special-purpose schools and circumstances in which students are restrained or secluded for an extensive period of time in connection with an institution's inappropriate disciplinary practice or policy.” But the neighborhood private school does not fall into that category and “would be inadvertently affected by the bill's far-reaching provisions.”

New Mandates

Another concern identified by CAPE is that the legislation “would impose an unprecedented degree of federal mandates on religious and independent schools.” Schools would have to have one or more teachers trained and certified under a state-approved training program, and they would also have to comply with the annual reporting requirements involving disaggregated demographic data on the number of incidents in which physical restraint was imposed upon students.

CAPE contends that, like colleges and universities, private schools have been largely untouched by federal regulations and, as a result, have flourished as effective, autonomous alternatives to public schools. A step down the road of federal control and micromanagement would be a risky step indeed, not only for private schools and their families, but for the nation as a whole.

Unnecessary and Intrusive

The House Education and Labor Committee cleared the measure February 4 by a vote of 34 to 10. Just before the vote, Rep. John Kline (R-MN), senior Republican member of the committee, raised concerns about the legislation being applied to private schools. He said the bill would “impose a significant new mandate on independent schools that have traditionally been excluded from such Washington requirements.” He added that the inclusion of private schools in the bill “seems both unnecessary and intrusive.”

More information about HR 4247 is available on CAPE's Web site at <www.capenet.org/new.html>.



Hoop Dreams

Putting a face on school choice has always been a challenge for the movement—a challenge that carries consequences. It's easier for lawmakers to kill a public policy abstraction than the hopes, dreams, and futures of real, vulnerable human beings.

One of the great features of *The Street Stops Here*, a documentary that will air on PBS March 31 at 10 PM ET, is its relentless ability to capture the personal passion, sacrifice, and commitment that students and adults alike bring to an inner-city private school. There's a mission at St. Anthony High School in Jersey City, NJ, that permeates the film: an unswerving and inspiring commitment to provide a future full of promise to students who face incredible hardship.

The documentary has wide appeal. Sports fans will love the insider's look at a powerhouse basketball team from practice drills to locker-room dramas to pre-game huddles. The team's hard-nosed and legendary coach, Bob Hurley, displays an unvarnished tough love that instills the skills, attitudes, and character traits his players will need to escape their surroundings.

But against the backdrop of basketball is the story of a great school trying to survive. The financial struggles are real as we meet the school's development director, Kathleen Staudt, striving heroically to put the pieces together to scrape out another year of existence for the school.

And then there's Sister Mary Alan Barszczewski, the school's athletic director and walking miracle, who fights for the students, the school, and her own survival against cancer.

The story is engaging, authentic, and moving from start to finish. At a preview at the Heritage Foundation last month, there wasn't a dry eye in the room. For more information, visit <<http://www.thestreetstopshermovie.com/>>.

Return service requested

CAPE notes

★ Do you have an idea for improving education? Are you looking for funders, collaborators, or simply an audience to help spread the word and expand your idea's impact? Then consider registering for the U.S. Department of Education's Open Innovation Portal, an online platform for building collaborative communities around educational innovation. The department calls the portal "a web-based forum where key stakeholders in the education community can share their innovative ideas and collaborate to turn those ideas into reality."

In a blog about the portal, Education Secretary Arne Duncan wrote, "By connecting an idea from a teacher in Maine to a principal in Oklahoma, or a teacher-entrepreneur in North Dakota with a foundation in New York, the portal will be a national marketplace of ideas of how we can ensure that every American child will graduate ready to succeed in college and the workplace."

The portal is a fully open forum, so the department cautions, "All postings and submissions to the portal are considered to be in the public domain. As such, users need to use their judgment when posting information about their proposals."

For more information, visit the portal's FAQ page at <https://innovation.ed.gov/links/faq/>.

★ Is your school doing an exemplary job of preparing students for college? Is it helping the country meet President

Obama's goal of having the highest percentage of college students in the world by 2020? Is it ready to demonstrate great progress in encouraging academic excellence and personal responsibility among students? Would you like to compete with other schools to have President Obama speak at your graduation this June? Well, if your school happens to be a religious or independent school, you're out of luck, because the Education Department's new Race to the Top High School Commencement Challenge is only open to public schools.

"Public schools that encourage systemic reform and embrace effective approaches to teaching and learning help prepare America's students to graduate ready for college and a career, and enable them to out-compete any worker, anywhere in the world," said President Obama in remarks about the program. "This is your opportunity to show me why your school exemplifies the best that our education system has to offer."

Secretary of Education Arne Duncan said the competition "is an amazing opportunity for our nation's high schools [oops, he should have said "public high schools"] to share their accomplishments and aspirations." Duncan said he is looking forward "to hearing about the many dedicated principals, teachers and parents who work tremendously hard to ensure and promote academic excellence."

Apparently, President Obama and Secretary Duncan have forgotten about the

dedication and excellence that marked their own high schools. For an administration that once aspired to be inclusive, the insensitive design of the High School Commencement Challenge is an astounding example of exclusion, and a slight to the students, parents, teachers, and administrators in religious and independent education who make amazing contributions every day to the country's common good.

★ Turning to an example of a program that does include private schools, the Treasury and Education Departments are inviting high school educators and students to take the National Financial Capability Challenge, an awards program designed to help ensure that young people "get the financial education they need to help them take responsibility for their financial futures." To learn more about the program and to register (the deadline is March 14) visit <http://www.challenge.treas.gov/>.

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