

Council for American Private Education

# CAPE outlook

Voice of America's private schools



## Bush Visits Private School to Tout DC Choice Program

President George W. Bush spoke at a private school in Washington, DC, last month to ring in the recently enacted DC school choice law.

Describing the program as “an historic moment for education,” the president said it was the first time the federal government recognized school choice as a “viable alternative for parents.” He expressed hope that the program would be the beginning of “change all across the country.”

The president's comments were part of a conversation on school choice that he conducted at Archbishop Carroll High School, a Catholic school operated by the Archdiocese of Washington. His appearance marked the first visit by a president to a private school since Bill Clinton delivered the commencement address in June 1997 at his daughter's graduation from Sidwell Friends School, an independent Quaker day school in Washington.

In effect, the presidential event amounted to a high-profile launch of the program that will provide parents of low-income children in the District of Columbia with up to \$7,500 toward tuition and fees at participating private schools. Bush offered a fundamental rationale for the initiative: “When we find children trapped in schools that will not change, parents must be given another viable option.”

Framing the voucher initiative as part of a three-way package to help all education in the District, the president said the program came with money to help the charter school movement and money “to make sure public education can do the best it can possibly do.”

Bush repeatedly praised the work being done by Archbishop Carroll, which educates over 600 DC-area students and



Christina Beauzile, a senior at Archbishop Carroll High School, presents a school jacket to President Bush during his visit on February 13. Also in the picture are (from left) John Butler, president of the school; Maryland Lieut. Gov. Michael Steele (1977 Carroll graduate); and Dr. Patricia Weitzel-O'Neill, superintendent of Catholic schools for the Archdiocese of Washington. Photo by Paul Fetters.

sends 98 percent of its senior class to college. Calling the school a center of excellence, the president said Carroll sets “high standards” and “believes in the worth and value of every child.”

Joining the president on stage for the school choice dialogue were Secretary of Education Rod Paige; Virginia Walden-Ford, executive director of DC Parents for School Choice; John Butler, president of the school; Catherine Hill, a DC resident and guardian of a niece, a nephew, and two grandsons; and Elizabeth Stallans, a single parent with a child in a DC charter school.

Asked by President Bush how his school achieves a 98 percent college-going rate, Mr. Butler said the staff at Archbishop Carroll regards college attendance as a given and conveys that to students.

“When they walk in the building, we don't ask them if they're going to college...we talk about when.” Butler also attributed the school's success to its challenging curriculum, dedicated faculty, emphasis on faith formation, and an anticipation of great achievement. “You set the bar high,” he said. “If we have high expectations for young people, they, in fact, will rise to the occasion.”

In one of the session's lighter moments, Butler announced that the school's debate team was on that very day participating in an event at Harvard University, prompting the president to admit that indeed he was once a student at Harvard, “much to the shock of some of the press corps.”

Secretary Paige offered what he called “two solid reasons” for having a school choice program. “The first one is just simple social justice and extending civil rights....It makes no sense at all

to chain a student to a school that's not serving him well.” Paige stated the second reason simply and directly: “It's good for public schools.” He explained that public schools spurred on by school choice can reach new heights of attainment.

Providing the event's most moving testimony, Virginia Walden-Ford told the president that her son had attended Archbishop Carroll on a privately funded scholarship and that the school “saved his life.” She said the feeling she got from the turnaround in her son's life prompted a desire to help other mothers feel the same way. Accordingly, she founded a school-choice advocacy group to help parents “navigate the system” and explore educational options.

When the drive for DC choice legisla-

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- 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  
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## Supreme Court Upholds Washington Scholarship Program

In a 7-2 decision, the U.S. Supreme Court last month upheld a tax-funded scholarship program for college students in Washington State that denies benefits solely to persons pursuing a devotional theology degree. The high court said that while Washington is free to offer scholarships to devotional theology majors (i.e., students preparing for a ministry) it is not required to do so. Moreover, the state's exclusion of such students from a program that extends to qualified students in all other fields does not run afoul of the First Amendment.

According to the court, the case involves the "play in the joints" between the Establishment Clause and the Free Exercise Clause of the First Amendment. "That is, it concerns state action that is permitted by the former but not required by the latter."

The two contenders in the case were petitioner Gary Locke, governor of Washington, and respondent Joshua Davey, the college student because he declared pastoral ministry as his major.

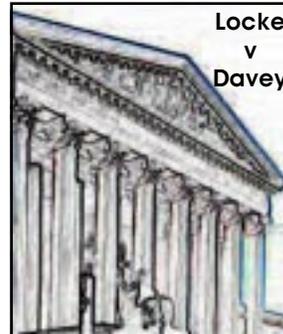
The court sidestepped a decision on the constitutionality of Blaine Amendments—provisions in the constitutions of about 37 states that ban state aid for religious instruction and schools. It noted "no credible connection" between the Blaine Amendment and the state constitutional provision that controlled the case (Article I, §11), and reached the conclusion that

"the Blaine Amendment's history is simply not before us." The court also declared that the program manifests no hostility toward religion, reasoning that scholarship recipients are allowed to attend pervasively religious schools and even to take devotional theology courses, so long as they do not pursue devotional theology degrees. "In short," said the court, "we find neither in the history or text of Article I, §11 of the Washington Constitution, nor in the operation of the Promise Scholarship Program, anything that suggests animus toward religion."

Jay Sekulow, Chief Counsel of the American Center for Law and

Justice, who argued the case before the Supreme Court, said the decision "clearly sanctions religious discrimination." But Kevin J. Hasson, president of the Becket Fund for Religious Liberty, which filed an amicus brief in the case, had a somewhat more positive take, saying, "We're disappointed about this particular battle, but more optimistic than ever about the war."

Hasson said that current challenges to state Blaine Amendments would be strengthened by the decision because the court, though not considering this case a Blaine case, "reaffirmed its long-standing principle that a law enacted as a result of hostility toward religion violates the constitution." He said seven of the current justices have already acknowledged "that Blaine Amendments were enacted out of nativist hostility to European immigrants and their religions."



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tion started to pick up steam during the past year, Walden-Ford said, "We decided to fight." Her reasoning went this way: "If Congress and the president are going to care about what happens to our kids, we're going to be right there beside them." Her admission that at times her group "got on Congress's nerves," prompted the president to quip, "I do, too, occasionally."

Catherine Hill told the heart-rending and heroic story of how she used to get up at 5:30 every morning to fix breakfast for her oldest grandson and then drive him round-trip from DC to Maryland just so he could attend a decent public school and get a good education. Another grandson currently attends a Catholic school in the District under a privately funded scholarship. But her big worry at the moment is what will happen to her niece and nephew, two public school students in the District. "If no help comes for these children, we're going to lose the battle," she said. Ms. Hill called the

new law one of the most "blessing bills" ever passed. She thanked the president for pushing the legislation and said that, because of it, a lot of children "will be able to get a decent education, go to college, and come out and become a providing person in today's society and be able to go into a job—a meaningful job."

In introducing Elizabeth Stallans, the president said, "The toughest job in America is being a single mom....And it's important for our school systems to make their job easier, not harder." Ms. Stallans recounted her struggle to transfer her son out of an unsafe school ("You cannot learn in an unsafe environment," she said) to a charter school, where now he's "soaring." Stallans thanked the president and DC Mayor Anthony Williams "for fighting with us and backing us, actually." Capturing one of the program's purposes, she went on to predict, "DC is going to have the best schools, whether they're public, charter, or private."

## USDE Issues More Guidance on DC Choice Program

To help ensure that the first federally funded voucher program is up and running by September 2004, the U.S. Department of Education last month published the conditions governing the awarding of grants under the program.

Incorporating various elements of a memorandum of understanding signed recently by Education Secretary Rod Paige and DC Mayor Anthony Williams, the conditions, published in the Federal Register, include provisions to make certain that voucher students are well paired with participating schools. For example, section III(3)(b) states that the lottery for selecting students “should be designed in such a way as to maximize the number of students receiving scholarships by matching accepted students with available slots at participating schools.” It goes on to allow “parents of eligible students and participating schools to participate in determining the appropriate school and grade-level placements for eligible students.” Further, section III(3)(j) requires a grant applicant to

specify how it will “consult with private schools initially and throughout the planning and implementation...in order to facilitate an effective and successful scholarship program for both participating students and private schools.”

Another key provision relating to private schools is section III(3)(d), which requires a grant applicant to specify how it will ensure that parents of eligible students receive enough information about participating schools to make informed choices, including information about each school concerning “the qualifications of its teachers; the educational philosophy and available courses and programs of the school; the achievement of the school’s students; student expectations (such as uniforms, discipline policy, honor code, and required classes); and the safety and school environment of the school.”

As part of the application packet for entities seeking to administer the grant, the Department also issued a Q-and-A document about the program (see excerpts below).

## Bolick to Head Choice Groups

With the hope of building on and extending the current public policy trend toward educational freedom, some school choice advocates have announced plans to establish two new organizations to generate grassroots support for, and to promote passage of, school choice legislation.

Clint Bolick, perhaps the country’s most well-known legal strategist and litigator for school choice, will head the School Choice Alliance and its related organization, School Choice Advocates, starting April 2. Bolick is vice president and, with Chip Mellor, co-founder of the Institute for Justice, a Washington, DC-based public interest law firm that litigates individual liberty cases. Bolick will continue his affiliation with IJ on a part-time basis as its counsel for strategic litigation.

“This is a huge opportunity, not only for Clint but for the school choice movement,” said Chip Mellor, IJ’s president and general counsel. “IJ and Clint will continue to work closely together; school choice parents and children get an impassioned and articulate voice to champion their cause, and Clint gets to dedicate himself full time to an issue he helped put on the map. Everyone wins.”

The newly formed organizations, which could quicken the pace for establishing school choice programs across the nation, will be blends of three existing organizations: the American Education Reform Council, the American Education Reform Foundation, and Children First America.

Commenting on the new undertaking, Bolick said, “I look forward to celebrating many more victories for freedom in the coming years.” He called his association with IJ “an honor and a delight” and noted IJ’s “boundless potential for the future.”

## DC Choice Incentive Program: Frequently Asked Questions

Excerpts From the USDE Document Issued February 2004

***If more scholarship recipients want to attend a particular school than the school can accommodate, how will students be selected to attend that school?***

If more students who meet the academic criteria for admission to a school apply than the school can accommodate, students will be selected for admission through a lottery.

***Will enrollment of a scholarship student make a private school a “recipient of Federal financial assistance”?***

No, the statute specifies that scholarships are considered assistance to the student and not as assistance to the participating school.

***May participating schools hold scholarship recipients to the same rules of conduct and other requirements applicable to the schools’ other students?***

Yes, the authorizing legislation expressly allows participating private schools to require scholarship students to abide by the same rules of conduct and other requirements applicable to all other students who attend the school.

***Will administration of the program involve the Department of Education, the DC Government, or the independent entity in setting new requirements for private schools (for instance, in the area of teacher qualifications)?***

No. Private schools participating in the program will maintain their traditional independence in such areas as hiring and establishing minimum qualifications for teachers, selecting curricula, and setting standards for grading and promotion. The Department and the DC Government will fully respect that independence.

***What tests will scholarship students have to take? Will other students who attend participating private schools also have to take those tests?***

Under the statute, the evaluation will include testing of scholarship students using the same assessments that the DC Public Schools are using at the time the program begins. The evaluation results will be used to assess the academic performance of students over the course of the program. Administration of the tests will be the responsibility of the evaluator. (Participating schools will not be required to administer them.)

Both scholarship recipients and students who apply for scholarships but do not receive them will take these assessments. This design will allow a valid comparison of the academic achievement of scholarship students versus that of DC schoolchildren at the same grade level who remain in the public schools. Other students at participating private schools would not be part of the evaluation and would not have to take those tests.

Return service requested

## CAPE notes

★ The collaboration between the California Department of Education and the California Association of Private School Organizations (CAPSO), a CAPE affiliate, was highlighted last month in “The Education Innovator,” the newsletter of the Office of Innovation and Improvement at the U.S. Department of Education. According to the newsletter, the goal of the collaboration was “to educate the private school community on both the opportunities available to them, as well as on the obligations of the local school districts in implementing these programs.” The collaboration produced a series of workshops across the state to help officials from public and private schools learn about the provisions in the No Child Left Behind Act that relate to services to children in private schools. According to the USDE newsletter, one public school district attendee offered this comment: “Not only were our private schools thrilled with the options we discussed, and grateful for the organized materials, but we discovered many ways we could be working together that had no additional cost....[The workshop] gave us confidence in understanding our obligations, the responsibilities of our private school partners, and the benefits to all students.”

★ “Democratic President Supports DC Voucher Program!” If that headline sounds fictitious, it is. It was one of the story lines in an episode of “The West Wing”—the one that aired February 25.

In the subplot, the mayor of DC wants the president to sign an appropriations bill that includes a pilot voucher program for the city. “Why don’t you help me get some kids a better education,” he implores Josh Lyman, the president’s deputy chief of staff. But Lyman tells the mayor, “We’re against vouchers. Period. And by ‘we’ I mean the entire Democratic Party....We open the door an inch on vouchers, we’ll have open revolt by most of the Democrats on the Hill.”

The persistent mayor, however, gets to meet face to face with President Josiah Bartlet and tells the president he’s just not going to change his mind on the issue. “After six years of us promising to make schools better next year, we’re ready to give vouchers a try,” he says. Bartlet counters that a voucher program amounts to “sending the message that it’s time to give up on public schools.” But the mayor presents some stark realities: per pupil spending in the District is high; performance is low; and the voucher program is “something that might actually help some students.” Besides, it’s popular. “Go into any one of my schools. Ask kids who want to go to college what they think of vouchers. They’ll ask you where they can sign up.”

The president is finally persuaded to support the measure after he questions a young staffer from DC about his high school experiences. It turns out that although he had attended a public school, he had really wanted to go to Gonzaga, a

private high school near Union Station where “almost everyone goes to college.” The problem was he couldn’t afford it. When the president asks him what he thinks about the voucher program, the staffer says, “I wish they would have had one when I was in school.” That seems to turn the tide for the president, who tells the mayor, “I’m going to need your help putting out some fires within the party on this one.”

★ “If you’re a trembling, scared, mealy-mouthed, weak-kneed person, you don’t need to be in this fight.” That was one of the no-nonsense messages Dr. Howard Fuller, former superintendent of Milwaukee’s public schools and founder and director of the Institute for the Transformation of Learning at Marquette University, had last month for attendees at a USDE-sponsored forum on education innovation.

The fight Fuller was talking about is the implementation of the DC school choice program. “Now that you have the program, the hard part is just beginning,” said Fuller. He said opponents of the program are “relentless, focused, well-financed,” and are “not just going to go away” now that the legislation has passed. “They will do everything that they can to make this hard... to discredit people...to put barriers in the way—all the time claiming that they care about children.” He warned his audience, “Get ready for the fight.”