

Council for American Private Education

# CAPE outlook

Voice of America's private schools

## Congress Protects Title V; Provides \$200 Million in Funding

Congress passed a fiscal 2005 spending bill last month that includes \$200 million for Title V, thus restoring the program that House and Senate appropriations committees had once earmarked for elimination. Congress cleared the increase in Title V even while

appropriators were forced to scale back spending for education due to overall budget restraints. The \$57 billion education spending package that Congress ultimately approved, though still the biggest in history, was less than what the president and congressional appropriators had asked for.

The Title V increase within the context of a downsized education budget was the direct result of an energetic and extensive advocacy campaign to pressure Congress to reinstate the popular program. The pri-

private school community and some important segments of the public school community joined forces to encourage grassroots contacts with members of Congress.

CAPE's Legislative Action Center alone logged well over 7,500 e-mail messages to Congress on this issue. And

## Title V Protected

*Thank Congress Today at [capenet.org](http://capenet.org)*

the effect was remarkable. In the end, even appropriators who originally approved the program's eradication played a critical role in restoring funds.

Still, the \$200 million appropriation for Title V (subject to a 0.8 percent across-the-board cut in all non-defense and non-homeland security spending to keep the total omnibus appropriations bill within agreed-upon targets) is \$96.5 million less than last year's appropriation, providing a new goal for next year.

Title V serves children in public and

private schools by providing materials, equipment, and services to meet student needs as determined by local administrators. The program has been a staple of federal education assistance since the initial enactment of the Elementary and Secondary Education Act in 1965. In June 2000, the U.S. Supreme Court upheld the program in the landmark decision entitled *Mitchell v. Helms*.

### Campaign to Thank Congress

The decision by senators and representatives to reinstate Title V within an education budget smaller than they originally wanted is an extraordinary move that warrants special thanks. It's not often that members of Congress are thanked by constituents for listening to their needs and responding to their petitions. CAPE invites the private school community to use the Legislative Action Center to send notes of thanks to Congress for protecting Title V. It only takes a minute. The Web address is [www.capenet.org/new.html](http://www.capenet.org/new.html).

## Congress Approves, President Signs IDEA with New Private School Provisions

As part of its year-end rush of business, Congress last month passed the long-awaited reauthorization of the Individuals with Disabilities Education Act (IDEA 2004). The Senate approved the bipartisan legislation by unanimous consent, and the House did so by a nearly unanimous vote of 397 to 3.

House Education and the Workforce Committee Chairman John Boehner (R-OH), who chaired the conference committee that approved the final bill, called the measure "an across-the-board win for teachers, parents, and students with special needs."

President Bush signed the legislation December 3 at a ceremony attended by various supporters of the bill, including Representative Mike Castle (R-DE), the

lead sponsor in the House, and Senator Ted Kennedy (D-MA), whom the president described as "a long-time advocate" of the legislation. Bush said the bill "shows what is possible in our nation's capital." He went on to say that the more than six million children with disabilities in the nation's schools "deserve high hopes, high expectations, and extra help."



### Private School Provisions

The new law includes some important improvements relating to services for children with special needs whose parents have placed them in private schools. For example, the law requires school districts

to record and report to the state education agency the number of private school children evaluated, the number determined to be children with disabilities, and the number served. It also changes the target child-find and service population from children *residing* in the district to children *attending* private schools within the district.

Overall, however, IDEA 2004 treats services to children placed by their parents in private schools essentially the same way the old law did. School districts are obliged to provide private school children who have special needs with services equal

*Continued on page 2*

# CAPE

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
- Oral Roberts University Educational Fellowship
- Seventh-day Adventist Board of Education
- Solomon Schechter Day School Association
- Southern Baptist Association of Christian Schools
- United States Conference of Catholic Bishops
- 28 Affiliated State Organizations

a coalition of national associations serving private schools K-12  
Executive Director: Joe McTigue

**Outlook is published monthly (September to June) by CAPE using an Apple Power Mac G4. An annual subscription is \$15. ISSN 0271-1451**

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## In Praise of Paige

Few, if any, secretaries of education have presided over more fundamental and far-reaching reform than Rod Paige. For the most part that reform was centered on a single, noble purpose: improving the performance of disadvantaged students. Leaving no child behind was more than a catchy slogan for Rod Paige, it was an intense commitment. In his four years as secretary, he focused on that goal like a laser.

Time and again, Paige challenged the country to close the academic achievement gap between minority and majority students. He took up that theme at his swearing-in ceremony in January 2001, and he wrote of it in his letter of resignation last month, reporting that the gap “has begun to close.” His letter went on to say, “Hispanic and African American test scores, especially in the big urban centers of our nation, are beginning to rise.” If that trend continues and expands, his legacy will be a remarkable one indeed.

Secretary Paige’s determination to leave no child behind fueled his passion for school choice. He once said, “There is no force in the universe more powerful, as far as school change is concerned, than an informed parent with options.” During Paige’s tenure, Congress enacted the historic D.C. School Choice Incentive Act, which may someday be regarded as a defining moment in the history of school choice and civil rights. Paige used the language of the civil rights movement to describe the program, saying vouchers provide students with “educational emancipation” and “help remove the chains of bureaucracy.” “Education is freedom,” he said. “A good, wise, just and compassionate country

makes certain that educational opportunities are available for all of its citizens—every single one of them.”

And Secretary Paige was an inclusive secretary. While never swerving in his commitment to public education, the country’s top educator saw himself as serving all students, whether in public or private schools. During his first year in office, he punctuated that point by visiting a private school in Kansas City, Missouri, where he read to students, helped with a science lesson on magnets, and then addressed an assembly of students, parents, teachers, and public officials. In the course of his four years in office, he met a number of times with representatives from CAPE, when he



Photo by Joe Cory, *The Catholic Key*  
U.S. Education Secretary Rod Paige reads to Ife Siffre, a pre-K student at St. Francis Xavier School in Kansas City, MO, in August 2001.

would consistently express appreciation for the contributions of private schools in America. “We listen to you, and we watch you, and we learn from you,” he said at a CAPE meeting in March 2003. More recently, at a meeting with CAPE’s board in October, the secretary talked about the work done by private schools in educating the public. He said public education in its broadest sense does not just take place in institutions called public schools, but is carried out in a variety of settings.

In thanking Secretary Paige, President Bush said, “His passion for taking on the status quo and fighting for reform underscores his strong commitment to our country’s young people and his desire to give them a brighter future.” We at CAPE concur. And we express our own thanks to the secretary for his courage and integrity, for his pursuit of excellence for all children, and for his commitment to choice and pluralism in education. We wish him well.

### Continued from page 1

to a proportionate share of a school district’s IDEA funds. So, if private schools located in a district enroll 10 percent of all the students in a district with special needs, the district is obliged to spend 10 percent of its IDEA allocation on services for those children. Because no individual child in a private school is entitled to any particular services, the determination of what students are served, what services they receive, and how, when, where, and by whom such services are provided are all matters of consultation

between public school officials, private school officials, and parents of the students involved.

But while essentially retaining the existing approach, the new IDEA includes some significant changes designed to make that approach more effective. The principal improvements are described in the sidebar on page 3. The changes take effect July 1, 2005.

Michelle Doyle of the U.S. Conference of Catholic Bishops successfully led the private school community’s efforts to secure improve-

Continued on page 3

## Spellings Tapped for Top Ed Job

“The most influential woman in Washington that you’ve never heard of.” That’s how Karl Rove once described Margaret Spellings, whom President Bush named last month to be the next secretary of education.

Up to now, Spellings has been a behind-the-scenes assistant to the president for domestic policy. “I don’t like to be in the limelight,” she once confessed to a reporter. But her low profile inversely compares to her high energy and effectiveness. A close and trusted adviser to the president, Ms. Spellings played a key role in developing the No Child Left Behind Act, the centerpiece of the administration’s education reform agenda.

Spellings’ days of shunning the spotlight came to an abrupt end when President Bush announced her nomination in the Roosevelt Room of the White House on November 17. Bush described the next education secretary as having a “special passion” for school reform. “She believes that every child can learn, and that every school can succeed. And she knows the stakes are too high to tolerate failure.”

Spellings thanked the president for the opportunity to serve “the children of America.” She said she was “humbled and honored” by the president’s trust, and she committed herself “to make our schools the finest in the world.” In pursuit of that goal, she pledged to “work alongside America’s educators.”

Picking up on that pledge, CAPE, in a letter of congratulations to the nominee, expressed eagerness to work with her and to bring the private school perspective to education policy considerations. Spellings already knows quite a bit about the role of private schools in American education. And some of that knowledge is firsthand. The Washington Post reported that

Continued from page 2

ments in services to students.

CAPE has produced an analysis of IDEA 2004 in PDF format. It includes the exact language in the law that relates to students placed by their parents in private schools, and it also includes a side-by-side comparison of the new law with its predecessor. The CAPE document is available free of charge at [www.capenet.org/IDEA.html](http://www.capenet.org/IDEA.html).

her older daughter attends a Catholic school in the Washington metropolitan area.

Back in March, the education secretary-designate met with CAPE officials in her role as assistant to the president for domestic policy. At



Margaret Spellings, President Bush’s nominee for education secretary

that time she spoke about the school choice initiative in the District of Columbia, the first-ever federal K-12 voucher program. Describing the initiative’s importance to the president, Spellings said the administration was “very much committed” to the D.C. plan. She predicted it could set the stage for an expansion of school choice in other parts of the country. “It is very important... that this program work,” she said. To accentuate that commitment, she reminded the group that the

president’s FY 2005 budget included \$50 million to fund similar choice pilot programs in other willing cities across the country.

During the same session with the CAPE delegation, Spellings also addressed the issue of government control of private education, saying the administration advocates a “hands-off attitude” toward private schools and pointing out that patrons of such schools “can vote with their feet.”

When asked at the time by a CAPE delegate to predict what was next on the president’s education reform agenda, Spellings suggested a focus on high schools. “Making the high school diploma worth the paper it’s printed on” could be part of the package, she said. That prediction, made back in March, turned out to be right on the money, providing further evidence of Spellings’ inner-circle status. Throughout his reelection campaign, President Bush promised to pursue high school reform, and he restated that commitment when he announced Spellings as his pick for education secretary.

Known for her intelligence and wit, Spellings has a long and solid work history with the president. Before coming to Washington as part of the Bush administration, she was senior adviser to then Texas Governor Bush. Before that, she was political director for his 1994 gubernatorial campaign.

She and her husband, Robert, whom The Washington Post described as “an Austin lawyer who lobbied in Texas on behalf of the promotion of school vouchers,” have four children.

## Changes in IDEA

The Individuals with Disabilities Education Act that Congress reauthorized last month includes numerous improvements for students enrolled by their parents in private schools. Below are some examples. The changes take effect July 1, 2005.

- Requires school districts to record and report to the state education agency the number of private school children evaluated, the number determined to be children with disabilities, and the number served.
- Changes the target child-find and service population from children residing in the district to children attending private schools within the district
- Incorporates within the statute a number of provisions relating to private school students that were previously only in regulations.
- Substantially strengthens the consultation requirements; expands the list of items around which there is to be consultation; and requires a written affirmation from private school officials that timely and meaningful consultation has occurred.
- Requires school districts that disagree with the views of private school officials, on the provision of services or the types of services, to provide private school officials a written explanation of the reasons why the district chose not to provide services directly or through a contract.
- Clarifies that school districts may provide services to private school children directly or through contracts with public and private agencies, organizations, and institutions.
- Specifies that state and local funds for special education services to children in private schools may supplement but not supplant the federal funds required to be spent under IDEA.

Return service requested

## CAPE notes

★ Thirty years ago—and 300 issues ago—CAPE published its first Outlook, although the official title at the time was a tad longer: The Private Elementary and Secondary Education OUTLOOK.

In its inaugural issue, the publication's purpose was described this way: "By regularly presenting information on significant issues and activities in private education, OUTLOOK will help readers make informed independent judgements on the role and value of private education in America." First-issue stories included a piece about CAPE being "a unifying agency and voice for most of private elementary and secondary education in the United States," and a report that Terrel H. Bell, President Nixon's nominee for commissioner of education, had taken a "firm stand in support of private education."

The premier issue also reported on a speech that Robert Lamborn, CAPE's executive director at the time, had given to a group of private school educators. The report, in part, went this way: "Dr. Lamborn indicated that the future of private education is directly related to its success in convincing the public that private schools 'do, in fact, serve the needs of a society committed to the strength which derives from diversity.' Private schools fail to gain support, he said, when the public no longer believes that they fulfill special needs, provide special services, and 'serve the needs of that broader society.' Noting that the private school community is a 'widely—almost wildly—diverse group,'

Dr. Lamborn warned that it would be 'unwise, myopic, and self-defeating' for private educators to think that their own segments of the private school establishment 'are all there is of it—or all that is important in determining the future of their schools.'"

★ Deputy Secretary of Education Gene Hickok announced December 2 his intention to resign his position at the end of January 2005. A courageous and articulate defender of the No Child Left Behind Act, Hickok was steadfast in his commitment to the Bush administration's reform agenda and was an especially persuasive proponent of school choice.

Hickok saw himself and the department as serving all children, whether in public or private schools. "This is everyone's Department of Education; this is America's Department of Education," he told CAPE's board of directors in October 2001, and he consistently acted in accordance with that position.

In his letter of resignation to President Bush, Hickok said: "Your unswerving dedication to reforming education...has given birth to a new era in education in this country....We talk about accountability and results. We speak about options and choices. We confront the achievement gap instead of closing our eyes to it. We talk about making the promise of America real for all of America's children. I will be forever grateful that you asked me to contribute to this noble cause."

★ Education Secretary Paige said he is "proud to have served alongside Gene Hickok, who has dutifully and tirelessly worked on behalf of America's children, ensuring that they are part of a system that gives each and every one of them the attention they deserve and academic tools for success."

With Dr. Hickok's departure, schoolchildren across the nation will be losing a decent, smart, and courageous champion.

★ When Biscuits, the national Thanksgiving turkey, and his friend Gravy were pardoned last month by President Bush, students from the Immaculate Conception School in Washington, DC, got to witness the ceremony firsthand.

During the official and (for Biscuits and Gravy) life-sparing proceedings, Bush thanked the school and parish for a 40-year history of distributing holiday food baskets to needy families. "For the sake of our feathered guests, I'm not going to elaborate on the contents of those baskets," the president said.

In a playful mood, Bush reported that thousands of ballots had been cast in the campaign to determine which turkey would receive the pardon. "It was a close race," he said. "You might say it was neck-and-neck." Bush went on to report that in the course of the campaign, "There was a scurrilous film that came out, 'Fahrenheit 375 Degrees at 10 Minutes Per Pound.'" But in the spirit of the holiday, he added, "Now, it's a time for healing."