

Council for American Private Education

CAPE outlook

Voice of America's private schools

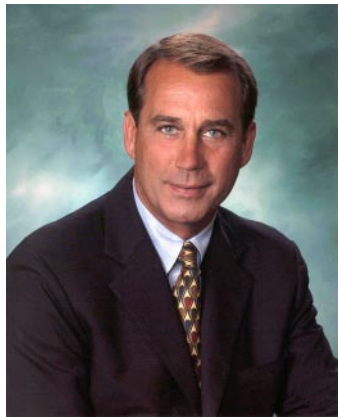
Congress Considers Hurricane Aid Proposals

Two proposals—one that the Senate has passed and one that the House is considering—have emerged as the most likely vehicles for delivering federal assistance for the education of students displaced by Hurricanes Katrina and Rita. Although both measures would provide equitable assistance to displaced students attending either public schools or private schools, they differ substantially on how the assistance would be delivered.

The House bill, developed by Rep. John A. Boehner (R-OH), chairman of the Education and the Workforce Committee, and co-sponsored by him and 26 other Republicans, would allow displaced families to establish a federal reimbursement account using the Internet or an 800 number. Parents would then provide their child's public or private school with the account number, which the school would use to be reimbursed for the expense of educating the displaced student. The streamlined reimbursement approach would get the aid to schools quickly while avoiding layers of government bureaucracy. An independent contractor would administer the program.

The bipartisan Senate proposal was introduced by Senator Michael Enzi (R-WY), chairman of the Senate Health, Education, Labor, and Pensions Committee, on behalf of himself and Senators Edward Kennedy (D-MA), Lamar Alexander (R-TN), Christopher Dodd (D-CT), Mary Landrieu (D-LA), Thad Cochran (R-MS), Trent Lott (R-MS), and Kay Bailey Hutchison (R-TX). The measure (S. Amdt. 2352 to S. 1932) would provide funds to states, which would distribute funds to school districts, which, in turn, would retain a per-pupil amount for the

education of displaced students enrolled in public schools and would make an equivalent payment to accounts established at a parent's request on behalf of displaced students attending private schools located within the district's boundaries. Private schools would then use the funds in the accounts for the purposes prescribed in the bill.



Rep. John A. Boehner (R-OH)

On November 3, the Senate passed the Enzi/Kennedy proposal by voice vote as an amendment to a deficit-reduction bill, which it then passed 52 to 47. The day before the vote, Senator Kennedy delivered an impassioned defense of his amendment

on the Senate floor. Defying the intense opposition boiling up from public school teacher unions and other groups, Kennedy argued for equitable assistance for all children: "This was an equal opportunity disaster for children—Protestant, Catholic, Jewish, across the Gulf.... This is about children. It is simple. These children, these schools, need assistance." He called charges that his proposal would be a foot in the door for vouchers "poppycock."

The House bill (H.R. 4097) was in a somewhat precarious position as *Outlook* went to press. In a bruising setback, the Education and the Workforce Committee defeated the bill, 26-21, on October 27, with all 22 Democrats and four Republicans voting against it under heavy pressure from groups opposing the measure. Chairman Boehner then decided to send the pro-

posal to the House Budget Committee along with a budget reconciliation package approved by the Education and the Workforce Committee. "It is an outrage that House Democrats and the education establishment would stand in the way of meaningful relief for the victims of Hurricanes Katrina and Rita," said Boehner. "I strongly believe this proposal is the simplest, most direct means to provide relief to schools on behalf of affected students and families, and that's why it will be presented to the Budget Committee as part of the reconciliation package." But the budget panel did not include the Boehner measure in the reconciliation bill that it approved November 3, so the proposal's fate fell into the hands of the Rules Committee. (As of November 7, the Rules Committee had not decided whether to bring the measure before the full House.) Assuming the House includes the Boehner approach in its version of the deficit-reduc-

tion bill, the House and Senate bills would then go to a conference committee to resolve the differences.

Proposals Differ

Besides their different mechanisms for delivering aid to schools hosting displaced students, the Senate and House hurricane assistance proposals differ in other ways as well. The Senate bill covers elementary and secondary schools serving students affected

by Hurricane Katrina; the House version includes preschools and also extends benefits to students displaced by Hurricane Rita. Neither bill includes start-up aid for private schools damaged by the hurricanes (although the Senate bill does so for public schools), and both bills stop assistance



Sen. Michael B. Enzi (R-WY)

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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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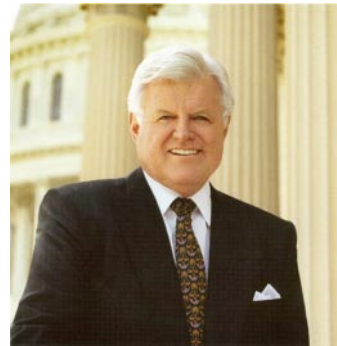
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if and when students return to their school of origin. Both measures regard the aid as one-time emergency assistance by limiting it to the 2005-06 school year. To protect against fraud, the bills restrict participation to previously established schools and include fiscal accountability safeguards. Both proposals include nondiscrimination provisions, while allowing for single-sex schools, classes, or activities. An unsettling specification in both measures disallows religious schools from first serving, or giving any enrollment preference to, displaced students who are co-religionists.

Religious Activities

The provisions relating to religious activities establish the clearest fault line between the two approaches and, with respect to the Senate version, raise considerable concern within the religious school community. The Senate proposal prohibits the use of funds for religious activities, restricting spending to specific secular and neutral purposes described in the bill. In light of the U.S. Supreme Court's decision in *Zelman v. Simmons-Harris*, a program that provides assistance to parents who choose from a variety of schools, including religious schools, does not have to restrict the use of funds to secular activities. The House bill does not include such restrictions. In fact, it provides specific safeguards, not found in the Senate bill, regarding the religious practices and activities of participating schools. Protections extend to a school's instructional program, the use of religious terms in its mission statement, the selection of board members on the basis of religion, the use of religious symbols, and other components of the program. The House bill also explicitly allows participating schools to exercise their rights in matters of employment consistent with Title VII of the Civil Rights Act of 1964.

Senator John Ensign (R-NV) introduced a last-minute amendment to address serious concerns raised about the Enzi/Kennedy proposal by various groups, including CAPE. During the Senate debate, Ensign described his amendment as delivering much-needed relief "without placing unworkable and unnecessary restrictions on private schools serving these displaced families."



Sen. Edward M. Kennedy (D-MA)

He said that with his amendment, a Catholic school, for example, "would be able to function as a Catholic school functions and not be penalized" because it has taken in displaced students and is being assisted for doing so. The Senate defeated the Ensign amendment 31 to 68 and approved the Enzi/Kennedy proposal by voice vote.

Twists and Turns

The road to the bipartisan Senate bill was not without twists and turns. On September 15, Senators Enzi and Kennedy initially introduced Katrina-relief legislation that ignored the needs of students in religious and independent schools. But even then the bill seemed to be bucking a

growing consensus that education aid related to the hurricanes should apply to all students. The same day, President Bush unveiled a plan to provide "compensation to displaced families for enrollment in private, including parochial schools."

The next week, on September 22, the Senate Education and Early Childhood Development Subcommittee, chaired by Lamar Alexander (R-TN), held a hearing on proposals to help students displaced by Hurricane Katrina. Alexander said at the hearing that he thought a one-year, temporary program through which funds followed displaced students to any public or private school would be "the fairest approach." And while such comments are expected from someone so supportive of school choice, the surprise came when Senator Christopher Dodd (D-CT) also offered support for assistance to students in private schools. "In my view, we've got to accommodate this in a way that makes sense," he said.



Sen. John Ensign (R-NV)

That same day in another part of the Capitol, Louisiana Senators Mary Landrieu (D) and David Vitter (R), along with the entire Louisiana Congressional delegation, introduced a bipartisan bill to provide comprehensive hurricane relief, including equitable assistance to "private and parochial schools."

And in an editorial earlier that day, *The Washington Post* lent its own support to helping displaced students in private schools, saying such aid should be "given out in a limited number of places and for a limited time."

The drive toward equitable help for private

USDE Sponsors Conference for Private School Leaders

The main message at the conference that the Office of Innovation and Improvement at the U.S. Department of Education put together for private school leaders was a familiar and welcomed one: President Bush is committed to providing equitable relief for all students affected by the recent hurricanes. Less familiar but just as welcomed were the additional messages delivered at the September 28 conference. Participants in the day-long event learned about new guidance on Title IX, opportunities for private schools within the supplemental education services program, a forthcoming survey on private school participation in federal programs, and several other topics of interest.

The centerpiece, of course, was an address by Education Secretary Margaret Spellings, whose down-to-earth style suggested more a chat among friends than a formal speech. The secretary reviewed the president's hurricane-relief proposal and made a pitch for private schools becoming supplemental education service providers (see sidebar).

Maureen Dowling, education program specialist in the Office of Non-Public Education, reviewed new guidance on Title IX, Part E of the Elementary and Secondary Education Act, as reauthorized by the No Child Left Behind Act. The guidance covers nine of the 12 major

programs within the act that require equitable services to private school students or teachers, so it is of no trivial consequence. Available on the Web at <http://www.ed.gov/policy/elsec/guid/equitableservicesguidance.doc>, the guidance addresses, in great and valuable detail, issues such as proper consultation, program eligibility, allowable expenditures, equitable services, and other requirements to ensure that government officials provide full opportunities for private school participation. One of the document's practical features is a sample form that school districts can use to determine the programs in which a particular private school is interested in participating.

Title IX Guidance

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school students seemed to be gaining ground. The following day the *Congressional Quarterly* reported that Senators Kennedy and Enzi were working on adjusting their bill to extend its provisions to displaced students in private schools.

Final Outcome Uncertain

The final form of federal help for students displaced by the hurricanes is far from certain. There is a definite preference within the private school community for the House bill, with its less-intrusive, streamlined approach to providing assistance and its protections of a school's autonomy and character. By bypassing state education departments and local school districts, the House approach allows families and schools

to avoid the very bureaucracies that have sometimes fallen short in delivering federal services to students in private schools. But assuming the House passes the Boehner bill, the end product will still require some resolution of differences between the House and Senate versions through negotiations involving both chambers and the Bush administration, which started the public discussion in the first place by offering a concrete plan for inclusive and equitable assistance.

In an editorial on the topic published October 25, *The Washington Post* said "speed and efficiency" should be politicians' biggest concerns at this point. The editorial went on to express a hope shared by many that "Congress and the White House will see their way toward a compromise on this issue."

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USDE Survey

Beth Franklin of the Office of Planning, Evaluation, and Policy Development described the purpose, development, and design of a survey to determine the extent of private school participation in the federal programs for which their students or teachers are eligible. Currently in its data-collection phase, the survey is sampling 600 school districts and 1,500 private schools located within those school districts. Ms. Franklin encouraged private school representatives to encourage their schools to participate, reminding them that each selected school is standing in for a wide set of schools and that rich data is the best way to support policy positions. "Data equals influence," she said.

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SOS on SES

"I thought tutoring was something rich people got for their kids." That's how one mother reacted regarding her child's participation in the supplemental education services (SES) program available to low-income families with children in poor-performing public schools.

Of the estimated 2 million students eligible for supplemental services, only 200,000 are actually getting them, a situation U.S. Secretary of Education Margaret Spellings said was "not good enough." During a recent conference of private school leaders (see story left), Spellings described the mismatch between eligible and actual recipients of supplemental services and encouraged private schools to become SES providers.

So far, private schools have not been knocking down doors to participate in the program, in large part because their own students are not eligible. But Kathy Joyce, principal of St. Peter the Apostle High School in New Brunswick, NJ, made a strong case at the conference for why private schools should follow the lead of entrepreneurs in the for-profit sector, who have embraced the program from the start.

Ms. Joyce sees supplemental services as an opportunity to provide much-needed help to children in the community and significant additional income to teachers in her school, who now tutor public school students during non-school hours. Her program, currently in its second year, is now poised to serve as a steppingstone for a statewide undertaking.

To help private schools become SES providers, the U.S. Department of Education has just published a helpful brochure. "Opportunities for Private Schools to Provide Extra Academic Help to Disadvantaged Students" is available at: <http://www.ed.gov/admins/comm/suppsvcs/privschoools/opportunities.pdf>.

Return service requested

CAPE notes

★ **Fast Fact About Private Schools:** Are students over-tested? Private school parents don't seem to think so. A survey by the National Center for Education Statistics (NCES) shows that parents of nearly 90 percent of private school students think the amount of standardized testing in their schools is "about right." The 2003 Parent and Family Involvement in Education Survey also shows that parents of over 75 percent of private school students are "very satisfied" with their schools and that parents of over 80 percent of students are very satisfied with academic standards and with order and discipline. The NCES report on the survey, released May 2005, is available at: <http://nces.ed.gov/pubs2005/2005043.pdf>.

★ Here's an easy way to fulfill a civic duty and at the same time save the federal government some money: complete NCES's 2005-06 Private School Survey (PSS) on time the first time. The survey provides the most comprehensive private school demographic data in the country. Educators, policymakers, and private school officials use it to get basic aggregate data that can then be sliced by religious affiliation, school size, state, and dozens of other criteria.

Every private school in the country will receive the survey sometime

this month. The massive undertaking involves an initial mailing to about 38,000 institutions. If school officials complete and return the survey when they first receive it, the collection process can proceed smoothly and efficiently. But in past years, a significant percentage of schools required a second mailing, a telephone follow-up, or even a field contact before completing the survey—all of which add wasteful cost and time to the project.

To see some of the biennial survey's multiple benefits, read the NCES report on private school demographics at: <http://nces.ed.gov/surveys/pss/>.

★ "This is what I tell my kids. I tell them that this is an opportunity for you to strive, [so] do your best, take advantage of it." That's what one parent of a child participating in the District of Columbia's Opportunity Scholarship Program (OSP) told researchers during the first qualitative study of the program. According to Patrick J. Wolf, principal investigator of the School Choice Demonstration Project (SCDP) at Georgetown University, which conducted the research, the study provides "unprecedented insight into why and how families participated" in the program.

Released last month, the study, which collected data through a series of focus-group discussions with 45 parents and 23 students, found that participating parents

chose their child's school for a variety of reasons, "the most common being smaller class sizes, school safety, and a religious or values-based environment."

The study also uncovered some start-up glitches with the program. "Most of the parents and students expressed varying degrees of challenge and frustration in exercising school choice for the first time," said Thomas Stewart, lead author of the study. "Nevertheless, these families were generally grate-

ful for the opportunity to choose a private school and believe that their children will benefit from their involvement" with the program.

The report is available at: <http://www.georgetown.edu/research/scdp/>.

★ The Thomas B. Fordham Foundation has published an inspiring profile of Mary Anne Stanton, leader of a consortium of 13 Catholic schools serving high-poverty neighborhoods in Washington, DC. Stanton's approach may be a way to keep inner-city private schools alive and well. According to Fordham, the consortium "has not only strengthened each school's financial health, but has also greatly improved the academic performance of the children the schools are charged with educating." The profile is available at: <http://www.edexcellence.net/doc/Fwd-2.2.pdf>.

