

Council for American Private Education

# CAPE outlook

Voice of America's private schools

## FY 2007 Spending Finalized; FY 2008 Spending Proposed

February saw two significant developments in funding for federal programs affecting students in private schools as Congress passed a spending bill for the current fiscal year and President Bush proposed a budget for the year ahead.

The FY 2007 spending package that Congress approved and the president signed includes an increase of \$200 million in IDEA programs for students with disabilities and \$125 million more for Title I grants to help low-income youngsters improve basic skills. Both programs include services for students in private schools.

The bill also retains current funding levels for three popular programs that the private school community fought to protect: Title II-D (Education Technology), Title IV-A (Safe and Drug-Free Schools), and Title V-A (Innovative Programs). CAPE's "Keep 2-4-5 Alive" campaign urged Congress to retain the programs and increase their funding. The level-funding, in light of the fact that all three programs had been earmarked for cuts in one or more of the spending plans that surfaced last year, was a welcome development and sets the stage for possible increases in FY 2008.

Under the funding bill, which is technically a continuing resolution, all but a handful of education programs were funded in FY 2007 at FY 2006 levels. Most federal education programs, including IDEA and Titles I, II, IV, and V, are forward funded, meaning the funds provided in FY 2007 will not affect schools until the 2007-08 school year. The level-fund-

ing means that in the next academic year, schools will be able to count on about the same services they received this year.

As Congress prepared to send President Bush the final spending bill for fiscal year 2007, the president unveiled his own proposed budget for 2008. The two documents suggest a looming debate over

current public school could receive scholarships of up to \$3,000 to cover the cost of supplemental tutoring.

"Opportunity Scholarships" is the name given to a competitive grant program in which cities,

non-profit agencies, and other entities would vie for federal funds they could use to establish their own scholarship programs for students in low-performing schools. The programs would be similar to the federally funded scholarship program currently underway in the District of Columbia. Parents could use the scholarships to have their children attend private schools or out-of-district public schools. As with the Promise Scholarships, they could also use the funds to obtain supplemental educational services.

The president's budget also calls for \$13.9 billion (an increase of \$1.1 billion) for Title I. But on the downside, the budget

targets the three programs in the "Keep 2-4-5 Alive" campaign for huge hits. The president wants to eliminate state grants for education technology (Title II-D) and innovative programs (Title V-A). The Safe and Drug-Free Schools and Communities program, including Title IV-A, would be restructured under the president's plan, and funding for state SDFSC grants would be reduced by 72 percent from \$351.6 million to \$100 million.

The nearby table provides actual and proposed funding levels for other key programs affecting private schools.

Keep  
2-4-5  
Alive

**Federal Education Spending Levels  
for Key Programs Affecting Private Schools**  
(in millions of dollars)

Program	FY 2006	FY 2007	FY 2008
	Actual	CR	Proposed
Title II-D Education Technology	\$272.3	\$273.0	\$0
Title IV-A Safe and Drug Free Schools	\$346.5	\$351.6	\$100.0
Title V-A Innovative Programs	\$99.0	\$99.2	\$0
English Language Acquisition	\$669.0	\$670.8	\$670.8
Even Start	\$99.0	\$111.6	\$0
Math & Science Partnerships	\$182.2	\$182.1	\$182.1
Migrant Education	\$386.5	\$380.3	\$380.3
Reading First	\$1,029.2	\$1,018.7	\$1,018.7
Special Education (Part B)	\$10,582.9	\$10,782.9	\$10,491.9
Teacher Quality	\$2,887.4	\$2,887.5	\$2,787.5
Title I (grants to LEAs)	\$12,713.1	\$12,838.1	\$13,909.9
Vocational Education	\$1,303.7	\$1,311.9	\$617.4

FY 2007 CR = Continuing Resolution approved by House (1/31) and Senate (2/14)

FY 2008 Proposed = Budget proposed by President Bush (2/5/07)

spending priorities in the coming months.

The education section of the president's budget called for \$300 million for two new school choice initiatives—\$250 million for Promise Scholarships and \$50 million for Opportunity Scholarships. Promise Scholarships would be offered to low-income students in schools that have not made adequate yearly progress (AYP) in the past five years. The scholarships, worth about \$4,000, could be used to attend a private school or a public school outside the district. Alternatively, parents who wanted children to remain in their



**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  
Executive Director: Joe McTigue

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# CAPE Issues Recommendations on NCLB Reauthorization

Amid a wave of calls for changes to the *No Child Left Behind Act* in anticipation of the legislation's reauthorization, the private school community announced its own bundle of proposals to improve the law. CAPE's board of directors approved an issue paper outlining 22 recommendations for strengthening provisions relating to equitable services for students and teachers in religious and independent schools.

The CAPE document calls on Congress to include the opportunity for the participation of private school students and teachers in newly proposed programs as well as in existing programs that do not currently include them. The paper states, "CAPE believes that federal programs that benefit public school students and teachers should provide equitable benefits to comparably situated private school students and teachers." The document notes that such equity is "mandated in much of federal education law" and is founded "not only on a commitment to fairness, but also on the practical recognition that America's children are educated in a variety of schools and that the nation is best served when all its children are well-educated."

## Historical Context

Providing an historical context, the paper points out that many of the programs reauthorized under NCLB have a long history, some going back as far as the mid-1960s, when Congress, in the *Elementary and Secondary Education Act*, "determined that federal education aid should be directed toward helping children in need, regardless of the type of school they attend."

CAPE's proposals are designed to serve as a blueprint to help Congress strengthen the sections of the law that relate to private schools. One recommendation would simply require states and school districts to provide timely notification to private school officials of the amount of funds available for services to students and teachers under NCLB programs. Another would extend to additional programs certain safeguards relating to private school participation that Congress included in the most recent reauthorization of Title I.

## Consultation

A series of suggestions relate to the critical process of consultation between school district officials and private school officials in deciding the structure, means, and timing of services. Districts would be required to secure written affirmation from private school officials that timely and meaningful consultation has taken place.

Further, whenever district officials disagreed with private school officials on issues involved in the consultation process, they would have to provide their reasons in writing.

## Service Delivery

In connection with the delivery of services to students, CAPE recommends a change in the statute to presume that services be provided at the site of the school the child attends. The issue paper also calls for shifting the responsibility for providing Title I services from the school district in which the child lives to the district in which the private school the child attends is located.

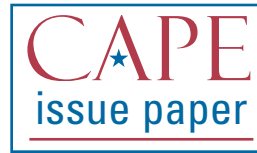
CAPE's proposals would provide greater flexibility in directing federal funds to student needs, consistent with the flexibility provisions applicable to school districts, and would require officials from both sectors to reach agreement regarding any proposal to pool funds among groups of private schools for services to students.

The CAPE document also recommends that the process for officials at the state and national levels to respond to complaints about a school district's noncompliance with the law be streamlined, and that meaningful consequences be imposed when a district fails to carry out the law's provisions relating to services to students in private schools.

Other recommendations:

- Require school districts to serve private school students through all discretionary grants they receive.
- Allow participants in the Troops-to-Teachers program to teach in private schools.
- Require states to include in their consolidated grant applications from school districts adequate and specific assurances that timely and meaningful consultation with private school officials has taken place.
- Remove the requirement in Titles I-A, V-A, and IX that service providers be independent of any religious organization.
- Require school districts to expend funds generated by private school students for services to such students during the school year for which the funds have been appropriated.
- Require each state education agency to identify a private school ombudsman to advocate for private schools and to monitor and enforce requirements regarding private school participation in federal education programs.

CAPE's issue paper, containing the full set of recommendations relating to the reauthorization of the *No Child Left Behind Act*, is available at <http://www.capenet.org/pubpol.html>.



## State CAPEs Take on Busy Agenda of Service and Advocacy

The network of state CAPE affiliates has expanded over the past year to cover 29 states plus Puerto Rico and the District of Columbia. Judged by their most recent annual reports, the state organizations are offering a host of services to members and are working hard to shape public policy affecting private schools. Here are some highlights from the reports filed with CAPE in preparation for the annual meeting of the State CAPE Network (SCN), scheduled for March 10-13 in Washington, DC.

- The Arizona CAPE, the newest state CAPE, is currently focusing on school choice (the legislature passed three choice bills in 2006), marketing and development, and media relations.
- California Governor Arnold Schwarzenegger signed a bill last August that the state CAPE (CAPSO) sponsored. The new law “clarifies the status of private school teachers with respect to overtime compensation regulations.”
- The Carolinas Coalition for Private Education reports that in 2006 the legislature in South Carolina passed a pilot voucher program that serves at-risk four-year-olds.
- Private school students in Florida continue to participate in the McKay scholarship program for children with special needs, and the corporate tax credit program providing scholarships for low-income students.
- Thanks to the Indiana CAPE and School Choice Indiana, parents in the state can now receive “The School Choice Report,” a free newsletter on choice activities in the state and nation.
- Last summer the Kansas State Department of Education appointed a liaison to the private school community, a position for which the

state CAPE (KAIRS) had been a proponent.

- The state CAPE in Kentucky is setting the stage for passage of a corporate tax credit bill to help students in public and private schools.
- Last October, Michigan’s CAPE held its most successful convention ever, with registration exceeding 5,300.
- The Minnesota CAPE is part of the newly formed “Coalition for Kids,” a group established to push for tax credit legislation.
- The private school community in New York is anticipating action on Governor Spitzer’s proposal for a \$1,000 tuition tax deduction.
- Legislators in Oregon are considering a bill to cover costs incurred by private schools for driver training courses.
- The Rhode Island CAPE recently hosted its annual meeting with Education Commissioner Peter McWalters.
- In January, board members of the South Dakota CAPE hosted an open house for legislators and a meeting with officials from the state’s Department of Education.
- Some key policy issues in Texas these days are school choice and the licensing and inspection of preschools and after-school programs.
- The Virginia House and Senate this year passed legislation, backed by the state CAPE, allowing local school boards to share student transportation services with private schools for a fee.
- The Washington Federation of Independent Schools reports that Governor Chris Gregoire has declared February “Private Schools Month.”
- Leaders from over 250 schools attended the statewide conference sponsored in February by the Wisconsin CAPE.

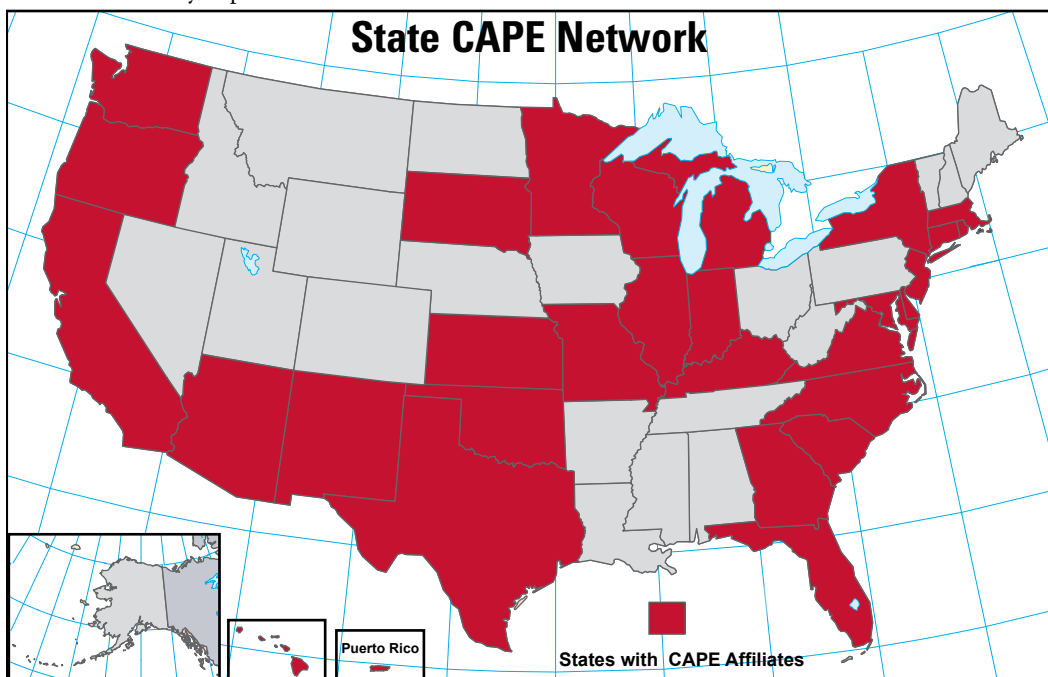
## Vouchers in Utah

February was a huge month in Utah for school choice. The legislature passed, and Governor Jon Huntsman Jr. signed, landmark legislation providing the nation’s first comprehensive school voucher program. The vouchers, which can be used to help pay tuition at a private school, would range from \$3,000 to \$500 per year depending on family income. The program is open to all students born after September 1, 2001 (essentially, all incoming kindergarten students), all students from families with incomes at or below the eligibility level for the reduced-price lunch program (regardless of the type of school they attend), and all students currently enrolled in public schools.

The “findings and purpose” section of the bill provides the following rationale for the program: “Parents are presumed best informed to make decisions for their children, including the educational setting that will best serve their children’s interests and educational needs.”

To be eligible to enroll voucher students, private schools must:

- disclose to parents the “teaching credentials of the school’s teachers and the school’s accreditation status,”
- contract with an independent certified public accountant to perform certain accounting procedures,
- comply with provisions of 42 USC Sec. 2000d,
- “meet state and local health and safety laws and codes,”
- “annually assess the achievement of each student by administering a norm-referenced test scored by an independent party that provides a comparison of the student’s performance to other students on a national basis,”
- “report the test results to the student’s parents; and, upon request, make test results available to other persons in a manner that does not reveal the identity of any student.”



Return service requested

## CAPE notes

★ Fast Fact About Private Schools: Private PK-12 enrollment in the United States is expected to reach 6.9 million students by 2015, an increase of 7 percent over 2003 levels. (Source: National Center for Education Statistics. *Projections of Education Statistics to 2015*)

★ Last month, the U.S. Department of Education and other federal agencies, working with the Centers for Disease Control and Prevention (CDC), released interim pre-pandemic planning guidance to help educators lessen the effects of a possible influenza pandemic.

“It is critical that we take the appropriate steps to ensure that our students continue to learn, even during an emergency situation,” said Secretary of Education Margaret Spellings. “This guidance is an important component as we work to develop a strategic preparedness plan.”

According to the department, the guidance makes recommendations “about different measures communities can take based on the projected severity of a pandemic, such as dismissing students from school and asking teachers to stay home when they are sick.” An overall objective is “to limit the spread of disease and reduce contact between sick people and those who are well.”

“Although decisions about closing schools will be made at the local level in coordination with health officials, I encourage schools and communities to take this planning seriously,” said Spellings.

The new document and other resources related to pandemic preparedness are available at <http://www.ed.gov/admins/lead/safety/emergencyplan/pandemic/index.html>.

★ Registration opens April 8 for the extraordinarily popular and free summer workshops for teachers sponsored by the U.S. Department of Education. Open to teachers in private and public schools, the Teacher-to-Teacher regional events have been scheduled for 22 cities this year. This is “the fourth summer that the Department has given teachers across the country an opportunity to convene with their colleagues and learn new strategies that work in the classroom,” U.S. Secretary of Education Margaret Spellings said. “Our workshops will expand their reach to 4,000 teachers nationwide who, in turn, can apply their newfound knowledge as classroom teachers to an expected 1.5 million students nationwide.”

Schedules, agendas, and registration information are available at <http://www.r2tweb.us/Workshops/About.asp>.

★ Dwight Crum, an outstanding public servant and great friend of private education, passed away February 15. He was 87.

Back in 1972, the early days of CAPE, Dwight was appointed by U.S. Commissioner of Education Sidney Marland to serve as liaison to private education. Dwight helped ensure equitable services

for private school students under the *Elementary and Secondary Education Act* and provided CAPE with advice in navigating federal programs and policies. Years later he moved to the National Center for Education Statistics, where he pushed for various studies involving private schools. From the mid-1980s until his retirement, Dwight again directly served the private school community as Chuck O’Malley’s deputy in the Education Department’s Office of Private Education, from which he eventually retired.

Dwight and his wife, Frances, were married 64 years and lived in Plantation, FL.

★ President Bush visited Silver Street Elementary School in New Albany, Indiana, on March 2 to talk about the reauthorization of the *No Child Left Behind Act*. His remarks included a strong push for his school choice initiative: “I’m a person who believes that parents know best when it comes to the interests of their child. And, therefore, when we find a school that is persistently in failure, parents must be given different options. There has to be a consequence; something has to happen if schools refuse to change and a child stays trapped in mediocrity. And one such consequence is to give parents the ability to send their child to a different school—public or private, as far as I’m concerned.”

A transcript of the president’s remarks is available at <http://www.whitehouse.gov/news/releases/2007/03/20070302-8.html>.