

Council for American Private Education

# CAPE outlook

Voice of America's private schools

## Families the Focus of New School Choice Group

Does the country need yet another school choice advocacy group? Apparently the founders of the American Center for School Choice (ACSC) think so, and last month they held a daylong conference at the National Press Club to explain why.

Centered in Berkeley, California, ACSC distinguishes itself by focusing on choice not as a means for improving public education but as a vehicle for empowering families. “While we make common cause with many who see choice as central to education reform, our support for school choice starts with our commitment to strengthening families before moving on to consider collateral benefits for school improvement,” explains Michael Guerra, the group’s executive director.

According to the organization’s promotional materials, ACSC believes that the education of children “is a fundamental responsibility of the family” and that school choice helps families fulfill that responsibility. Expanding public support to provide families with choice serves “the child’s good, the family’s good and the common good.”

### Legal Authority of Parents

That theme was echoed in one way or another by an impressive lineup of experts at the organization’s inaugural conference, titled “School Choice and the American Family—A Moral and Civic Imperative.”

John E. Coons, professor at the UC

Berkeley School of Law, spoke about the “exclusive and unique legal authority” that parents have over children, allowing them to determine not only a child’s diet, residence, pets, clothing, and curfew, but more importantly, “who else shall have access to the mind of [the] child,” a decision that involves the kind of school the child attends. It is not that parents are always good deciders, but that they are “the best, both for the interest of the child and for the good of society.” Why? First, said Coons, the parent “is likely to care about the child as one of a kind, and such personal caring tends to improve both family rela-

tions and parental decisions.” Second, the parent “has a peculiar access to [the] child’s mind and heart, hence a distinctive form of knowledge.” The access is gained through day-to-day experiences over time. Finally, the parent, unlike other adults who happen to interact with the child from time to time, is accountable for how the child turns out in the long run and must live with the consequences of that outcome.

### Tale of Two Cities

Depending on their income, parents have widely disparate opportunities when it comes to exercising their authority over education, said Coons. Schooling in America has become “a tale of two cities,” with low-income parents having to settle for whatever school the government hap-

pens to provide, while people of wealth are able to buy a better education either by paying tuition at a private school or by moving to a suburban school district, with “tuition” represented in the price of the house. Coons asked how schools in Berkeley Hills or similar suburban retreats can accurately be called “public”—a “magic label” and “democratic halo” that implies they are accessible to all. The fact is that government schools in select suburbs are “more private, more exclusive than the inner-city church school.”

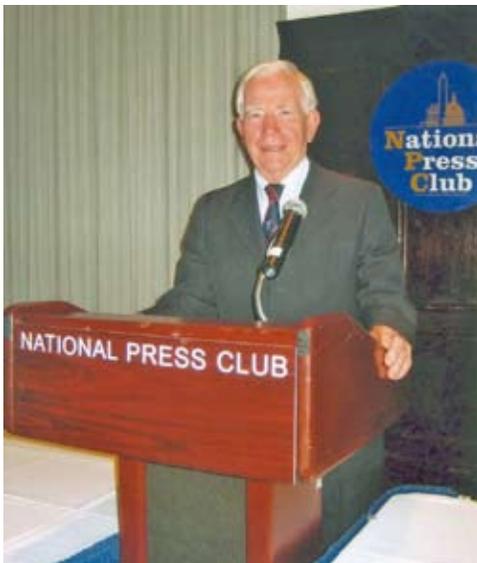
Regarding the two-tiered educational system, Coons wondered “how it is that Americans of good will could justify this disenfranchising of ordinary citizens. Where are the egalitarians to invoke the 14th Amendment?”

Coons suggested several arrangements—vouchers and tax credits among them—available to policymakers who want to breakdown economic barriers by allowing all parents, regardless of wealth, to choose their child’s school. “We have long made schooling compulsory; it is time perhaps to make it democratic,” he said.

### Moral Pot Luck

Providing parents with greater choice in education would also enable them to choose the brand of values to which their children are exposed. Coons argued that because there is no common values curriculum or detailed vision of the good life informing public education, many public school teachers put forth their own messages to students about a host of disputed matters such as “sex, euthanasia, guns, animal rights, war, the environment, abortion, ethnic histories, gay marriage, health care, Al Gore movies, scientism, Columbus and corporate greed.” Schools, said Coons, “teach a rich lottery of values, and to the extent that this is true, the child of the not-so-rich parent takes moral pot luck.”

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John E. Coons at the ACSC conference  
November 9 in Washington, DC

**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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Choice would allow parents to ensure that what is taught at school about such matters comports with what parents want them to hear.

## Antidote for Despair

Finally, Coons advanced the case that empowering parents with school choice would serve to strengthen families and society. “When we treat parents as nobodies, many seem to take that message seriously and act accordingly,” he said. Stripping parents of power over their children’s education helps foster “passivity and despair.” He said the country “has brewed the classic recipe for impotence and withdrawal by the adult, and the child too gets this message: the office of parent obviously carries little social or moral weight.” If we value the institution of family, he said, “our society had better see to it that American parents who are not so rich have real authority over who will have access to their child’s mind.”

## Golden Rule

Responding to Dr. Coons, Sr. Dale McDonald, PhD, director of public policy at the National Catholic Educational Association, offered the Golden Rule as a “simple and practical way of addressing the moral imperative for advancing parental choice in education.” All parents should be treated with dignity and respect, she said. Citing a study from the Heritage Foundation reporting that 44 percent of U.S. senators and 36 percent of House members have chosen private schools for their children, she noted that the pleas of poor parents that “legislators do unto them as lawmakers have done for themselves go unheeded.”

McDonald reminded the audience that the United Nations Universal Declaration of Human Rights states, “Parents shall have the prior right to choose the kind of education that shall be given to their children.” But she said the proposition is meaningless if parents are not provided the means necessary to exercise that choice.

## Myth of the Common School

Charles Glenn, a member of CAPE’s board of directors and chairman of the Department of Administration, Training, and Policy in the

School of Education at Boston University, said the country has not realized the ideal of the common school, in which children from different social classes would receive the same level of education in an integrated setting. He wrote a book about that failure called *The Myth of the Common School*. A genuine common school, said Glenn, is something that parents choose because of their commitment to, and confidence in, the institution. Integrated education is best achieved through persuasion rather than coercion, and one way to bring it about is through a carefully designed program of school choice.



Charles Glenn (center), professor at Boston University and member of CAPE’s board of directors, talks during the ACSC conference with John Coons (left) and Bruce Cain, director of the University of California Washington Center (ACSC photo)

## Underground Railroad

Virginia Walden Ford, executive director of DC Parents for School Choice

and a national advocate for education reform, recounted the circumstances leading to her involvement in the choice movement. The latest segment of her journey involves strong advocacy for the DC Opportunity Scholarship Program, which currently allows about 1,700 students to attend religious and independent schools. (Congress will soon decide the measure’s fate.) Responding to those who argue that the program is too small to make a difference, Ford pointed to African-American abolitionist Harriet Tubman, who never abandoned the rescue of some slaves through the Underground Railroad even though she knew she could never rescue all slaves.

## Research Agenda

In all, the ACSC conference featured more than a dozen expert speakers and discussants covering the moral, civic, legal, and political components of school choice. (More information about the conference is available on the ACSC Web site at <[www.amcsc.org](http://www.amcsc.org)>.)

In prepared remarks to close the conference, ACSC Chairman John Coons proposed a series of provocative questions to drive research that the center might support or conduct: “Should society worry that the absence of choice deeply affects the self-habits of American parents and their children?... Is coercive assignment [to schools] and daily custody by the state a remedy for the effects of poverty?... Does Caesar really have a message, or is coercive school assignment in effect a values lottery? If so, what is the point of limiting choice?”

## Education Department Hosts Meeting on ESEA

CAPE and a number of its member organizations met with officials from the U.S. Department of Education November 13 to discuss how the *Elementary and Secondary Education Act* (ESEA) might better serve eligible students and teachers in religious and independent schools. The event kicked off a process promised by Education Secretary Arne Duncan last September when he told private school leaders his team would “begin facilitating meetings of national private school leaders to discuss your recommendations for enhancing the law.” The secretary recently called for the swift reauthorization of a substantially improved version of ESEA that “brings equity and opportunity to those who are economically disadvantaged.”



### Principle of Inclusion

When ESEA was first enacted in 1965, Congress was inclusive in defining the class of beneficiaries: children in need, regardless of the type of school they happen to attend. That principle has marked many of the programs within ESEA ever since, reflecting a belief that all children are part of the American family and deserve to be treated fairly when it comes to federal education assistance.

Private school representatives at the meeting urged department officials to maintain and strengthen provisions relating to equitable services in the next version of ESEA. One way to do that, they said, is by requiring that all funds generated by private school students be clearly set aside for the benefit of such students. In particular, they urged that allocations to assist private school students be determined proportionately, based on a district’s full allocation and before it earmarks funds for other purposes.

### Services Through a Different Entity

Spokespersons from the private school community also said the law should be revamped to require districts to consider serving private school students through an administrative agency or third-party contractor whose sole responsibility would be to implement the private school provisions of federal education programs. Participants cited various examples of districts not providing the equitable services required under law and explained that a separate entity,

fully focused on such services, could free districts of that responsibility and at the same time improve the level and quality of services.

To improve professional development opportunities for teachers, participants proposed that private school teachers participate proportionately in teacher quality grants under Title II-A based on the district’s full allocation.

In all, CAPE representatives presented department officials with 16 proposals and related legislative language for improving equitable services for students and teachers.

### Level Playing Field

One private school participant suggested that the fundamental reason for the problems many schools face in securing fair services for students under ESEA is that when public and private school officials consult over such issues at the district level, the playing field is not level. School districts have the last word, and there are no immediate ramifications for those that fail to serve students equitably. He said the goal of consultation should be for all parties to work collaboratively to reach mutual agreement.

### What’s to Come?

Anticipating that a redesigned ESEA will reflect the department’s current priorities, such as those imbedded in the Race to the Top Fund and the Investing in Innovation Fund, private school officials proposed that crafters of the new law maintain a mindset of equitability and include private school teachers and students in services and benefits whenever appropriate.

Asked whether the department is committed to continuing equitable participation provisions within ESEA, Jim Shelton, assistant deputy secretary and head of the Office of Innovation and Improvement, said that although no final decisions have been made about the reauthorization, Secretary Duncan has indicated support for ensuring services and resources that students need.

At the department’s gathering of private school leaders last September, Duncan said he wants to “address effectively the ongoing challenge of meeting our obligation to ensure equitable services to private schools under Title I and other ESEA programs.”

*CAPE’s issue paper on the reauthorization of ESEA is available for download at <[www.capenet.org/pdf/IP-NCLB2009.pdf](http://www.capenet.org/pdf/IP-NCLB2009.pdf)>.*

## RTTT Rules

The U.S. Department of Education last month published final priorities and guidance for the Race to the Top Fund (RTTT), ruling that states receiving grants under the program are not required to serve private school students and teachers equitably, though they may elect to do so. States and districts are also permitted to contract with private schools to provide certain types of activities.

In comments last August on the notice of proposed priorities for RTTT, CAPE urged the department to require applicant states to serve private school students and teachers equitably under the program, arguing the department has broad statutory discretion to do so, much as it has discretion to encourage applicant states to lift caps on charter schools. But the department decided against mandating equitable services, noting that the governing statute does not require such services, though sidestepping the issue of whether the department itself has the discretion to require them.

Still, the final priorities document, published November 18, opens the door to the participation of private schools in RTTT by advising that “states and LEAs [i.e., school districts] have the flexibility to include private school students, teachers, and other educational personnel in activities that the states and LEAs deem appropriate.” The document goes on to state that states and school districts “may contract with private schools for appropriate secular activities, consistent with the state’s plan.”

Race to the Top funds will be distributed through two rounds of competition. Applications from states for phase one are due in mid-January 2010, with winners announced the following April. Phase two applications are due June 1, 2010, with winners announced in September.

More information about RTTT is available at <[www.ed.gov](http://www.ed.gov)>.

Return service requested

## CAPE notes

★ **Fast Fact About Private Schools:** In 2008, 59 percent of all private schools in the United States had one or more students with an Individual Education Plan (IEP). (Source: National Center for Education Statistics, Schools and Staffing Survey)

★ Bruce Stewart, former head of Sidwell Friends School and current member of CAPE's public policy advisory group (representing the Friends Council on Education), appeared on NBC's *Meet the Press* November 15, calling for a major upgrade in the quality of teachers in American schools. Noting that countries like Singapore and Finland score high on international exams because their teachers are well educated, Stewart said the United States needs to reverse the current practice of drawing teachers from the bottom third of the college graduate pool.

The program featured Secretary of Education Arne Duncan, former House Speaker Newt Gingrich, and civil rights leader Rev. Al Sharpton in a discussion on how to improve public education. Host David Gregory gave voice to Stewart's suggestion for a national teachers academy like West Point, and Secretary Duncan said the country has to recruit teachers who are "the best and brightest, the hardest working, the most committed."

Is certification a necessary condition for teacher quality? Recalling a visit to a highly regarded school in Arizona, Gingrich said, "Eighty-five percent of the

teachers there had no certificate." (Schools like Sidwell similarly de-emphasize certification, looking instead for deep subject knowledge, competence, effectiveness, and performance when recruiting teachers.)

In a fascinating exchange during the program, Gregory asked what a 2010 high school graduate most needs to know. Gingrich said Thomas Jefferson called for schools because "religion, morality and knowledge" are important. He continued: "So I'd say the first thing you need to know is about yourself and your own values and your own concerns. The second thing...is a good work ethic and an ability to be honest. And the third thing...is how to learn whatever you're going to need to be successful." Sounds like a prescription for private education.

★ The U.S. Department of Education will conduct a webinar December 15, 2009, from 2:00 to 3:30 PM on services to students and teachers in private schools under the *American Recovery and Reinvestment Act* (ARRA). Specifically, the focus will be on the equitable services provisions under the *Individuals with Disabilities Education Act* (IDEA) and the *Elementary and Secondary Education Act*, including Title I, Part A and Title II, D (technology). Staff from a wide range of offices at the department will "address the obligations of state and local educational agencies in providing equitable services to private school students, their teachers, and, in some cases, their families under these programs." For

more information about the webinar, to register for the webinar, and to download pre-webinar reading materials, visit <[www.ed.gov/policy/gen/leg/recovery/web-conferences.html](http://www.ed.gov/policy/gen/leg/recovery/web-conferences.html)>.

★ A state commission in Louisiana charged with identifying measures to reduce the cost of government and close the gap between expenditures and revenue recommended December 1 that the state provide a \$4,000 per child refundable income tax credit to parents who want to move their children out of a state-designated "academically unacceptable" public school and into a private school. The commission also called on the state to provide a \$4,000 tax credit to any taxpayer who donates \$4,000 to an approved nonprofit scholarship-granting organization that then directs the money to private school scholarships for families of children who want to flee "academically unacceptable" schools.

### Helping Schools Help Families



  
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