

Council for American Private Education

# CAPE outlook

Voice of America's private schools

## Education Department Issues Comprehensive Title IX Guidance

The U.S. Department of Education last month issued sweeping guidance covering nine of the 12 programs within the *Elementary and Secondary Education Act* in which private school students or teachers are eligible to participate. The guidance applies to all programs covered by Title IX, Part E, Subpart 1 of ESEA—a section of the law that offers umbrella provisions applicable to a host of programs, such as Even Start, Reading First, and Safe and Drug Free Schools. (The three programs not covered by the guidance—Title I, Innovative Programs, and programs for Gifted and Talented Students—each have their own provisions relating to the equitable participation of students and teachers in religious and independent schools.)

The Title IX guidance, which extends for 42 pages and provides answers to 64 questions, is designed not only to help school districts and other entities provide services to private school students and educators, but also to help private school officials secure those services.

### Consultation

A featured section of the guidance deals with consultation between school district officials and private school officials on various aspects of services. “Successful consultation establishes positive and productive working relationships, makes planning effective, and serves to ensure that the services provided meet the needs of eligible students,” according to the document. School district officials are responsible for initiating a consultation process before any decisions are made that relate to services. Moreover, the consultation process includes providing “private school officials with the amount of funding available for services for private school students and teachers under the various ESEA programs requiring equitable participation.” To make the process as easy as possible, the new guidance even provides a sample

consultation meeting agenda and planning sheet.

### Eligibility and Expenditures

Another section of the guidance focuses on who is eligible for services. Although there are some exceptions, “Private school students who are enrolled in nonprofit private elementary and secondary schools, including those in religiously affiliated schools, located in the [school district] generally are eligible to receive services.” In other words, eligibility is controlled by where a student attends school, not where the student lives. And once students and their educators are determined to be eligible for services, the law requires that “expenditures for services to private school students, teachers, and other educational personnel be equal to the expenditures for the public school program, taking into account the number and educational needs of the children to be served.”

A particular expenditure item addressed by the guidance is stipends for private school teachers. These would be amounts paid directly to teachers for, say, attendance at a professional development program during non-school hours. The guidance makes clear that “stipends for private school teachers must be available on the same basis as for public school teachers, and the stipends must be paid to private school teachers for their own use.”

### Delivery of Services

Generally, a school district is responsible for providing services to students and teachers in private schools. And although such services are often provided by the

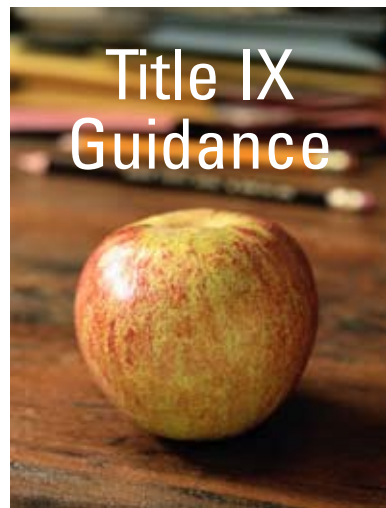
district’s own employees, the district is free to contract with a third-party provider or “an individual, an education institution, or some other agency that, in the provision of those services, is under the control and supervision of the [school district] and is otherwise independent of the private

school and any religious organization.” The district may even hire private school teachers to provide services as long as the time spent providing the services is separate from the time the teacher is employed by the private school. The guidance makes clear that while they are employed by the district, “the private school teachers must be independent of the private schools and any religious

organizations, and must be under the [district’s] direct supervision and control.” In any event, even though a district contracts with a third-party provider or individual to deliver services, it is still the district that “remains responsible for ensuring that private school students and teachers receive equitable services and the requirements of the statute and regulations are met.”

Another important bit of advice is that services must “meet the specific educational needs of the participating private school students and teachers” and must “show reasonable promise of effectiveness.” Services “can be different from those provided to public school students and teachers,” and “all services and benefits provided must be secular, neutral, and nonideological.”

The new Title IX guidance, produced by the Office of Non-Public Education, is available at <<http://www.ed.gov/policy/elsec/guid/equitableserviceguidance.doc>>.





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- 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
- 31 Affiliated State Organizations

a coalition of national associations serving private schools K-12  
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**Outlook is published monthly (September to June) by CAPE. An annual subscription is \$25. ISSN 0271-1451**

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# NAEP Results Improve Since 1970s

Average scores in reading and math for the nation's students have gone up during the past three decades, according to a new report from the National Center for Education Statistics. Results from the National Assessment of Educational Progress (NAEP) long-term trend assessments, which were most recently administered during the 2007-08 school year, show an increase of between 1 and 12 points (on a 500-point scale) in reading since the early 1970s and between 2 and 24 points in mathematics.

The test is given to a nationally representative sample of public and private school students at ages 9, 13, and 17. The highest point gains in each subject were among 9-year-olds, and the lowest were among 17-year-olds.

## Public and Private Schools

The new report also compares the performance of students in private schools and public schools going back to 1980 in reading and 1978 in math.

In reading, average scores for 9-year-olds in 2008 were 218 for public school students and 237 for private school students. Among 13-year-olds, public school students had a mean score of 258, and private school students, 275. Scores could not be compared for 17-year-olds because the private school sample size was too small to yield a reliable result.

In mathematics, 9-year-olds in public schools had an average score of 242, while their counterparts in private schools scored 252. For 13-year-olds, the score differential was 15 points (280 vs. 295).

The public/private school score gaps of nearly 20 points in reading and 10-15 points in mathematics are significant. Consider that among all students (public and private), the average reading scale score in 2008 for 17-year-olds was 66 points higher than the score for 9-year-olds (286 vs. 220), and the average mathematics score was 63 points higher (306 vs. 243). Those differences amount to an average annual gain in each subject of roughly 8 points. So a nearly 20-point private school advantage in reading, for example, would represent over two years' worth of growth.

## Growth Over Time

As the name suggests, the long-term trend assessment is designed to measure growth over

time. Between 1980 and 2008, average reading scores among 9-year-olds went from 214 to 218 (+4) for public school students and from 227 to 237 (+10) for private school students. For 13-year-olds, scores rose from 257 to 258 (+1) for public school students and from 271 to 275 (+4) for students in private schools.

During the three decades between 1978 and 2008, public school mathematics scores for 9-year-olds jumped from 217 to 242 (+25), and private school math scores went from 230 to 252 (+22). Among 13-year-olds in public schools, scores shot up 17 points (263 to 280), compared to a private school increase of 16 points (279 to 295).

## Summary of Results

Stuart Kerachsky, acting commissioner of the National Center for Education Statistics, summarized the NAEP results at a data release event in Washington, DC, April 28. He noted that in reading, the 2008 scores are higher than the 2004 scores for all three ages, and are higher than the 1971 scores for 9- and 13-year-olds. But he also pointed out that for mathematics, "scores are higher since 2004 and 1973 for 9- and 13-year-olds only."

Kerachsky went on to explain, that although minority-majority achievement gaps have (with one exception) narrowed for all three age groups and both subject areas since the first assessment year, "We have not seen any significant changes in Black-White or Hispanic-White score gaps since 2004."

Commenting on the report, U.S. Secretary of Education Arne Duncan said he was "pleased to see some recent progress among all age groups in reading and among younger age groups in math." He also noted that the report shows that minority/majority achievement gaps are shrinking in reading, but added, "we still have a lot more work to do. Our focus on raising standards, increasing academic rigor and improving teacher quality are all steps in the right direction."

Results for the 2008 NAEP long-term trend assessment in mathematics and reading are available on the NCES Web site at <http://nces.ed.gov/NATIONSREPORTCARD/>. The site also includes an archived webcast of the data release event as well as access to the NAEP Data Explorer, which enables users to examine and compare decades of NAEP results.

NAEP 2008 Scale Scores		
	Private Schools	Public Schools
<u>Math</u>		
9-Year-Olds	252	242
13-Year-Olds	295	280
<u>Reading</u>		
9-Year-Olds	237	218
13-Year-Olds	275	258



## School Crime and Safety Vary by School Type

How safe are the nation's schools? Are children in danger during math class or recess? Are they likely to be bullied on the school bus? A new federal report helps answer such questions by presenting the most recent statistics available on school crime and safety.

Released in April, the report is the eleventh in a series produced by the data-gathering arms of the U. S. Department of Education and the U.S. Department of Justice. The report relies on various data sources and national surveys of students and educators to cover topics ranging from bullying to classroom disorder and from drug use to victimization. Data are presented for a host of subgroups, including students and teachers in private schools.

With an estimated 55.5 million students in grades PK-12 in 2006-07, the report records 35 school-related violent deaths among children ages 5-18 between July 1, 2006, and June 30, 2007, including 27 homicides and eight suicides. But when it comes to nonfatal crimes (thefts, assault, and other violent crimes), the numbers shoot up dramatically, with 1.7 million incidents affecting students ages 12-18 in 2006.

### Student Victimization

According to the report, "In 2007, 4 percent of students ages 12-18 reported being victimized at school during the previous 6 months. About 3 percent of students reported theft, 2 percent reported violent victimization, and less than half of a percent reported serious violent victimization." The numbers differed by type of school. "A higher percentage of students in public schools reported victimization (5 percent) and theft (3 percent) than students in private schools (1 percent each)."

About 23 percent of students in the 12-18 age bracket reported that there were gangs at their school, though again the percentage was higher among students attending public schools (25 percent) than among those attending private schools (5 percent).

Ten percent of public school students said

they were called a hate-related word, and 36 percent said they saw hate-related graffiti. This compares to 6 percent of private school students who were victims of hate speech and 19 percent who saw hate-laced graffiti.

How afraid are students of being attacked at school? The answer depends on what kind of school they attend. "A greater percentage of students in public schools (6 percent) reported being afraid of being attacked or harmed at school than students attending private schools (2 percent)."

And what about being attacked in particular locations? "A larger percentage of public school students (6 percent) than private school students (1 percent) reported avoiding one or more places inside school because of fear of attack or harm."

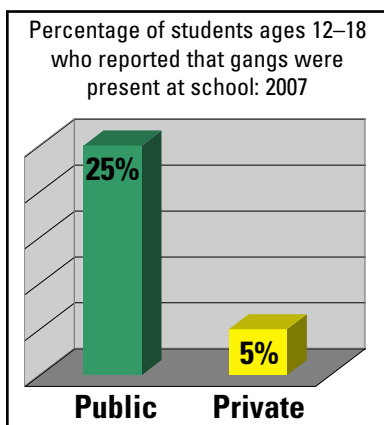
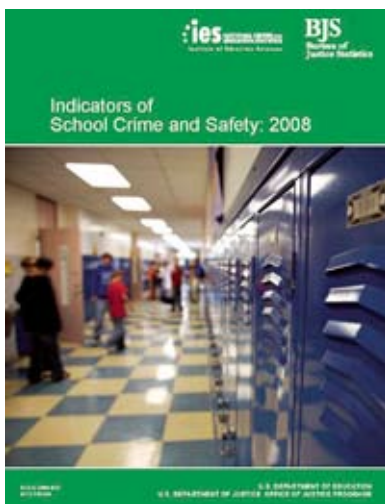
### Teacher Safety

Anyone who has a teacher in the family knows that concerns about personal wellbeing often determine where the teacher works. Teachers are sometimes subject to sassy backtalk and even threats and violence. The report notes, "A greater percentage of public than private school teachers reported being threatened with injury (7 vs. 2 percent) or physically attacked (4 vs. 2 percent) by students in school." And the public/private difference was even greater in urban areas. "Among teachers in city schools, generally, there were at least five times

as many public school teachers as private school teachers who reported being threatened with injury (12 vs. 2 percent), and at least four times as many public school teachers as private school teachers who reported being physically attacked (5 vs. 1 percent)."

Not surprisingly, the percentage of teachers who reported that student misconduct hampered their instructional effectiveness also varied by type of school. As the report puts it, "about 37 percent of public school teachers reported that student misbehavior interfered with their teaching, compared to 21 percent of private school teachers."

*Indicators of School Crime and Safety: 2008* is available on the Web at <<http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2009022>>.



## Choice & Congress

Everyone knows that President and Mrs. Obama freely exercise their right to choose their children's school, but what about members of Congress? A recent poll by the Heritage Foundation finds that 38 percent of members of the 111th Congress either currently send or once sent a child to a religious or independent school. Congressional school choice practitioners include 44 percent of senators and 36 percent of members of the House.

The results get even more interesting when looked at by committee membership and party affiliation. It turns out that school choice appeals to both parties. Thirty-eight percent of House Republicans and 34 percent of House Democrats have exercised the right, as have 53 percent of Senate Republicans and 37 percent of Senate Democrats. As for the committees that deal with education policy, 23 percent of House Education and Labor Committee members and almost 40 percent of Senate Health, Education, Labor, and Pensions Committee members have sent a child to private school. Among appropriators, school choice is or was practiced by 38 percent of House Appropriations Committee members and 35 percent of Senate Finance Committee members.

The survey also discovered that 20 percent of members of Congress had attended a private high school, including 17 percent of responding senators and 20 percent of responding representatives. With about 7 percent of the nation's secondary school students currently enrolled in religious and independent schools, the private school attendance rate among members of Congress is more than twice that of the general public.

The full report is available on the Heritage Foundation's Web site at <[http://www.heritage.org/Research/Education/upload/bg\\_2257.pdf](http://www.heritage.org/Research/Education/upload/bg_2257.pdf)>.

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## CAPE notes

★ Fast Facts About Private Schools: “Sixty-eight percent (67.9) of private schools, enrolling 80.6 percent of private school students and employing 72.3 percent of private school (FTE) teachers, in 2007–08 had a religious orientation or purpose,” according to the **latest report** on private school enrollment from the National Center for Education Statistics.

★ The National Catholic Educational Association (NCEA) last month honored Jack Klenk, director of the Office of Non-Public Education at the U.S. Department of Education, by presenting him with the Msgr. John E. Meyers Award for outstanding leadership at the national level.

In presenting the award at the association’s annual convention in Anaheim, CA, NCEA President Karen Ristau described Klenk as “a caring shepherd.” She said he has been “looking out for us... crafting language that ensures benefits for private and religious school students while protecting the autonomy and freedom of

our schools.” Ristau cited Klenk’s “energy and passion” and went on to call him “an unsung hero” and a “gracious and dedicated person” who is always “helping students and families as an advocate.”



Jack Klenk receives the NCEA Meyers award in Anaheim, CA, April 13. (NCEA photo by H.W. Edwards)

In accepting the award, Klenk said Catholic schools “have helped to make America great, and have served the public very well.” He said a challenge facing the Catholic community is “sustaining this vital resource for present and future generations.” And he added that the challenge is “not just to preserve schools, but schools with a particular mission, identity, and character.” Klenk called the preservation of Catholic and other private schools “necessary for a free and vibrant civil society,” adding that America needs “the diversity and high quality” that such schools provide.

★ The U.S. Department of Education and the Centers for Disease Control and Prevention (CDC) have issued guidance for school leaders on reducing the spread of swine influenza A (H1N1) and on closing schools in the event of confirmed or suspected cases. With the situation very fluid when *Outlook* went to press and with advice being updated regularly, you can find links to the most recent guidance, frequently asked questions, and a host of related information on emergency planning on CAPE’s Web site at <<http://www.capenet.org/new.html>>.

★ If you’re searching for a speaker on school choice, consider the School Choice Speakers Bureau recently established by the Friedman Foundation for Educational Choice. According to the foundation, the bureau is designed to be a working group of school leaders acting as a rapid response corps of speakers that everyone can use.” Over 30 speakers, “all leaders and experts in the school choice movement,” are listed on the site, which is a joint project of Friedman, the Alliance for School Choice, the Black Alliance for Education Options (BAEO), and the Hispanic Council for Reform and Educational Options (HCREO). More information is available at <<http://www.friedmanfoundation.org/speakersbureau/index.jsp>>.

★ Speaking of school choice, the Alliance for School Choice last month released a new set of bulletins called *The Facts About School Choice*. Designed to provide parents, policymakers, and opinion leaders with “the latest facts and figures,” the 12 “easy-to-read and easy-to-print” bulletins are “filled with great charts and graphs that help tell the school choice story,” according to the Alliance.

One bulletin, “The Growing Democratic Support for Private School Choice,” reveals this tidbit: “As was the case in 2006 and 2007, Democrats were instrumental in the majority of school choice legislative victories in 2008.” Download this bulletin and others at <<http://www.allianceforschoolchoice.org/PolicyMaker/#R>>.