

Council for American Private Education

CAPE outlook

Voice of America's private schools

HELP Committee Confirms Betsy DeVos as Education Secretary

The Senate Health, Education, Labor and Pensions (HELP) Committee approved the nomination of Betsy DeVos as secretary of education January 31, clearing the path for a floor vote by the full Senate.

Prior to the 12-11 partisan vote, Senator Lamar Alexander (R-TN), the committee's chairman, revealed that after questioning her for several hours on January 17 at her confirmation hearing, senators sent Mrs. DeVos roughly 1,400 follow-up questions. He called her "the most questioned education secretary in our history."

Mrs. DeVos is a strong advocate for the right of parents to choose their child's school. During her confirmation hearing, she said, "it's time to shift the debate from what the *system* thinks is best for kids to what moms and dads want, expect, and deserve."

Great Public Schools

Noting that the "vast majority of students in this country will continue to attend public schools," Mrs. DeVos pledged at her hearing to be "a strong advocate for great public schools." But she added, "if a school is troubled, or unsafe, or not a good fit for a child...we should support a parent's right to enroll their child in a high-quality alternative." She said she's looking forward to working with lawmakers "to bring educational opportunity to every family in this great nation."

At the start of Mrs. DeVos's hearing, HELP Committee Chairman Lamar Alexander offered a resounding endorsement, saying the nominee is "on our children's side" and has "devoted her life to helping low-income children to have better choices of schools."

G.I. Bill

Taking on those who opposed having public money follow poor children to the school of their parents' choice, the senator said they are in effect arguing against "the

most successful social policy this Congress has ever enacted," namely, the G.I. Bill, which allowed veterans to use federal dollars to attend the college of their choice—public, private, or religious and "produced the greatest generation." He asked, "Why is a great idea for college students deemed to be such a dangerous idea for K-12 students?"

Scott and Lieberman

Two distinguished individuals introduced Mrs. DeVos at the hearing: Senator Tim Scott of South Carolina and former Senator Joe Lieberman of Connecticut. Senator Scott called DeVos a "champion of public education" and a "champion of education for poor kids." Describing her humble beginnings as a child whose parents mortgaged everything they owned to start an auto-parts business, Senator Scott said Mrs. DeVos "understands the sacrifices that families have to make in order to build a better life for themselves and for their children." He told committee members that Mrs. DeVos is opposed to "leaving children trapped in schools that we know are failing...the very students that will have no hope if they do not receive a high quality education." He went on to say, "Parents and students cannot ask for a better role model or a more thoughtful leader to move the education system into the 21st century."

Former Senator Lieberman, a member of the board of the American Federation for Children, which Mrs. DeVos chaired until recently, said he was very proud of what the AFC had achieved: "More than 400,000 lower income families have been empowered with financial support to take

their children out of schools where they thought the kids were not getting an adequate education and put them into schools that they thought were better." He said he was especially gratified that many of the state choice programs had been enacted "with bipartisan support."

Lieberman went on to say that AFC's achievements would not have occurred "without Betsy's leadership, which is inclusive and motivating," adding: "She is disciplined, organized, knows how to set goals and then develop practical plans to achieve them. She is really a purpose driven team builder."



Betsy DeVos at her confirmation hearing before the Senate HELP Committee. (HELP Photo)

ESSA and IDEA

Mrs. DeVos pledged during the hearing to work "to ensure the *Every Student Succeeds Act* is implemented as Congress intended," a promise reassuring to students in private schools

who receive equitable services under ESSA.

But exchanges with some senators over the *Individuals with Disabilities Education Act* (IDEA) highlighted a federal law that does not provide equitable services to individual students in private schools. In their interrogation of Mrs. DeVos, certain senators seemed to assume that individual students with disabilities placed by their parents in private schools are, or should be, entitled to services under IDEA, when, in fact, Congress has never approved such an entitlement. IDEA regulations put it clearly: "No parentally-placed private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school." Perhaps Congress will address that in the next version of IDEA.

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a coalition of national associations serving private schools K-12
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Heritage Foundation Launches Center for Education Policy

In the midst of all the fanfare surrounding National School Choice Week, The Heritage Foundation announced the launch of its new Center for Education Policy, headed by director Lindsey Burke.

“Our center will lead policy conversations at the federal and state levels in making education student-centered, by working to restore state and local control of education and advancing policies that create choices for all families,” Burke said.

“We also will have the resources to beef up our work on modernizing and improving our nation’s higher education system, developing policy to make higher education more flexible, accessible, and affordable.”

According to the foundation, the new center “will work with lawmakers, parents, national policy organizations, state think tanks, academics, and other stakeholders” toward the twin goals of “limiting federal interference in education and advancing education choice.”

“The Heritage Foundation has worked for decades to advance education choice for all families,” said Jim DeMint, the foundation’s president. He predicted that the center will “expand on this important work and advance policies that give more of the decision-making power in the hands of students and families—from K-12 through higher education.”

The foundation formally launched its new center with an event January 24, featuring keynote remarks by Representative Mark Walker (R-NC), chairman of the House Republican Study Committee and an opening address by Lindsey Burke.

Extraordinary Growth in Choice

Ms. Burke noted the extraordinary growth in state funded school choice from a mere four programs in 2000 to more than 50 operating in a majority of states today. That rapid progress has changed the nature of the discussion surrounding choice. “Those who work on education choice are now...in the enviable position of debating not *whether* there will be choice, but best practices in program design.” Discussions now center on “the size and scope of options; creating friendly regulatory environments that allow a market of providers to flourish; and whether families can use this freedom to attend a single private school that they have chosen, or to create

a completely customized, à la carte educational experience for their children.”

Burke shared her dream that in the not-too-distant future, “we will marvel at the fact that we once assigned children to government-run schools, consigning the poorest to schools that were failing, and sometimes unsafe.” We will also be astounded that in an era of easy access to online and individualized learning, we still assigned students to factory-like schools “based on where their parents could afford to live.” She

predicted that one day, “We will marvel at that anachronism.”

Funding Students

How can society ensure that “all children have access to the highest quality options that meet their unique learning needs”? According to Burke, we have to rethink how education is financed. “Public funding does not have to mean government schooling; indeed, we should, as Friedman proposed, separate the financing of education from the delivery of services.” Rather than fund

school systems, “we should move toward policies that fund the student, and allow dollars to follow children to any education option of choice.”

Benefits of Choice

Reviewing the benefits of school choice, Ms. Burke said, “We know it improves academic outcomes for both participants and non-participants, and that it improves a student’s chances of graduating high school.” Choice also increases for students “their likelihood of attending and persisting through college, decreases their likelihood of being involved in criminal activity, and improves their earnings potential.” On top of that, “it leads to parents who are more satisfied with their children’s education.”

School choice realizes those benefits “by putting decision-making in the hands of the people who have the contextual information necessary to know what individual students need.”

Burke’s bottom line was this: “Government should not get in between parents and their direction of their child’s education.” Her rationale for putting parents in charge was straightforward: “There will never be a better advocate for their child than a parent, and there will never be a stronger form of accountability than parents empowered to vote with their feet when a school or education provider doesn’t meet their needs.”



Lindsey Burke speaks during an event to launch the Heritage Foundation’s Center for Education Policy (Heritage Foundation Photo)

National School Choice Week Celebrated at U.S. Capitol

By all measures, National School Choice Week was a rousing success. The week of January 22 saw 21,292 events with 6.4 million attendees celebrating school choice, according to NSCW organizers. Thirty governors and 700 mayors issued proclamations, as did President Trump, who wrote, “By expanding school choice and providing more educational opportunities for every American family, we can help make sure that every child has an equal shot at achieving the American Dream.”

Capitol Rally

At the U.S. Capitol, members of Congress added their voices to the pro-school-choice chorus at a rally sponsored by Senator Tim Scott (R-SC) and Representative Luke Messer (R-IN) and attended by students and supporters from the national capital region.



Students from schools in the national capital region flock to the U.S. Capitol for a National School Choice Week rally January 24. (Rep. Luke Messer Photo)

“I truly believe that a quality education is the closest thing to magic,” said Senator Scott in anticipation of the rally. “It can help our youth realize that no matter where they start in life, they can learn their way to a brighter future.”

Scott sponsored a School Choice Week resolution that won unanimous approval by the Senate and also introduced the *Creating Hope and Opportunity for Individuals and Communities through Education Act*, or CHOICE Act, which would expand school opportunities for military families, students with disabilities, and children in Washington, D.C.

Yellow Scarves

Representative Luke Messer, founder of the Congressional School Choice Caucus, served as the rally’s master of ceremonies and led the crowd in a series of warm-ups using the NSCW signature yellow scarves. Prior to the event, Messer said, “School Choice Week is about sharing the stories and successes of America’s kids. All across our country, students benefit from access to innovative charter, online, private, home and public school options.”

Dr. Virginia Foxx (R-NC), recently named chairwoman of the House Education and the Workforce Committee, told the group, “We have a challenge extending the promise of school choice to more students and families. As

chairwoman of the House education committee, that is a challenge I take seriously and one I am committed to tackling head-on.” Noting the heightened interest in school choice in the 115th Congress and the new administration, she said, “I am encouraged by the momentum that is already building and look forward to that work ahead.”

Senator Alexander

Dr. Foxx’s counterpart in the Senate, Lamar Alexander (R-TN), who chairs the Senate Health, Education, Labor and Pensions (HELP) Committee, used his remarks as a chance to reaffirm his support for the nomination of Betsy DeVos as secretary of education. “In the United States Senate, our Senate Democrats are in a fit because President Trump has nominated a candidate for

U.S. education secretary who spent the last 30 years trying to help low-income parents have the same choices of good schools that wealthy people already have. It’s hard for me to understand why anyone would be against that.”

Most Precious Asset

Rep. Todd Rokita (R-IN), chairman of the House Subcommittee on Early Childhood, Elementary, and Secondary Education, told students that he draws inspiration and motivation from them. Calling children our nation’s “most precious asset,” Rokita said competition is a “wonderful, good, positive” force that can motivate schools to do a much better job in serving students. Rokita’s subcommittee has scheduled a hearing on “Helping Students Succeed Through the Power of School Choice” for Thursday, February 2.

House Speaker Paul Ryan (R-WI) said, “Every parent in America should have the opportunity to send their kids to the school of their choosing.” In a time when choice and customization mark so many aspects of life, “Why would we limit a person to a certain school in a certain ZIP code if that school is failing? That is just wrong.”

“In America, we believe that the condition of your birth should never determine the outcome of your life,” the speaker told the students, adding, “Don’t let anyone tell you your limits.”

Choice Poll

Just ahead of National School Choice Week, the American Federation for Children released its third annual National School Choice Poll.

Conducted by Beck Research, a Democratic polling firm, the poll showed that “school choice continues to enjoy strong and consistent support across the nation,” according to a memorandum prepared by the pollsters.

Specifically, “The concept of school choice is supported by a wide 68%-to-28% margin.” Certain forms of school choice received even higher support, “including 83% for special needs scholarships, 74% for public charter schools, and 73% for scholarship tax credits.” In addition, “A federal scholarship tax credit receives strong support with 72% of voters backing the potential proposal.”

The survey was conducted January 2-5 among 1,100 individuals who said they would be likely to vote in November 2018.

Overall support for school choice was measured by the question: “Generally speaking, would you say you favor or oppose the concept of school choice? School choice gives parents the right to use the tax dollars associated with their child’s education to send their child to the public or private school which better serves their needs.”

Within certain segments of society, support for school choice was higher than the overall average. Millennials favored choice by a wide margin (75-22); Latinos supported choice 75-19, and African-Americans, 72-19.

“In the aftermath of the decisive 2016 elections, school choice remains a bipartisan issue with strong support among key demographics across the country,” said Kevin P. Chavous, board member of the American Federation for Children. “The results of this poll demonstrate that the public is ready to change the education status quo.”

CAPE notes

★ The Office of Non-Public Education (ONPE) at the U.S. Department of Education held two helpful and informative webinars in January on the private school provisions in the *Elementary and Secondary Education Act* (ESEA), as amended by the *Every Student Succeeds Act* (ESSA). Each webinar covered the same topics, highlighting changes in ESSA that relate to equitable services in Title I and Title VIII of ESEA. USDE staff did an excellent job explaining the new provisions in clear and concise language.

The webinars will soon be archived on the ONPE ESSA Web page (<https://innovation.ed.gov/what-we-do/non-public-education/essa/>), which already contains an abundance of valuable resources to help education leaders understand how the new law will affect students and teachers in private schools.

★ EdChoice has just released the 2017 edition of its popular and valuable *The ABCs of School Choice*, a comprehensive overview of school choice programs across the country. What are the most popular programs, that is, those that have the most participants? Here are the top ten, as compiled by EdChoice: Illinois's Tax Credits for Educational Expenses (285,972 tax returns); Minnesota's Education Deduction (209,963 tax returns); Iowa's Tuition and Textbook Tax Credit (133,310 tax returns); Louisiana's Elementary & Secondary School Tuition Deduction (106,549 tax returns); Florida's Tax Credit

Scholarship Program (97,826 students); Indiana's Private School/Homeschool Deduction (53,174 tax returns); Minnesota's K-12 Education Credit (52,046 tax returns); Wisconsin's K-12 Private School Tuition Deduction (38,500 tax returns); Pennsylvania's Educational Improvement Tax Credit Program (34,826 scholarships); Indiana's Choice Scholarship Program (34,645 students).

The ABCs of School Choice is available for download at www.edchoice.org/research/the-abcs-of-school-choice/.

★ Neil Gorsuch, President Donald Trump's nominee to be an associate justice on the U.S. Supreme Court, has been touted for his stellar postsecondary education: Columbia University, Harvard Law School, and Oxford University. But largely overlooked has been his stellar high school education.

Gorsuch is a 1985 graduate of Georgetown Preparatory School in North Bethesda, Maryland. Rev. Scott R. Pilarz, S.J., the school's president, offered these thoughts on the school's Web site: "We are proud to have a son of Georgetown Preparatory School, a Catholic, Jesuit school founded the same year the United States Supreme Court was established, nominated to the nation's highest court. All of us at Prep send our prayers and best wishes."

★ "[I]t is ordered that the petition for review is denied. No motion for rehearing will be entertained by the Court." That

unambiguous language, issued January 18 by a five-judge panel of the Florida Supreme Court, put a decisive end to a protracted legal battle over the state's tax credit scholarship program.

By refusing to hear the case, the court let stand a decision by the First District Court of Appeal, which ruled that the state teachers union did not have standing to challenge the nation's largest tax credit scholarship program, which serves roughly 98,000 students.

School choice advocates applauded the decision.

"Low-income parents and children in Florida have a great deal to celebrate today knowing that their access to school choice and a quality school will no longer be threatened," said John Kirtley, Vice Chairman of the American Federation for Children. "There should be no barrier preventing a child from reaching their full potential or receiving a world-class education."

Betsy DeVos, President Trump's nominee for education secretary, tweeted, "Congrats to the Florida families who have a clear path toward more opportunity due to #SchoolChoice w/ today's FL Supreme Court decision!"

Former Florida Governor Jeb Bush, president and chairman of the Foundation for Excellence in Education, said the ruling "marks a monumental moment in the lives of the more than 90,000 students who are able to receive a quality education through Florida's tax-credit scholarship program."