

Council for American Private Education

CAPE outlook

Voice of America's private schools

President Signs Omnibus Spending Bill Affecting Private Schools

Months after the due date, Congress finally passed, and the president signed, a sweeping spending bill in March to fund the government through September 30, 2018.

By rights, the agreement should have been reached prior to October 1, 2017, the start of the current fiscal year, but congressional friction forced a series of stopgap measures, called continuing resolutions, to keep the government running up to March 23, the date the new law was signed.

The omnibus spending measure, known as the *Consolidated Appropriations Act, 2018*, includes funds for several programs that provide services to students and teachers in religious and independent schools (see table). Two of those programs involve relatively new funding formulas for calculating benefits to private school students and teachers—formulas revised when the *Elementary and Secondary Education Act* (ESEA) was reauthorized in 2015.

Title II-A Retained

ESEA's Title II-A, for example, which funds professional development for teachers and administrators, now requires school districts to set aside for services to private school personnel a proportionate share of their total allocation. The new budget agreement calls for \$2 billion for Title II-A, a relief because the president had earmarked the program for elimination. Back in December, CAPE launched a campaign to urge members of Congress to retain and fund the program at its current level.

Title I, which covers supplemental services to low-performing children in high-poverty areas, will be funded at \$15.8 billion, an increase of \$300 million from FY 2017. Funds for Title I services to children attending private schools are also

now calculated based on a school district's total Title I allocation.

Congress also approved a huge \$700 million increase in spending for Title IV-A, which provides Student Support and Academic Enrichment Grants (SSAEG). Those grants may be used to ensure safe and healthy students, well-rounded educational opportunities, and the effective use of technology—all through a variety

of equitable services to private school students and their families.

Programs that serve English language learners and migrant children, regardless of the school they attend, would be funded at the same levels as 2017.

Since all of these education programs are "forward funded," the money approved in the omnibus spending package would be used for programs in the coming 2018-19 school year.

Federal Education Spending Levels for Some Programs Affecting Private School Students (in millions of dollars)			
	FY 2016	FY 2017	FY 2018
Title I-A (Grants to LEAs)	\$14,910	\$15,460	\$15,760
Title I-C (Migrant Education)	\$375	\$375	\$375
Title II-A (Teacher Quality)	\$2,256	\$2,056	\$2,056
Title III-A (English Language)	\$737	\$737	\$737
Title IV-A (Support Grants)	\$0	\$400	\$1,100
Title IV-B (Learning Centers)	\$1,167	\$1,192	\$1,212
Special Ed (IDEA Part B)	\$11,913	\$12,003	\$12,278
Career Ed (Perkins Act)	\$1,118	\$1,118	\$1,193

of means best suited to local needs. States and districts receiving funds under Title IV-A must provide equitable services to students and teachers in private schools.

IDEA Increased

The *Individuals with Disabilities Education Act* (IDEA), which serves children with special needs in public and private schools, would see spending levels increased by \$275 million.

Career and technical education funds, which school districts, upon the request of private school officials, may use to provide services to secondary school students in private schools, would also see a marginal increase, as would 21st Century Community Learning Centers. Private schools are eligible to apply for the learning-center grants, and grant recipients must provide

CCDBG

In a remarkable expansion in early education, the spending bill would increase funding for the Child Care and Development Block Grant (CCDBG) program by \$2.4 billion, essentially doubling funding to \$5.2 billion. The program allows parents to use federal certificates to choose the child care program that best meets their child's needs—faith-based, Montessori, Waldorf, or any other public or private program.

CCDBG focuses on the care of children under the age of 13 while their parents work or participate in training or education programs. Allowable care includes that provided in centers or programs, or by relatives or neighbors. The program does not cover the cost of compulsory schooling.

STOP School Violence

In the aftermath of recent school shootings, Congress had a heightened concern about school safety. In addition to bolstering funds for Title IV-A, the omnibus bill also included a new measure called the *Student, Teachers, and Officers Preventing (STOP) School Violence Act of 2018*. The STOP Act authorizes grants to states and units of local government (e.g., counties, municipalities, towns, etc.) to bolster

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CAPE

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
Council of Islamic Schools in North America
Council on Educational Standards and Accountability
Evangelical Lutheran Church in America
Friends Council on Education
Islamic Schools League of America
Jesuit Schools Network
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
Affiliated State Organizations

a coalition of national associations serving private schools K-12
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Becket Director Talks to CAPE Group About Religious Liberty

The Wall Street Journal recently described Montse Alvarado as “an amiable 30-year-old Mexican-American woman...on the front lines of America’s culture wars.” Ms. Alvarado firmly established why she deserves that description during a friendly yet thought-provoking address to leaders of CAPE’s member organizations and state affiliates on March 12 in Washington, D.C.

Alvarado is executive director of the Becket Fund for Religious Liberty, described on its Web site as a “non-profit, public-interest legal and educational institute with a mission to protect the free expression of all faiths.”

Her speech to the CAPE community covered an array of contemporary religious liberty challenges and included a call to build a coalition to address those challenges and defend that liberty.

No Religion Is an Island

Reminding the CAPE group that “no religion is an island,” Alvarado definitively declared, “If I don’t have religious liberty, you don’t have religious liberty.” She spoke of the need to work together and team up, even with people with whom we disagree, in order to “uphold the pure principles of our constitution.”

The fight for religious liberty, she said goes to the core of who we are. “I believe we are people who believe in truth, even if we disagree over what truth is,” she said. Religion, which involves the pursuit of “truth, beauty, and goodness,” is not some “terrible thing” from which “government has to protect us.”

Connecting the work of Becket with that of CAPE, Alvarado turned to efforts to combat state Blaine amendments, which bar state finan-

cial assistance for religious schools. “Across the country, Blaine amendments have been used by anti-religious activists to keep religious organizations from participating in neutral and generally applicable government programs on equal terms with everyone else,” she said.

Battle in New Mexico

In New Mexico, Becket is involved in a Blaine amendment battle over whether the state’s supreme court ruled correctly when in 2015 it determined that providing state-purchased textbooks and other instructional materials to students in private schools was unconstitutional. The state’s Blaine amendment says that no state funds “shall be used for the support of any sectarian, denominational or private school, college or university.”

However, the U.S. Supreme Court last June vacated the New Mexico ruling and told the state court to reconsider the matter in light of the landmark *Trinity Lutheran* decision, which prevented the state of Missouri from excluding a

private school from a neutral and secular grant program for playground resurfacing materials.

The *Trinity* decision was only one example that Alvarado recounted of a legal victory in support of religious liberty. Others involved the successful resolution of a challenge against religiously-based prison ministries in Florida and a reversal by FEMA of a ban on disaster aid for houses of worship.

“We’re winning,” she declared, and “the only way to keep winning is to share the stories” of people and organizations that are being harmed by religious bias.



Montse Alvarado, executive director of the Becket Fund for Religious Liberty. (Becket Photo)

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school safety. Grant recipients may then award subgrants or contracts to school districts or non-profit agencies (excluding schools) or other units of local government. Grants may be used for a variety of purposes, including, but not limited to, training school personnel, developing reporting systems, conducting threat assessments, responding to mental health crises, coordinating with local law enforcement, and installing metal detectors and other deterrent measures. The law allows all schools, including private schools, to benefit from the safety measures.

The omnibus bill includes numerous other measures aimed at improving school safety, to be

administered through various agencies, including the Department of Justice, the Department of Education, and the Department of Health and Human Services.

One noteworthy development is the doubling of appropriations from \$25 million to \$50 million for grants to bolster security for nonprofit organizations, including schools, that are at high risk of terrorist attack in designated urban areas. An additional \$10 million in grants will be made available to similar nonprofits located in other locations. Agudath Israel of America, a member of CAPE, worked in concert with other groups to secure the increase in funding.

Secretary DeVos Meets with CAPE's Executive Committee

U.S. Education Secretary Betsy DeVos met with CAPE's executive committee March 12 for what turned out to be a wide-ranging conversation about school safety, school choice, and several other topics of mutual interest.

The shooting of students at Marjory Stoneman Douglas High School sparked a discussion of various appropriate measures to make schools safer and to protect all students, no matter what school they attend.

Hours before the CAPE meeting, the White House announced the establishment of the Federal Commission on School Safety, chaired by Secretary DeVos, that will "recommend policy and funding proposals for school violence prevention." According to a White House fact sheet, the commission will study and make recommendations on matters such as age restrictions for certain firearm purchases, character development, building security, mental health treatment, and a host of other topics.

The CAPE community impressed on the secretary the need for appropriate safety measures to extend to all types of schools, both public and private.

Much Work to Be Done

The day after the CAPE meeting, Secretary DeVos addressed the National Parent Teacher Association Legislative Conference, where she said, "The tragedy in Parkland, Florida, was a sad reminder that there is still much work to be done to ensure no parent, no teacher, no student has to again endure what many did at Marjory Stoneman Douglas High School." She said the new commission would "tap into the knowledge of educators, parents, mental health professionals and law enforcement to hear their ideas and learn from their experiences."

On March 23, the secretary announced further details about the commission, whose other members include Attorney General Jeff Sessions, Secretary of Health and Human Services Alex Azar, and Secretary of Homeland Security Kirstjen Nielsen. She said the commission plans to hear "the ideas of anyone who is focused on finding solutions to bolster school safety across the country. We want to highlight what's work-

ing so that every school has access to solutions that will keep students and teachers safe."

School Choice

With respect to school choice, CAPE's executive committee members urged Secretary DeVos to stay strong in her support. One specific measure that came up was a proposal to provide military families with education savings accounts. The secretary was open to the idea. Back in February, at the annual Conservative Political Action Conference, the secretary said ESAs could



Education Secretary Betsy DeVos meets with CAPE's executive committee March 12.

provide children with "continuity in their education" as they move from "base to base or city to city."

Congressman Jim Banks (R-IN), a military man who served in Afghanistan and is a member of the House Armed Services Committee, has introduced the *Education Savings Accounts for Military Families Act*. In introducing the measure,

Banks said, "The men and women who serve our country in uniform make sacrifices daily, but the education of their children should not be one of them."

Other Issues

Several other topics came up during the discussion with Secretary DeVos. The CAPE group urged the secretary to ensure that the Department is moving full steam ahead on a project to update guidance for equitable services under Title I and Title VIII of the *Elementary and Secondary Education Act*.

Executive committee members also made a pitch for timely release of guidance to help affected schools and students access hurricane and wildfire disaster relief that was included in the *Bipartisan Budget Act of 2018*.

The relief program provides services, equipment, and supplies to get damaged schools up and running. It also offers schools across the country assistance to help cover the costs of educating students displaced by the disasters.

CAPE representatives also commented on the excellent work being done at the department's Office of Non-Public Education, and expressed hope that the ONPE director would have top-level involvement at the earliest stages of policy discussions within the department.

SCN at USDE

CAPE's Executive Committee was not the only CAPE group that met with high-ranking officials from the U.S. Department of Education March 12 (see story left). Representatives from the State CAPE Network (SCN) had an enormously productive session with a host of department officials that same day, covering numerous important issues.

Arranged by Maureen Dowling and her staff in the Office of Non-Public Education (ONPE), the session included discussions with Ebony Lee, deputy chief of staff for policy in the Office of the Secretary; Jason Botel, acting assistant secretary in the Office of Elementary and Secondary Education; Kimberly Richey, deputy assistant secretary in the Office of Special Education and Related Services; David Esquith, director of the Office of Safe and Healthy Students; McKenzie Snow, a special assistant in the Office of the Secretary, and Andrea Reyes Ramirez, acting executive director of the Center for Faith-Based and Neighborhood Partnerships.

A recurring theme during these sessions was equitable services for private school students under federal education programs. That theme took a special prominence in discussions about federal disaster relief to help schools that were damaged, and students who were displaced, by hurricanes and wildfires in 2017.

Turning from equitable services to community service, Andrea Ramirez invited the private school community to promote the Martin Luther King, Jr., Drum Major Innovative Service Awards. The program is open to all students (not just drum majors) who perform "extraordinary every-day acts of service." It takes its name from a line in a sermon that Dr. King delivered in 1968 at Ebenezer Baptist Church in Atlanta: "If you want to say that I was a drum major, say that I was a drum major for justice..."

CAPE notes

★ CAPE has a new state affiliate. At its meeting in March, the CAPE board welcomed the Colorado Association of Private Schools (CAPS) as the latest member of the State CAPE Network.

CAPS “seeks to be the voice of K–12 private education in Colorado.” Its primary mission is “to preserve the independence of Colorado’s private schools and to uphold parental choice in education,” according to the organization’s Web site.

Membership is open to all K-12 private schools in Colorado as well as to any private school association that serves schools in the state. For more information, visit the CAPS Web site at <<http://www.thecaps.org>>.

★ Florida Governor Rick Scott last month signed into law the Hope Scholarship Program, which provides public school students who are victims of bullying or other defined incidents the chance to transfer to another public school or to receive a scholarship to attend a private school. As defined in the statute, the term “incident” means battery, harassment, hazing, bullying, physical attack, robbery, sexual offenses, threats, fighting, and several other behaviors.

Scott also approved the establishment of Reading Scholarship Accounts, which provide the parents of public school students who score poorly on the grade 3 or grade 4 state language arts assessment with up to \$500 to reimburse them for expenses for services and materials designed to

improve their child’s reading. Eligible expenses may include those for instructional materials, tutoring services, after-school programs, summer school, and the like.

★ States and territories impacted by the 2017 hurricanes and wildfires (i.e., Alabama, California, Florida, Georgia, Louisiana, Puerto Rico, South Carolina, Texas and the U.S. Virgin Islands) were supposed to apply to the U.S. Department of Education by March 30 for initial funding to repair and rebuild schools damaged by the disasters.

Private schools are eligible for the assistance in the form of services, equipment, materials, and property. In fact, the law that authorizes the aid requires state education agencies to reserve a share of funds under this program for assistance and services to private schools. Specifically, the law requires that such services “shall be equitable in comparison to the educational services and other benefits provided for public school students...and shall be provided in a timely manner.”

Private schools affected by the disaster should contact their state associations or their state education departments to make sure they will be able to access whatever assistance the program provides.

The U.S. Department of Education is expected to soon issue guidance on separate assistance available to public and (via parents) private schools that are educating students who were displaced by the disasters.

★ Puerto Rico’s Governor Ricardo Rosselló has signed education reform legislation that includes school vouchers and an expansion of charter schools. The voucher program will serve up to three percent of students in its first year.

★ Do results from standardized achievement tests predict a school choice program’s impact on longer term outcomes, such as high school graduation, college attainment, and earnings? A new white paper from the American Enterprise Institute answers that question with a resounding no.

Collin Hitt of the Southern Illinois University School of Medicine, Michael Q. McShane of EdChoice, and Patrick Wolf of the University of Arkansas have undertaken what they describe as “one of the most thorough” reviews of the school choice literature ever done and have concluded that “achievement impact estimates appear to be almost entirely uncorrelated with attainment impacts.” In other words, “Improving test scores appears to be neither a necessary nor sufficient condition for improving the later-life outcomes that truly matter.”

Their findings, presented in “**Do Impacts on Test Scores Even Matter?**” raise some serious cautions about current practice. Among them: “Focusing on test score gains may lead regulators to favor schools whose benefits could easily fade over time and punish schools that are producing long-lasting gains.”