

13017 Wisteria Drive #457
Germantown, MD 20874
301-916-8460 (tel)
301-916-8485 (fax)
cape@capenet.org

www.capenet.org

CAPE member
organizations:

Agudath Israel
of America

American Montessori
Society

Association Montessori
International—USA

Association of Christian
Teachers and Schools

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

Wisconsin Evangelical
Lutheran Synod Schools

32 Affiliated State
Organizations

NCLB Reauthorization

Objective

To secure improvements in services to private school students and teachers in certain programs authorized by the *Elementary and Secondary Education Act* (ESEA) as reauthorized by the *No Child Left Behind Act* (NCLB).

Rationale

The reauthorization of NCLB is a major education priority for the 111th Congress. Many provisions within NCLB have a direct impact on students and teachers in private schools, and some of those provisions go back as far as the mid-1960s, when Congress determined that federal education aid should be directed toward helping children in need, regardless of the type of school they attend. However, certain inequities have developed in recent years that have seriously disadvantaged students and teachers in religious and independent schools.

CAPE believes that federal programs that benefit public school students and teachers should provide equitable benefits to comparably situated private school students and teachers. Such equity is mandated in much of federal education law. It is based 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. In keeping with this rationale and to address the inequities that have developed, CAPE supports the following proposals.

Action

Priority Issues for Ensuring Equitable Services

1. Require that all funds generated by private school students be clearly set aside for the benefit of such students and be spent for the benefit of such students. Allocations to benefit private school students should be determined before any "off the top" reservations are made for purposes that do not include such students.
2. Include in consultation requirements an examination of options for directing administrative and program funds set aside for the private school community through an administrative agency or a third-party contractor whose sole responsibility would be to administer programs provided through NCLB to private school students and teachers.
3. Require that equitable participation for State Grants for Teacher Quality under Title II-A be determined on the basis of the full allocation to the LEA, rather than only on the portion spent on professional development activities by the LEA.

Funding Equitable Services

4. Require school districts to expend in a timely manner funds generated by private school students for services to such students during the school year for which the funds have been appropriated. If funds are not expended during the appropriate school year, require school districts to expend any remaining funds for services to private school students at the start of the subsequent school year.

Issue paper

March 2009

NCLB
Reauthorization

5. Provide private schools the option of receiving the benefits for students and teachers that they would have received in each title program absent a district's transferability plan under Title VI.
6. Allow school district officials, after consulting with private school officials, to transfer funds generated by private school students in accordance with the provisions in Title VI, Part A, Subpart 2, in order to better meet the needs of private school students and teachers.

Establishing Equitable Services

7. Provide for the participation of private school students and teachers in any newly proposed programs as well as in existing programs that are not currently available to them.
8. Include within the private school provisions found in Title V and Title IX certain safeguards relating to the participation of private school students currently found in Title I.
9. Require school districts to include private school students and teachers in all discretionary grants for which they are eligible.
10. Allow participants in the Troops-to-Teachers program to teach in private schools.

Consulting About Establishing Equitable Services

11. Require school districts to secure written affirmations from private school officials that timely and meaningful consultation has taken place in connection with all programs serving private school students and teachers.
12. Require school districts that disagree with private school officials over any issues involved in the consultation process to provide in writing the reason why the LEA has chosen a different course of action.
13. Include among the issues of required consultation within Titles I, V, and IX the issue of pooling funds generated by private school students for the purposes of improving services to students and teachers.
14. 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.

Safeguarding Equitable Services

15. Streamline the bypass provision and the complaint process and shorten the bypass/complaint implementation timeline.
16. 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.

Approved by CAPE's Board of Directors: March 2009