

Council for American Private Education

CAPE outlook

Voice of America's private schools

Historic Year for School Choice

The Wall Street Journal recently called 2011 “the year of school choice,” noting that as states are taking measures to enhance educational freedom for families across the country, the year is “shaping up as the best for reformers in a very long time.”

Eleven states and the District of Columbia have seen new or improved programs of school choice, stretching from scholarships to savings accounts that help parents cover the costs of education. “More states have passed school voucher or scholarship tax credit legislation in 2011 than ever before,” according to the American Federation for Children (AFC), a school choice advocacy group.

Most Far-Reaching

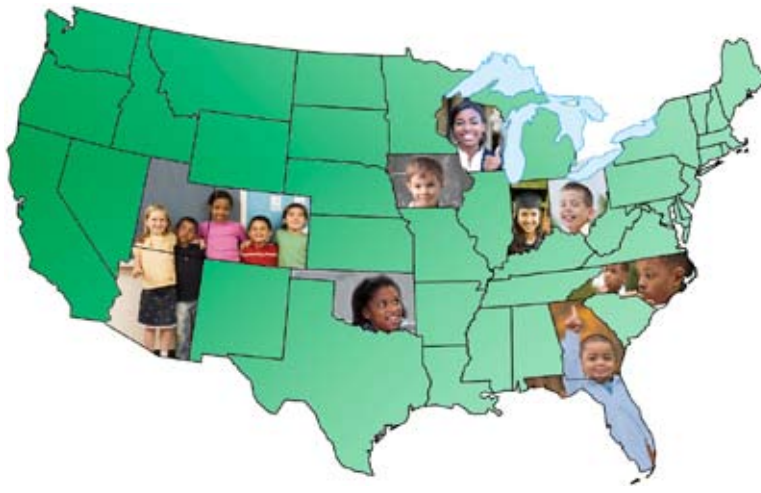
Indiana lawmakers passed what is widely described as the most far-reaching school choice legislation in the nation. The bill’s centerpiece was the creation of an expansive choice scholarship program that provides assistance to low- and middle-income families to help their children attend religious and independent schools. On August 29, the Associated Press reported that more than 3,200 students had signed up for the scholarships, a number that “is expected to climb significantly in the next two years as awareness of the program increases and limits on the number of applicants are lifted.”

In Wisconsin, the state where school choice got its start, lawmakers enacted a huge expansion of educational opportunities for students and families in Milwaukee and launched a brand new choice program in Racine County. Improvements to the Milwaukee program included an increase in family income eligibility levels from

175 percent of federal poverty levels to 300 percent, a complete elimination of the cap (currently 22,500) on the number of students who can participate, and an expansion of the pool of available options by

Carolina (PEFNC) estimates that because the credit is less than the cost of educating a child in a public school, the measure could “annually save taxpayers up to \$10 million and school districts up to \$4 million.”

Choice Programs Established/Enhanced in 2011



allowing families to select schools outside city limits. The program in Racine will phase in gradually with a limit of 250 students the first year, 500 in year two, and no limit beyond that.

“After 20 years of experience with low-income scholarships in Milwaukee, the Wisconsin program was ready to expand. Racine was a logical next step, but there are many others,” said Matt Kusow, executive director of the Wisconsin Council of Religious and Independent Schools (WCRIS), an affiliate of CAPE. “We are transitioning from a pilot program to a bona fide educational movement in Wisconsin,” he added.

A dollar-for-dollar tax credit for special needs students became law in North Carolina on June 30. The measure provides up to \$6,000 to help parents with the cost of education, including private school tuition. Parents for Educational Freedom in North

EdChoice Expanded

Meanwhile in Ohio, Gov. John Kasich signed a budget bill that dramatically expanded the state’s Educational Choice Scholarship Program (EdChoice) by lifting the cap on the number of participating students from 14,000 to 60,000 over the next two years, growing the program to more than four times its current size. Students would be eligible for scholarships up to \$4,250 in grades K-8 and \$5,000 in grades 9-12. The bill

also established the Jon Peterson Special Needs Scholarship, allowing five percent of students with special needs in the state to receive funds that could be used to cover tuition in private schools. In addition, the legislation opened the Cleveland Scholarship and Tutoring Program to high school students (it had previously been limited to grades K-8) and increased the cap on scholarships from \$3,450 to \$4,250 in grades K-8 and to \$5,000 in grades 9-12, amounts identical to the EdChoice program.

Florida Governor Rick Scott signed several school reform bills. One amended the state’s corporate tax credit scholarship program by allowing corporations to take a dollar-for-dollar tax credit for donations to a scholarship-granting organization up to 100 percent (rather than the previous 75 percent) of their state income tax liability.

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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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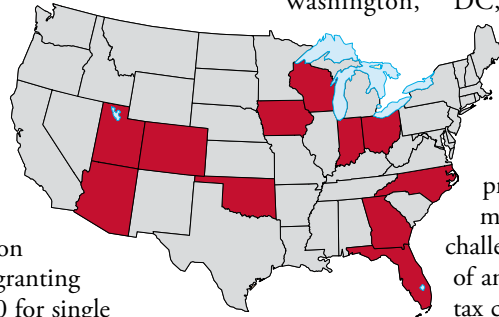
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Another extended the state's McKay scholarship program for students with disabilities to any child who has a Section 504 accommodation plan longer than six months under the federal Rehabilitation Act of 1973, thus opening the program to an expanded pool of students.

In Oklahoma, Gov. Mary Fallin signed the Equal Opportunity Education Scholarship Act, allowing individuals and corporations to take a state tax credit, starting in the 2013 tax year, for 50 percent of a contribution to an eligible scholarship-granting organization, up to \$1,000 for single taxpayers, \$2,000 for married taxpayers filing joint returns, and \$100,000 for a business or corporation.



Empowerment Accounts

Arizona became the first state in the nation to establish Empowerment Scholarship Accounts to help students with disabilities. Deposits to the accounts will be made by the state and withdrawals by parents to educate a child in the setting of their choice. Allowable expenditures include tuition and fees at a private school, textbooks, therapies, tutoring, online learning programs, and even eventual college costs. The state expects to save money in that the amount deposited in the accounts each year will be 10 percent less than what the state would have spent to educate the child in a public school.

In Georgia, Governor Nathan Deal signed HB 325, which extends the state's scholarship tax credit program to those entering first grade. (Heretofore, the program was open to students who had attended public schools the previous year as well as any student entering pre-kindergarten or kindergarten.) The new law also clarifies that once a student is eligible for the program, he or she remains eligible until graduation, the age of 20, or enrollment in a public school.

In other states, Iowa raised the annual limit on allowable contributions to its tax credit scholarship program, and Utah increased funds for its special needs scholarship program.

Not Just in States

Choice victories this year were not just confined to state-level legislation. The Douglas County School Board in Colorado took matters into its own hands by establishing a district-level voucher program, which was to have started this school year. However, District Court Judge Michael Martinez issued an injunction that stopped the program August 12. Days later, the school

board filed a motion to challenge the injunction. As the legal wrangling plays out, a number of participating private schools have said they will continue to enroll the voucher students despite the funding freeze.

But the biggest non-state victory for parental rights in education this year took place in Washington, DC, where all three branches of the federal government played a role in moving the school choice marker forward.

In April, the U.S. Supreme Court issued a landmark decision dismissing a challenge to the constitutionality of an Arizona statute providing tax credits for contributions to school tuition organizations. The decision cleared the way for other states to enact similar legislation.

Nearly two weeks later, President Obama signed into law the fiscal year 2011 spending bill that reauthorized the opportunity scholarship program for students in the District of Columbia. Inclusion of the program in the appropriations bill came at the insistence of House Speaker John Boehner (R-OH).

Forces and Counterforces

The unprecedented spike in school choice seems to be stemming from a confluence of forces. A shift last November in control of numerous state houses and governors' offices, growing frustration with persistent school failure, and strained state budgets all set the stage for programs that deliver results at a lower cost.

But like most forces, the success of school choice has generated an opposite force. Teachers unions and others have resolved to reverse the progress using tactics ranging from recall elections to court challenges, some successful and others not.

Although efforts failed in Wisconsin to recall enough legislators to remove Republicans from the senate majority, a court challenge in Colorado by the American Civil Liberties Union successfully halted the Douglas County program. In Indiana, the state teachers association announced in August that it would continue its legal challenge to the state's new scholarship program after a superior court judge refused its request to issue an injunction to halt the program.

Writing August 29 in *The Wall Street Journal*, Richard Komer, senior attorney at the Institute for Justice, predicted that "any legal defeats will only motivate renewed effort on the part of school-choice advocates. The recent history of the movement shows that despite temporary setbacks, school choice is now here to stay."

Above-Average Scores in Geography and U.S. History

Eighth graders in private schools are three times more likely than other students to have an “advanced” knowledge of geography, a level that reflects superior academic performance, according to a report released this summer by the National Center for Education Statistics (NCES).

The report summarizes results from the 2010 National Assessment of Educational Progress (NAEP) in geography, designed to measure “knowledge of geography in the context of space and place, environment and society, and spatial dynamics and connections.”

The test quantifies performance at the basic level (denoting partial mastery of knowledge and skills) proficient level (solid academic performance), and advanced level (superior performance).

Representative samples of students in fourth grade, eighth grade, and twelfth grade participated. Overall private school scores, which include scores from religious schools, were available for eighth grade only, where a sufficient number of students were tested to yield accurate results.

Ninety percent of eighth-grade students from religious and independent schools scored at or above basic, compared to 73 percent of students from government schools. Forty-five percent of private school students scored at or above the proficient level, and 6 percent scored at or above the advanced level. The percentage of proficient students from government schools was 25, while that for advanced students was 2.

The assessment measured a spectrum of concepts and skills. One question of recent relevance tested eighth graders on their knowledge of the causes of earthquakes. According to a news release from the National Assessment Governing Board (NAGB), which determines NAEP policy, 33 percent of students “had no understanding of the relationship between tectonic plates and earthquakes.”

“Geography is not just about maps. It is a rich and varied discipline that, now more than ever, is vital to understanding the connections

between our global economy, environment, and diverse cultures,” said NAGB Chairman David P. Driscoll.

U.S. History

In mid June, NCES published scores from the 2010 NAEP assessment in U.S. history. Again, students in religious and independent schools significantly outperformed those from other schools.

The test was designed to measure “knowledge of American history in the context of democracy, culture, technological and economic changes, and America’s changing world role.”

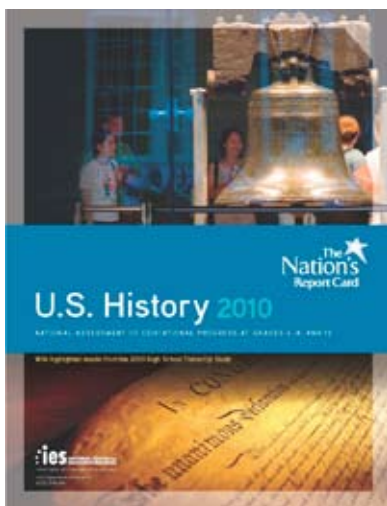
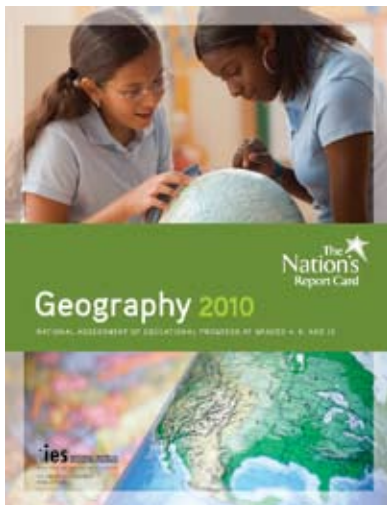
As with the geography assessment, overall private school results were only available for eighth grade, where participation rates were high enough to produce reliable data. Eighty-seven percent of private school students scored at or above the basic level, compared to 68 percent of other students. Twenty-nine percent of students in private schools scored at or above the proficient level, a level that reflects “solid academic performance,” compared to 16 percent of students in other schools. And 2 percent of private school students demonstrated advanced knowledge of history, compared to 1 percent of their government school counterparts.

Reacting to the history report, U.S. Secretary of Education Arne Duncan said the scores “show that student performance is still too low. These results tell us that, as a country, we are failing to provide children with a high-quality, well-rounded education.”

Stagnating or Declining

NAGB reported that the geography and U.S. history results, combined with a recent report on civics performance, paint a “picture of stagnating or declining overall achievement” in social studies. “In particular, the pattern of disappointing results for our twelfth graders’ performance across all three social science subjects should be of great concern to everyone,” said Driscoll.

NAEP results are available at <<http://nces.ed.gov/nationsreportcard/>>.



Early Learning

Hoping to spark changes in early learning programs, the Obama Administration in August released the application and criteria for the Race to the Top Early Learning Challenge (RTT-ELC). The program’s goal is to “better prepare more children with high needs for kindergarten.”

The competition will reward states that (1) establish a coordinated system of early learning, (2) hold publicly funded providers accountable by using a common quality rating system, (3) promote early learning and development outcomes, (4) support a trained early childhood workforce, and (5) measure outcomes and progress.

A total of \$500 million will be awarded to states that best meet the program’s standards for successful applications, which are due October 19.

When the U.S. Department of Education published draft priorities and criteria for the program in July, CAPE offered comments based on principles found in its [issue paper on early learning](#):

- Formal early childhood education should be voluntary.
- Legislation promoting early childhood education should support the right of parents to choose from a range of programs and providers without financial penalty.
- Programs designed to assist children and teachers should provide benefits to comparably situated children and teachers, whether in independent or government-run settings.

• Early childhood education regulations should not seek program uniformity; they should promote pluralism that allows institutions to fulfill their unique missions and parents to choose from a variety of truly distinctive options.

CAPE believes that the RTT-ELC competition should reflect all of the above principles and that state applicants should adhere to them when developing state plans.

Return service requested

CAPE notes

★ CAPE’s just-released video explores why private schools are good for students. The four-minute piece extends CAPE’s library of videos that schools and organizations can post to their own Web sites to drive interest and attract visitors. The new video’s theme is that religious and independent schools benefit students by fostering academic excellence and high achievement, educating the whole child within a values-based setting, and preparing youngsters not just for college and career, but for life. Check it out at <www.capenet.org/videos>.

While you’re at it, click the links to CAPE’s [blog](#), [Twitter feed](#), and [Facebook page](#). You’ll find thoughtful essays, timely tweets, and lively postings on a host of issues relating to religious and independent schools.

★ In case you ever thought Education Secretary Duncan might someday change his mind on supporting opportunity scholarships that give low-income children in persistently poor performing schools the chance to choose a religious or independent school, think again. His comments during a Twitter Town Hall event on August 24 make it clear he will absolutely never support them. And we “absolutely” mean “never.”

Host: “What is your position on school vouchers?”

Duncan: “[I] never will support school vouchers. I want great public education in this country...”

Host: “But you are against vouchers?”

Duncan: “Absolutely. Because it takes money away from a public school system that I think we need to invest much more in as

a country.”

★ A recent study by two professors at Notre Dame Law School documents the advantages of urban religious schools over charter schools in suppressing serious neighborhood crime. In “[Catholic Schools, Charter Schools, and Urban Neighborhoods](#),” a paper to be published in the *University of Chicago Law Review*, Margaret F. Brinig and Nicole Stelle Garnett compare the effects of Catholic schools and charter schools on rates of neighborhood crime and find, quite simply, that “the presence of a Catholic school in a police beat appears to suppress crime and the presence of a charter school does not.”

Suggesting that “charter schools may be imperfect substitutes for complete school choice” in that “they do not appear to replicate Catholic schools’ positive community benefits,” the paper argues that those

schools and benefits could be preserved by offering parents a “more complete menu of school-choice options, which includes vouchers and/or tax credits as well as charters.”

★ Grover “Russ” Whitehurst, director of the Brown Center on Education policy at Brookings, supports school choice as a road to educational improvement. In a [thoughtful video](#) on education reform, Whitehurst said, “I’m personally in favor of allowing parents more choice. I think parents are in a position to be better consumers, particularly if the federal government would provide them as much information when they are choosing a school for their children as it forces a car dealer to provide them when they are buying a car from that dealer. So I think empowering parents with choice and giving them information would be one direction to go to produce improvements in U.S. education.”



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