

Council for American Private Education

# CAPE outlook

Voice of America's private schools

## Nation Considers Measures to Keep Students Safe

Within hours after the horrific shootings of children at Sandy Hook Elementary School in Newtown, Connecticut, Americans began a soul-searching dialogue on how to keep students safe. More than a month later, the discussion continues, with a grieving nation still united in resolve to do something, but lacking consensus about what that something should be.

Indicative of the issue's prominence in the national psyche, President Obama referenced student safety in his second inaugural address January 21, saying America's journey "is not complete until all our children, from the streets of Detroit to the hills of Appalachia to the quiet lanes of Newtown, know that they are cared for, and cherished, and always safe from harm."

Offering a specific response, the president unveiled a comprehensive plan January 16, containing multiple proposals to reduce gun violence in schools and communities. Titled *Now is the Time*, the plan calls for strengthening background checks when guns are purchased, banning the sale of assault weapons and high-capacity ammunition rounds, improving access to mental health services, and taking measures to make schools safer.

The school safety provisions include:

- hiring up to 1,000 specially trained police officers and counselors for schools;
- providing grants to help purchase safety equipment and train crisis intervention teams;
- developing high quality emergency management plans for schools, and offering funds to help implement those plans;
- helping schools cultivate "safer and more nurturing school climates."

U.S. House Committee on Education and the Workforce Chairman John Kline (R-MN) said he would review the president's proposals carefully and in coming weeks would "convene a hearing to examine school safety and ways to protect

our children." He added that he hoped to work together with the ranking Democrat on the committee, George Miller (CA), to "explore policies that will help prevent violence in our schools."

### Safety for All Students

Early indications from the U.S. Department of Education and the Obama administration suggest that at least some components of the president's plan would extend to all students, including those in private schools. For example, technical assistance could be provided in developing and implementing emergency management plans and positive school climates. The proposals might also allow for school resource officers to be placed in private schools. But questions remain about whether the plan, as eventually made explicit in legislation, will include provisions requiring equitable services and protection for students in all schools. History has shown that federal programs that flow to school districts and merely permit services to religious and independent school students are generally not effective in actually reaching those students. Equitable services are only realized when there is specific language requiring involvement, consultation, and equity.

Providing protection to students wherever they attend school is nothing new. Fire and police protection, vaccinations against influenza and other diseases, assistance in response to natural disasters, and other health and safety services are but some examples. Noteworthy federal

precedents include the *Asbestos School Hazard Abatement Act*, the *Safe and Drug-Free Schools and Communities Act*, the *Hurricane Education Recovery Act*, and the distribution to schools of NOAA emergency-alert radios.

### Private Schools Respond

Within the private school community

the Newtown shootings sparked several responses. Nearly 200 heads of a diverse collection of private schools—including Friends, Waldorf, Montessori, Episcopal, Catholic, and independent schools—signed an open letter calling on policy leaders "to do everything necessary to stem [the] tide of senseless gun violence." Specifically the letter calls for a sustained "national conversation about guns and gun violence" and the denial of "unrestricted access to weapons and ammunition that have no legitimate sporting or recreational purpose." Noting the rarity of a collective statement on a single issue by so many school leaders, the signers declare, "[T]he horrific dimensions of the Sandy Hook tragedy are so profound that we are compelled to rise up and say, 'Enough!'"

In a similar vein, the board of directors of the Friends Council on Education, a member of CAPE, wrote to President Obama and other policymakers to express abhorrence of "violence of any kind, and especially when it is directed towards children." The letter calls for passage of "rational gun safety measures," such as



## Keeping Students Safe

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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  
Executive Director: Joe McTigue

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## Justice Sotomayor Heartbroken Over School Closing

“I am heartbroken.” That’s what Sonia Sotomayor, associate justice of the U.S. Supreme Court, told New York Times reporter David Gonzalez about the announced closing of the elementary school she attended, Blessed Sacrament School in the Bronx. “You know how important those eight years were?” asked the justice. “It’s symbolic of what it means for all our families, like my mother, who were dirt-poor. She watched what happened to my cousins in public school and worried if we went there, we might not get out. So she scrimped and saved. It was a road of opportunity for kids with no other alternative.”

Sotomayor went on to explain, “The incidence of high school dropouts for kids from Catholic grammar schools is dramatically lower. The number of kids who go on to higher education is statistically higher. There are wonderful public schools in the city, but our kids don’t often live near them or they haven’t been adequately prepared for entrance to those schools.”

Blessed Sacrament was one of 22 elementary and two secondary schools whose closings in June were announced last month by the Archdiocese of New York as part of a plan to maintain a vibrant system of schools in the future. “This reconfiguration process will help ensure that our schools will be financially stable, sustainable and, more importantly, open to all students,” said New York Cardinal Timothy Dolan in a news release.

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background checks on all gun purchasers and a ban on assault weapons. The group also supports education that focuses on “inclusion, collaborative thinking, social-emotional skill development, democratic decision-making and nonviolent conflict resolution.”

Other CAPE member organizations also provided responses and resources.

The National Association of Episcopal Schools (NAES) offered ways to help children cope with the tragedy by providing “links, sample liturgies, and prayers” shared by its member schools.

Agudath Israel of America responded to the administration’s plan by saying it welcomed “in-

The Times article, published January 28, noted the success of Catholic schools in educating Hispanic students: “Indeed, a glance at some of New York City’s most successful and influential Latino and black professionals and politicians is like a Catholic School All-Star alumni roster. It would include Fernando Ferrer, a former Bronx borough president and acting chairman

of the Metropolitan Transportation Authority; Nelson Roman, recently nominated to be a federal judge; Julissa Reynoso, United States ambassador to Uruguay; Jennifer Lopez; and her former beau, Sean Combs.”

The Times went on to observe, “The Roman Catholic schools that have been shuttered in impoverished neighborhoods in recent years have produced enough lawyers to staff a white-shoe firm and enough doctors for a top-tier research hospital. And those schools could make the difference between becoming a judge

or appearing before one.” In a news release, Archdiocesan Superintendent Timothy McNiff called for school choice legislation. “We urge Governor Cuomo and the legislature to enact the Education Investment Incentives Act. This initiative, similar to those already enacted into law in 11 other states, would spur additional corporate and individual donations into education, generating \$150 million in additional scholarships for families to enroll their children in Catholic and other religious and independent schools.”



President Obama and Supreme Court Justice Sonia Sotomayor at her investiture ceremony September 8, 2009. (U.S. Government Photo)

creased federal support for anti-violence measures in our nation’s schools.” The group also pledged to work “to ensure that the inclusion of private and religious schools will be written into law and implemented on the state and local levels in a manner that truly achieves meaningful equity.”

Bishop Stephen E. Blaire of Stockton, California, who chairs the U.S. Conference of Catholic Bishops Committee on Domestic Justice and Human Development, said, “The bishops hope that the steps taken by the administration will help to build a culture of life.” He listed policy priorities that include controlling the sale and use of firearms, sensibly regulating handguns

## Nation Celebrates School Choice Week

An astounding array of events—3,600 at last count—marked the celebration of National School Choice Week (NSCW), which featured a 14-city whistle-stop train tour that captured the celebration's frenzied pace. Leaving Los Angeles January 25 with a scheduled arrival in New York City on February 2, the NSCW Special symbolized the wave of support for school choice that is sweeping the nation.

At a kick-off event at Union Station in Los Angeles, NSCW President Andrew Campanella called the week's activities the "largest celebration of school choice in American history." He said supporters shared a vision that students "deserve access to the best schools possible."

The Los Angeles venue was linked via video feed with a simultaneous celebration at the Convention Center in Phoenix, AZ, which featured a concert by the Jonas Brothers. Thousands of students and supporters attended the concert, sporting the week's distinctive bright-yellow scarves, which conveniently doubled as a choreographic prop for a high-energy "flash dance."

Indicative of the fast-paced growth in popularity of the choice movement, the number of planned events for the 2013 week is nine times the 406 events that took place in 2012. The goal is to shine "a spotlight on the need to increase

access to great schools for all children."

In what organizers called "an unprecedented demonstration of unity," 29 governors have issued or plan to issue proclamations in honor of NSCW. Campanella called the support "truly humbling and history making."

Reflecting the week's bipartisan nature, the whistle-stop event in Milwaukee included speeches by Wisconsin Republican Governor Scott Walker and Milwaukee Democratic Mayor Tom Barrett.

Support at the federal level came from House Speaker John Boehner, who said, in a video message prepared for NSCW, that denying students access to great schools is "denying them an access to their own American Dream." He said Congress should "open up the education system to include all forms of school choice."

In his own NSCW statement, House Committee on Education and the Workforce Chairman John Kline (R-MN) said he applauded "state and local leaders who are working to raise the bar on student achievement by providing parents with additional options."

Subcommittee on Early Childhood, Elementary, and Secondary Education Chairman Todd Rokita (R-IN) wrote in an op-ed piece that empowering parents "will drive innovation, competition, and ultimately, school improvement."



Dancers perform the School Choice Week "Flash Dance" January 25 at the Phoenix Convention Center. (NSCW Photo)

emergencies." AMS offered links on its Web site to nearly a dozen resources to help children deal with issues surrounding the shootings.

Also offering a rational response to an essentially irrational act, Patrick Bassett, president of the National Association of Independent Schools (NAIS), wrote in a blog that educators should "listen to how the children process the tragedies that they see and hear about," reassure them of their safety, and "ensure that our schools get back to the daily routine of schooling." But he went on to wonder at what age young people should be taught that "inconsolable heartache is a part of the suffering of life itself." He then posed a profound question: "Who has the right and obligation to teach such a lesson...?"

## Two NSCW Pubs

National School Choice Week (NSCW) saw the release of two must-read publications on the state of school choice in the United States.

The Friedman Foundation for Educational Choice unveiled its 2013 edition of *The ABCs of School Choice*. The guide covers "every voucher, tax-credit scholarship, education savings account, and individual tax credit/deduction program in operation," which, by the foundation's count, add up to 39 programs in 21 states and the District of Columbia.

Besides offering details about participation numbers, funding amounts, and program requirements, the fact-filled publication also manages to put the human face on school choice with an engaging collection of personal stories. We hear, for example, from the mother of Jaevion, a student attending Heritage Christian School in Indianapolis with the help of the state's Choice Scholarship Program. She says, "There isn't a doubt in my mind that Jaevion is exactly where he needs to be in order to thrive academically and mature spiritually, and it's all possible because of the voucher program."

On February 1, the Alliance for School Choice published its *School Choice Yearbook 2012-13*, containing an array of photos, graphics, and facts relating to the phenomenal progress of choice programs. We learn that five new programs started up last year and the count of participants went up 35,000 over the year before, representing, according to the Alliance, "the largest single-year increase in private school choice program enrollment in American history."

"It's fitting that we're releasing our yearbook during National School Choice Week," said Kevin P. Chavous, executive counsel to the Alliance. "Now is the time for people to recognize how more lives than ever are changing as a result of educational choice."

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and access to assault rifles, and confronting "the pervasive role of addiction and mental illness in crime."

Dr. Karen Ristau, president of the National Catholic Educational Association (NCEA), wrote about the bloodshed in Newtown, suggesting that teachers be "sensible enough to teach children about safety, but wise enough not to cause undue anxiety."

Dr. Kathy Roemer, president of the board of directors of the American Montessori Society (AMS), reminded members that parents turn to school leaders for assurance that their schools are safe. She prompted school officials to review "policies and procedures for intruders and

Return service requested

## CAPE notes

★ The National Center for Education Statistics published in January the fortieth edition of *Projections of Education Statistics*, which includes national data on public and private school enrollment, high school graduates, and teachers since 1996 along with projections to the year 2021.

The document reports that enrollment in private elementary and secondary schools “decreased 9 percent between 1996 and 2010, and is projected to be 1 percent lower in 2021 than in 2010.” By contrast, enrollment in public elementary and secondary schools “increased 8 percent between 1996 and 2010, and is projected to increase 7 percent between 2010 and 2021.”

The number of private high school graduates “increased 22 percent between 1996–97 and 2008–09, and is projected to decrease 25 percent between 2008–09 and 2021–22.” The number of public high school graduates “increased 29 percent between 1996–97 and 2008–09, and is projected to increase 5 percent between 2008–09 and 2021–22.”

Finally, the total number of teachers in private elementary and secondary schools “increased 15 percent between 1996 and 2010, and is projected to increase 3 percent between 2010 and 2021.” By contrast, the number of teachers in public elementary and secondary schools “increased 20 percent between 1996 and 2010, and is projected to increase 15 percent between 2010 and 2021.”

As with any other projections, changes

in economics, market forces, social factors, or financial incentives could significantly alter the trajectory.

★ The National Association of Independent Schools (NAIS) last month named John Chubb as its new president, effective July 1, 2013.

According to the NAIS announcement, “John has served as interim CEO of Education Sector, a nonprofit education think tank, since April of 2012. He previously served as founder and CEO of Leeds Global Partners, an international education services and consulting firm. He was also founder, senior executive vice president, and chief education officer of EdisonLearning, the pioneering education management organization. Before founding Edison in 1992, he was a senior fellow at The Brookings Institution. He’s been a distinguished visiting fellow at the Hoover Institution, Stanford University since 1999.”

Jack Creeden, chair of the NAIS board of trustees, said Chubb was selected “for his lifelong dedication to education; his deep understanding of the issues facing schools today; and his numerous honors, distinctions, and achievements.”

Responding to the appointment, Chubb noted that independent schools have stood fast for “timeless qualities,” such as “values, character, love, security, direction.” He said he is “deeply honored to be joining a community that cares so much about what really matters.”

★ The U.S. Court of Appeals for the Fourth Circuit ruled January 16 that Section 504 of the *Rehabilitation Act of 1973* does not require school districts to provide services to students enrolled in private schools.

Parents of a student (identified in the case as “D.L.”) who had been diagnosed with Attention Deficit Hyperactivity Disorder (ADHD) sued the Baltimore City Public Schools, challenging the district’s contention that it was only obliged to provide Section 504 services to children enrolled in public schools. D.L. attended a yeshiva.

The court noted that the language of the statute and regulations “does not make clear whether public schools are required to provide services to students enrolled in private schools.” Nevertheless, the court sided with the district, citing a 1993 opinion letter by the U.S. Department of Education’s Office for Civil Rights, which stated in part, “Where a district has offered an appropriate education, a district is not responsible under Section 504 for the provision of educational services to students not enrolled in the public education program based on the personal choice of the parent or guardian.” The court explained its reliance on the opinion letter by stating, “Where a regulation is ambiguous we must grant deference to an agency’s interpretation of its own regulation.”

The case is known as *D.L. v. Baltimore City Board of School Commissioners and Baltimore City Public Schools*.

