From Mid-America...

The Wisconsin Council of Religious & Independent Schools (WCRIS) has been in ongoing negotiations with the Wisconsin Department of Public Instruction and other education reform advocates in Wisconsin to discuss various models for providing the Ombudsman function required under the ESSA.

For the first time publicly, DPI Communications Director Thomas McCarthy said in a public statement January 6 that the position of the ombudsman would not be within DPI and would not be under the DPI Superintendent.

“Choice advocates (including Wisconsin Council of Religious and Independent Schools, School Choice Wisconsin, Wisconsin Catholic Conference, Seton Schools, Choice School Association, American Federation of Children) and the State Superintendent have agreed to create an independent private school ombudsman that will work collaboratively,” McCarthy said in a Wisconsinwatchdog.org story.

The details of that arrangement have yet to be resolved and negotiations continue, with a preference by all parties that the arrangement be up and running in spring.

From the Southwest...

New Mexico:
- The New Mexico Blaine Amendment case is still awaiting word from SCOTUS regarding the status of our cert petition. We expect a decision sometime this spring on our petition.
- The New Mexico Public Education Department has now expended limitations on services to private schools based upon the state level ruling of our Blaine Amendment case. In this recent PED decision, private schools are no longer allowed access to online credit recovery courses even though the parents or the school pays the full fee.
- The New Mexico Association of Non-public Schools (NMANS) is hosting regional meetings regarding a possible statewide school choice coalition. Thus far, two meetings have been completed in the Gallup and Santa Fe area with strong initial support from area schools.

Texas:
The Biennial Texas Legislature is in full swing and there is a lot of action involving private schools. TPSA has filed three bills:
- A Tax Credit Scholarship bill for students for families below 200% free and reduced lunch, military dependents, children in foster care, and special needs children. There is quite a bit of discussion (and vocal opposition) on this bill and the bigger SB3 filed in the Senate that also includes a universal ESA.
- An Epi-Pen bill to allow private schools to stock and use a non-prescribed epi-pen in the case of an emergency and provides some liability coverage in its use.
- A school marshal bill to allow private schools to participate in a school marshal-training program, and have a certified school marshal on campus with a weapon locked away for use in an emergency.

TPSA is actively supporting these bills while working to kill a few bills that seek to regulate private schools inappropriately. Stay tuned!
From the West...

California, the bluest of blue states, often serves as a bellwether for Progressive legislation elsewhere, and in the aftermath of last November’s election, the Golden State’s Legislature wasted no time introducing legislation serving as “anticipatory pushback” to policies favored by then-President Elect Donald Trump. Among the first bills introduced in the new legislative session (which kicked off in December) were measures aimed at protecting so-called “sanctuary cities,” safeguarding the ability of undocumented immigrant children to access the state’s higher education system, and preserving trade with Mexico.

What about education? An early indication has come in the form of AB 406, introduced just two days following the confirmation of Betsy DeVos as U.S. Secretary of Education. The entirety of the measure reads as follows, “It is the intent of the Legislature to enact legislation that would prohibit a charter school from entering into a contract or agreement with a for-profit entity to manage or operate a charter school.”

Authored by Sacramento Democrat Kevin McCarty, Chair of the key Assembly Subcommittee on Education Finance, AB 406 throws down the gauntlet to a segment of the charter school universe. While an “intent” bill, the measure will serve to illuminate which interests stand in support and opposition, elicit arguments for and against, and lay the political groundwork for subsequent legislation with teeth.

February 17 marks the deadline for the introduction of legislation. An avalanche of new bills will be introduced by then. When little is received from the state, little can be taken away. The possibility of added state regulation, however, always looms large, and California’s private school community is holding its collective breath.

From the Southeast...

The Florida Education Association (FEA), a teachers’ union, took their lawsuit against the Florida Tax Credit Scholarship to the Florida Supreme Court, appealing lower court rulings on the constitutionality of this scholarship, which gives private school vouchers to low-income students. On January 18, 2017, the Florida Supreme Court handed down its decision that it would not take up the case, thus ending the three-year battle.

This tax scholarship, funded by corporate donations in exchange for credits on state tax, was created by the Florida Legislature in 2001 and was signed into law by then Governor Jeb Bush. More than 97,000 students are currently being served in Florida. Advocates of school choice in Florida count this decision by the Florida Supreme Court as a victory.

When interviewed, the teachers’ union said that it would consider bringing a lawsuit by other plaintiffs in an attempt to have the constitutional issues surrounding the scholarship debated in court.