

# Parent Power

A PUBLICATION FOR CATHOLIC SCHOOL PARENTAL ADVOCACY

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FALL 2003

## IDEA ACTION FOR FALL 2003

Contact Senators now and House and Senate Conference Committee members when they are announced, urging them 1) to maintain the gains for parentally-placed private school students with disabilities already in H.R. 1350 and S. 1248 and 2) to add to the legislation that the location of IDEA services should be at the student's private school.

### CONTACTING YOUR SENATORS AND REPRESENTATIVES

Delivery of regular mail to the U.S. Congress is still delayed because of the need to screen it for dangerous substances. Contacting your Congressional representatives by phone, e-mail or fax about your concerns remains the best means of reaching them. Office information about each Senator and Representative is available at this URL: <http://thomas.loc.gov/home/legbranch/legbranch/html>.

## Unfinished IDEA reauthorization offers some gains for parentally-placed private school students with disabilities

Throughout this session of Congress, the Catholic school community has worked as part of a coalition of 13 private school groups, the Coalition for Equity in Special Education, to persuade federal legislators to strengthen the Individuals with Disabilities Education Act for students with disabilities whose parents choose a private school for them. USCCB representatives have provided every Congressional office and numerous offices at the U.S. Department of Education with a USCCB study conducted by the Center for Educational Partnerships which showed that during the 2000-2001 school year fewer than 1300 of the 186,000 students with disabilities in Catholic schools (less than 1%) received services under IDEA.

Responding to these disturbing figures, both the House and Senate versions of IDEA, H.R. 1350 and S. 1248, include strengthened language for parentally-placed private school students with disabilities. Final provisions of IDEA will not be known until the full Senate passes its version and a Conference Committee of the House and Senate work out the differences between their respective bills. Both H.R. 1350 and S. 1248, however, include provisions which should facilitate more parentally-placed private school students with disabilities receiving federally funded services. These improvements include

- strengthened Child Find procedures
- greater consultation between the local public school community and

private school representatives

- child count determined by the location of a student's school instead of residence
- a requirement that local education agencies keep records on how many parentally-placed private school students are evaluated for a disability, determined to have a disability, and then served under IDEA
- a stricter complaint procedure if services are inadequate

Neither version calls for all parentally-placed private school students with disabilities to be served but continues the current approach of allocating a proportion of IDEA funds in each district to serve some of these students with the federal allocation.

The Coalition's major objective this fall is to strengthen the language in both the Senate version and the Conference bill so that more services are available to parentally-placed students on-site at their private school. [See box at left on how you can be involved in this effort]

Results of the USCCB study conducted by the Center for Educational Partnerships on IDEA services provided to Catholic school children can be found at: [www.usccb.org/education/fedasst/idea.htm](http://www.usccb.org/education/fedasst/idea.htm)

# Important Federal Legislation

## IDEA Legislative Action Occurring *before* Labor Day

### 4-10-2003

The House Committee on Education and the Workforce passed the Republican backed bill, H.R. 1350, 29-19. Major issues splitting Committee members were whether IDEA funding levels should be mandated and how public schools should discipline students with disabilities.

### 4-30-2003

The House of Representatives passed H.R. 1350 by a vote of 251-171. Mandatory funding, changed discipline procedures, and whether to use vouchers in IDEA were debated, but not adopted by the full House.

### 6-25-2003

A bi-partisan bill, S. 1248, passed Senate Health, Education, Labor and Pensions Committee on vote of 21-0. Controversial measures, such as mandatory funding, discipline issues, and vouchers were postponed until the consideration of the bill by the full Senate after the Labor Day recess.

## COALITION FOR EQUITY IN SPECIAL EDUCATION

Agudath Israel of America

Association of Christian Schools  
International

Association of Montessori  
International/USA

Christian Schools International

Evangelical Lutheran Church in America

Friends Council on Education

Schools of the Lutheran Church Missouri  
Synod

National Association of Independent  
Schools

National Catholic Educational Association

National Christian Schools Association  
National Society of Hebrew Day Schools

Union of Orthodox Jewish Congregations  
of America

United States Conference of Catholic  
Bishops

## OGL monitor

The USCCB's Office of Government Liaison, which represents the USCCB before the U.S. Congress on public policy issues of concern to the bishops, provides regular updates on the status of federal legislation important to the Catholic community. This service, the *OGL Monitor*, can be accessed at [www.usccb.org/ogl/oglmonitor.htm](http://www.usccb.org/ogl/oglmonitor.htm).

## The Children's Hope Act, H.R. 2347

Legislation sponsored by Rep. Trent Franks (R-AZ) would provide a federal tax credit, when a state tax credit is available, to persons or corporations that donate to "education investment organizations" that support K-12 education. Currently Arizona, Pennsylvania, and Florida have state tax credits for contributions to education scholarship organiza-

tions. In these three states thousands of students have won scholarships to attend private schools or to receive added services in the public schools they attend. Congressman Frank's bill would allow a federal tax credit when a state tax credit is available to a taxpayer making such donations. More information on this bill can be found at [www.house.gov/franks](http://www.house.gov/franks).

## Close Votes Characterize Proposal to Establish a Voucher Program for Low Income Students to Attend Private Schools in the District of Columbia

Legislation introduced into both chambers of the U.S. Congress this summer has prompted fierce debates and numerous close votes, as Congress decided whether to appropriate funds for vouchers which low-income students could use to attend private, including religious, schools in the District of Columbia. The full Senate had not voted on the proposal as *Parent Power* went to press, but updated information can be obtained through the USCCB's OGL Monitor, described on page 2 of this issue.

Chairman of the Government Reform Committee Rep. Thomas M. Davis III (R.-VA) sponsored the D.C. Parental Choice Incentive Act of 2003 which the Committee approved on July 10, 2003 by the narrow margin of 22-21. The Davis proposal would authorize a five year program for low-income students in the District of Columbia to receive up to \$7500 annually to attend a private school within the District of Columbia.

After Labor Day, when Congress returned from its August recess, the full House endorsed the Davis proposal, as part of the D.C. appropriation, on separate votes of 205-203 on September 5th and 209-208 on September 9th. Also on September 5th a vote to eliminate funding for the program died on a tie vote of 203-203.

On the Senate side, an appropriations bill to provide extra funding for DC public and charter schools, as well as the private school vouchers, was successfully voted out of Committee on September 4th by a vote of 16-12 with one Senator voting "present." By mid-September, opponents of the plan were still determining whether to use a filibuster of the debate to prevent a vote of the entire Senate. If the voucher program passes the full Senate, Senate and House members will need to work out the differences in their respective proposals before legislation can be forwarded to the President for his signature.

Because Congressional sponsors of the private school voucher program pledged additional appropriations for D.C. public and charter schools as well as for the voucher program, the voucher program won support of both Republicans and Democrats. Mayor Anthony A. Williams, Chair of the D.C. City Council Education Committee Kevin Chavous, and D.C. School Board President Peggy Cooper Cafritz, all Democrats, urged Congress to fund the

proposal. Senator Dianne Feinstein (D-CA) and Senator Robert C. Byrd (D-WV) voted in Committee to appropriate funds for the voucher plan. House Democrats who voted for the voucher proposal twice on the House floor were Ralph Hall of Texas, William Lipinski of Illinois, and Gene Taylor of Mississippi. Harold Ford of Tennessee supported the voucher proposal in one vote and was absent for the other.

A broad coalition of supporters, including D.C. Parents for School Choice, the American Education Reform Council, and the Archdiocese of Washington, worked throughout the summer and early fall to secure funding for the three sectors of private school vouchers, traditional public schools and charter schools.

Although differences exist between the House and Senate versions, the D.C. voucher proposals:

- promise new money for both the voucher program and public schools, whether traditional or charter.
- give funds to parents whose family income does not exceed 185% of the poverty level to use at a private school that participates in the program.
- is administered by an entity that demonstrates the ability to recruit student recipients, find schools to participate, and ensure the funds are used properly.
- gives priority to D.C. students in failing public schools, targets low-income students, and uses a

"Children deserve the best education they can get—whether it is at a Catholic or other non-public school, a charter school or a public school—and parents deserve the support to make this happen. We stand together in asking our Congressional leaders to see the wisdom and justice in this three-sector approach and to bring it to reality for the families of our nation's capital."

— Archbishop of Washington  
Theodore Cardinal McCarrick  
in press release, June 23, 2003.

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# Activities in the States

## COLORADO

Legislation passed and signed into law this spring would provide **vouchers** to low income students with poor scores on Colorado's standardized tests to attend private, including religious, schools. Drawn from under-performing school districts, approximately 3200 students could participate when the program begins in the fall of 2004. Initially the voucher would be worth an average of \$4100 per student. Colorado's is the first statewide voucher program enacted since the U.S. Supreme Court ruled in the summer of 2002 in *Zelman v. Simmons-Harris* that Cleveland's voucher program did not violate the U.S. Constitution. The new law is being challenged in court on the basis that it violates the Colorado state constitution's ban on using public funds to support sectarian schools.

## ILLINOIS

During this year's legislative session, looming budget deficits focused the Illinois Catholic school community on preserving previously won programs rather than promoting new legislation. Under the leadership of the **Catholic Conference of Illinois**, assisted by **Catholic school LAPs** (legislative action persons), the **tax credit** for educational expenses, the **textbook loan** program, and the **transportation reimbursement** programs were all preserved for families in private schools.

Anticipating more challenges during next year's legislative session, the Catholic Conference is planning a state-wide **rally** for private schools next spring and a major effort to expand the **grassroots network of parents** throughout the state.

## INDIANA

Combined efforts of the **Indiana Catholic Conference**, the **Indiana Federation of Catholic School Families** and the **Indiana Non-Public Education Association** were able to achieve legislation that clarified that state-funded **professional development** programs were intended to include teachers in private as well as public schools. This program is worth approximately \$600,000 to Catholic schools in Indiana.

## LOUISIANA

The **Louisiana Catholic Conference** and the **private school community** in the state managed to convince the legislature to restore all previous cuts in state funding so that private school **transportation, required services, textbook** programs, and school **cafeteria workers' salary supplements** will be funded at the previous year's level. In addition the **pre-kindergarten** program, financed with federal Temporary Assistance to Needy Families dollars, received a 42% increase in the budget.

## OHIO

The Ohio legislature added \$10.5 million dollars to the \$24 million previously appropriated over the next two years for the **Cleveland Scholarship and Tutoring Program**. Beginning with the fall of 2003, the maximum voucher payment to parents of eligible students in kindergarten through eighth grades has been raised from the \$2250 per year set in 1995 to \$3000. Eligible high school students, previously not funded under the program, will now have a voucher worth \$2700 available to them. Families may use these vouchers to enroll in private, charter or other public schools.

Unfortunately the increased funding will not assist the three Catholic schools in Cleveland which had a large number of students in the voucher program but have closed in the last year. Inner city Catholic parishes have found it increasingly difficult to cover the gap between the voucher payment and the per pupil cost in their schools. The latter are generally between \$3500 and \$4000. In contrast, in Milwaukee, where the Wisconsin funded voucher may be worth up to \$5700 per student, no Catholic schools participating in the program have closed.

## PENNSYLVANIA

On May 12, 2003, parents, students and teachers from non-public schools in Pennsylvania gathered in the capital of Harrisburg to mark the second anniversary of the passage of Pennsylvania's **Educational Improvement Tax Credit** law. EITC was the first law in the United States to provide a tax credit to corporations for donations to a non-profit scholarship or an educational improvement organization.

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# Court Cases To Note

## *Locke v. Davey*

The **U.S. Supreme Court** agreed to consider the constitutionality of Washington State's decision to deny a state scholarship to a college student because he declared a major in Pastoral Ministry. Joshua Davey had been told he was eligible for a Washington Promise Scholarship. Once he declared his major to be Pastoral Ministry, the scholarship offer was withdrawn, in part, because the **Washington State Constitution** forbade public financial assistance for religious instruction. Mr. Davey sued the state on the grounds that the state policy violated his right to the **free exercise of religion**. A federal district court ruled against him but the 9th Circuit Court of Appeals later ruled in his favor in a 2-1 decision.

The Supreme Court's decision to hear the case sets the stage for a ruling about the constitutionality of various parts of state constitutions that explicitly bar aid to religious institutions. These provisions are referred to as "**Blaine amendments**." In the 1870s U.S. Representative James G. Blaine

tried to get such an amendment in the U.S. Constitution. Although his effort was unsuccessful, as many as 37 state constitutions have language that restricts public assistance to sectarian institutions. Because Blaine amendment language in state constitutions varies and state courts and attorneys general have interpreted the amendments in a variety of ways, much uncertainty has accompanied efforts to enact state-funded voucher programs that would benefit students who wish to attend religious schools. The U.S. Supreme Court's decision to take up the *Locke v. Davey* case may considerably shorten the time before federal standards exist to judge the constitutionality of state Blaine amendments. *Locke v. Davey* may be just as important a case to students in religious schools as the *Zelman v. Simmons-Harris* decision in the summer of 2002 which upheld the inclusion of religious schools in Ohio's voucher program for Cleveland.

## *United States v. American Library Association*

On June 23, 2003 the **U.S. Supreme Court**, on a 6-3 vote, upheld the part of the Children's Internet Protection Act (CIPA) which requires **public libraries** receiving federal technology funds to **add filters** to their computers in order to **block children from accessing Internet sites involving pornography**. The majority ruled that since CIPA allowed adults to request that a filter be temporarily disabled, free speech rights were not violated.

## *Barrow v. Greenville*

Karen Jo Barrow, a Texas public school teacher, won a favorable ruling from a three judge panel in the **5th Circuit Court of Appeals**. Mrs. Barrow had expressed interest in applying for an administrative position in the Greenville, Texas school district, but was told the district had a rule that required administrators to enroll their children in public schools. When she refused to transfer them from the private school they attended, she was told she could not apply for an administrative position. Mrs. Barrow sued the superintendent and the school district on the basis that the policy violated her constitutional right to determine the **appropriate education for her children**. A three judge panel unanimously agreed with her that such a policy did violate the federal constitution.

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## "States" *continued*

Donations to scholarship funds allow parents in certain income ranges to enroll their children in private schools in Pennsylvania. Donations to educational improvement organizations fund innovative educational programs in public schools. In a rally organized by the Road to Educational Achievement through Choice (**REACH**), attendees celebrated the \$40 million in scholarships for private school tuition that have become available from EITC just within the last two years.

## RHODE ISLAND

Despite the budget crunch affecting the Rhode Island state budget, the **Rhode Island Catholic School Parents Federation** successfully advocated for expansion of the state's **textbook loan** program. Beginning with the 2004 budget, high school students in private schools in Rhode Island will now be able to have state funding for their English, history and social studies textbooks. They already received public support for textbooks in math, science and foreign language. K-8 students have received public funding for textbooks in all these subjects since 2000 through the textbook loan program.

# Findings of Recent Research Studies

## Parental Satisfaction with Florida's McKay Scholarship Program

Jay P. Greene of the Manhattan Institute for Policy Research drew the following conclusions in his recent study of Florida parents of students with disabilities who had used the state-funded McKay Scholarship Program to move their students to private schools:

- over 90% of parents currently using the McKay program were satisfied or very satisfied with their new private schools.
- parents were especially satisfied with the academic progress of their children, the individual attention they received, the teachers and the staff communication, and the improved class size at their McKay schools.
- Parents reported that their students with disabilities were rarely the victims of bullying in their McKay schools, a contrast to their experiences in the public schools.
- Parents reporting behavior problems for their children dropped from 40% when they were in public school to 19% in their McKay schools.
- Even 90% of parents who had tried the McKay program and then left it supported the continuance of the program.

A copy of the study "Vouchers for Special Education Students: An Evaluation of Florida's McKay Scholarship Program" may be viewed at [www.manhattan-institute.org/html/cr\\_38.htm](http://www.manhattan-institute.org/html/cr_38.htm).

## Manhattan study on effects of vouchers on public schools

In a study released in August 2003, Jay P. Greene and Marcus A. Winters of the Manhattan Institute concluded that:

- academic gains in Florida public schools are directly related to the degree the schools face losing students to private schools through Florida's A+ voucher program.

- schools already at risk for losing students during the 2001-02 school year showed the greatest improvement in the five categories used to rate schools in Florida. Schools threatened with the prospect of losing students through the voucher program showed the second most improvement

Results on the Florida Comprehensive Assessment Test and the Stanford-9 math test were used to evaluate student performance in the period studied.

A copy of the study "When Schools Compete: The Effects of Vouchers on Florida Public School Achievement" may be viewed at [www.manhattan-institute.org/ewp.02.pdf](http://www.manhattan-institute.org/ewp.02.pdf).

## Harvard researchers find significant test score gains for African-American participants

Paul E. Peterson and William G. Howell from Harvard University's John F. Kennedy School of Government's Program on Education Policy and Governance concluded that:

- African-American students who attended private schools for three years in a program funded by the School Choice Scholarship Foundation, which began in 1997, had test scores over 8 percentile points higher than public school students who were not selected in the lottery to participate.

A copy of the study, "Efficiency, Bias, and Classification Schemes: Estimating Private School Impacts on Test Scores in the New York City Voucher Experiment," released in June 2003, may be viewed at [www.ksg.harvard.edu/pepg/index.htm](http://www.ksg.harvard.edu/pepg/index.htm).

## ACT: Students' college plans don't match their course selection plans

A recent survey by the ACT (American College Testing program) of 330,000 eighth graders found that, although 61% of them planned to attend a four-year college, only 35% of them planned to take courses that would prepare them to do so. The ACT, which has developed an entrance

test used by many colleges, found most eighth grade students unrealistic about the number of years of English, math, science, and social studies needed for a college-preparatory program.

Survey results may be found at [www.act.org](http://www.act.org).

## Test results from the National Assessment of Educational Progress (NAEP) in reading

### *Public schools:*

- Fourth graders reaching the Basic achievement level rose from 60% in 1998 to 64% in 2002. Those reading at the Proficient level rose from 29 to 31%.
- Eighth graders reaching the Basic level rose from 73% in 1998 to 75% in 2002. Proficient eighth grade readers remained unchanged at 33%.
- The reading levels of 12th graders reaching the Basic level fell from 76% in 1998 to 74% in 2002. The proportion of 12th graders reading at the Proficient level dropped from 40% in 1998 to 36% in 2002.
- For students eligible for free or reduced-price school lunch, the percentages at or above the Basic level have risen since 1998 for both fourth and eighth graders.
- Average scores of Black and Hispanic fourth graders have risen sharply from 1998 to 2002.

### *Private schools:*

- Results in 2002 showed that at 4th, 8th, and 12th grades, students who attended private schools had higher average reading scores than students who attended public schools. (Details in Chapter 3 of full report)

This study can be viewed by putting in NCES #2003521 at <http://nces.ed.gov/pubsearch/>

## New Tool Kit for private schools on the No Child Left Behind Act

To help ensure that Catholic school children are receiving the services they are entitled to under the federal No Child Left Behind education legislation, the USCCB Department of Education has produced a toolkit for diocesan school leaders, principals, and parent organizations. The toolkit revises and updates the summary booklet that served as the centerpiece of the regional trainings on NCLBA held in 2002. The new publication provides, in an easy-to-understand format, information on each NCLBA program in which private school students and teachers can participate. It also offers guidance on improving the effectiveness of consultation with

public school officials. Specific issue brochures in the toolkit focus on special education, health services, professional development, parent involvement, and technology programs within NCLBA.

**Complimentary copies of this toolkit are being sent to all Diocesan school offices and State Catholic Conferences. To obtain additional copies,** please write: NCLBA Toolkit, Department of Education, USCCB, 3211 Fourth Street NE, Washington, DC 20017 or e-mail: [kladdbush@usccb.org](mailto:kladdbush@usccb.org) with your request. The cost for additional copies will be 1-25 copies, \$15.00 each; more than 25 copies, \$10.00 each.

## CONGRESSIONAL Advocacy Days 2004

Mark your calendar now for the 19<sup>th</sup> annual Congressional Advocacy Days sponsored by the Department of Education and the Office for Parental Advocacy of the U.S. Conference of Catholic Bishops. This legislative conference, scheduled from **February 29-March 2, 2004**, provides a wonderful opportunity for Catholic school personnel and parents to receive the most current information about federal legislation affecting the Catholic school community. The schedule also includes time to meet with Capitol Hill personnel so that your Senators and Representatives know of the educational issues that concern you. More details on the CAD, including the registration form and hotel information, are on the USCCB website at [www.usccb.org/education/fedasst/conference.htm](http://www.usccb.org/education/fedasst/conference.htm).

## DC Voucher *continued from page 3*

lottery if more students apply than can be admitted by a participating school.

- allows up to \$7500 per student per year for tuition, fees, and transportation expenses.
- requires participating schools to admit voucher students without regard to race, color, national origin, or gender. A religious school could give priority, however, to employing members of its own religion and single-sex schools would be allowed to participate in the program.
- provides for the academic assessments of participating students and collects statistics about the academic progress of participating students.

If this program passes, it will be the first federally-funded elementary and secondary school voucher program in history.

"I believe research has confirmed that school vouchers increase parental satisfaction, boost academic achievement of inner city African American students, and increase the likelihood that students will attend and complete college. No research, to my estimation, has proven that voucher programs are detrimental to the students who participate in them."

*Washington, D.C. Mayor Anthony A. Williams  
at Congressional hearing on June 24, 2003.*

