

Parent Power

A PUBLICATION FOR CATHOLIC SCHOOL PARENTAL ADVOCACY

VOLUME 9 ISSUE 2

WINTER 2004

IDEA ACTION FOR SPRING 2004

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 may be delayed or suspended 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>.

Coalition for Equity in Special Education Urges On-Site Services For Students In Private Schools

Thirteen private school advocacy groups have joined together to urge Congress to add language to the Individuals with Disabilities Education Act (IDEA) so that students with disabilities in private schools are provided services on-site at their private school. Concerned about the very limited amount of federally-funded special education and related services that students whose parents have chosen a private school receive, the Coalition for Equity in Special Education has described to members of Congress and the Administration the inequities allowed under current law.

Students in both public and charter schools normally receive services for their disabilities where they spend the rest of their school day. Parentally-placed students in private schools, however, frequently are required to travel to a public school in order to receive federally funded services such as speech or occupational therapy. Their parents may also be required to provide transportation between schools.

In urging Congress to require that services be given where the child attends school, the Coalition has described these advantages:

- The child's education and physical well-being do not suffer because he or she must miss some of the regular classroom instruction for extended periods of time in order to be transported from the private school to another setting;
- Funds allocated for instruction are not unnecessarily diverted to provide transportation;
- Lack of transportation does not effectively deny services to eligible children with

disabilities and parents are not put in the untenable position of providing the transportation during the work day or refusing needed services; and

- Children with special needs from culturally, linguistically or ethnically diverse backgrounds will receive services in an appropriate environment.

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

The Coalition is particularly interested in conveying the value of on-site services to members of the U.S. Senate. The Health, Education, Labor and Pensions Committee voted its reauthorization of IDEA, S. 1248, last summer. The full Senate is expected to vote on the bill this spring. Because the House of Repre-

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Important Federal Legislation

First Federally Funded School Voucher Program Approved For Students in The District of Columbia

In late January Congress appropriated fourteen million dollars to begin the first federally funded private school voucher program in the United States. Signed by President George W. Bush as part of a \$328 billion 2004 omnibus spending measure, the D.C. Choice Incentive Act of 2003 establishes a five year pilot program for at least 1700 low-income students living in the District of Columbia to use publicly funded school vouchers to attend private, including religious, schools. Thirteen million dollars would be available for scholarships and \$1 million for administration.

The private school voucher plan was part of a D.C. appropriations package that also provided an extra \$13 million each to D.C. traditional public and D.C. charter schools. This three sector approach gained the support not only of Republicans but of the Mayor, Chair of the School Board, and Chair of the City Council's Education Committee, all prominent Democrats.

The House of Representatives and a Senate Committee had narrowly approved the voucher program in September. A filibuster, however, had prevented the full Senate from voting on the voucher program before Christmas.

Coalition *continued*

Representatives passed its own version of IDEA last April, HR 1350, a conference committee composed of members from both the House and the Senate will need to work out the differences between the two bills. The Coalition urges private school parents and educators to convey to their Senators and later to members of the conference committee that students with disabilities in private schools should be treated equitably with other students when the location of services is decided.

The measure ultimately passed after it became part of an omnibus appropriations bill. By the third week in January, numerous federal agencies were still operating on budget levels approved for 2003, although the 2004 budget year had begun on October 1, 2003. Rather than delay funding for FY 2004 any longer, Congress rolled numerous appropriation bills, including that for the District of Columbia, into one omnibus bill and passed it in January. President Bush signed the bill into law (P.L. 108-199) on January 23, 2004.

The D.C. voucher program is scheduled to begin in the fall of 2004 although opponents vowed to block its implementation.

As passed, the D.C. Choice Incentive Act:

- Authorizes the U.S. Secretary of Education to launch a five year pilot program designed in consultation with the D.C. Mayor. The Secretary may select one or more entities to administer the voucher program. Entities selected will be expected to inform parents of options, identify eligible scholarship students and recruit schools to participate in the program. On February 4, the Department of Education published a Request for Proposal in the *Federal Register* requesting applications to be one of these entities.
- Allows scholarships of up to \$7500 per student annually to pay for the tuition, fees, and transportation needed to attend a private school. Schools may not charge voucher students higher rates than non-voucher students.
- Limits scholarships to children from families earning up to 185 percent of the poverty level, approximately \$36,000 for a family of four. Scholarships could be renewed as long as the family's income did not exceed 200% of the poverty level.

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MARIE A. POWELL, EDITOR; KATHLEEN LADDBUSH, PRODUCTION MANAGER • E-MAIL: PARENT@USCCB.ORG

Issues of Parent Power are available on the website of the United States Conference of Catholic Bishops at: www.usccb.org/education/parentasn/power/index.htm. No permission is needed to copy and distribute issues.

National Working Commission on Choice

Starting with the premise that school choice programs will neither automatically improve nor ruin public education, a 13-member panel spent the last two years studying which factors are essential to creating successful school choice programs. Funded by the Bill and Melinda Gates and the Annie E. Casey foundations, the National Working Commission on Choice in K-12 Education has issued a 42 page report which emphasizes that successful school choice programs must be carefully designed so that both families choosing new schools and those not transferring from their current schools benefit. The panel also emphasized factors that contribute to equality of opportunity and the advancement of democratic values.

The Commission researched the effects of choosing magnet schools, different regular public schools in the

same district, charter schools, and regulated private schools accepting students with vouchers. In the report *School Choice: Doing It the Right Way Makes a Difference*, the panel stressed the need

- to target vouchers on poor and minority students so that segregation is not encouraged.
- to adequately fund vouchers so that good schools will accept more students from poor homes, with disabilities or limited English proficiency, and new schools will open.
- to require participating schools to admit all students who apply and use a lottery if more apply than can be enrolled.
- to allow schools the freedom to hire teachers that best fit the school's program.
- to provide parents with substantial information about educational choices that are available and how to select the best school for a particular student.
- to require all schools to have common testing and accountability measures so that parents can choose effectively.
- to provide public funds for transportation to alternative schools.
- to require participating private schools to accept a publicly funded voucher as the full payment for tuition.

The full report is available at: www.brookings.edu/gs/brown/20031117schoolchoicereport.htm.

DC Voucher *continued*

- Gives priority to students attending low performing public schools.
- Requires both participating students and schools to be in the District of Columbia.
- Forbids participating schools from discriminating against program participants or applicants on the basis of race, color, national origin, religion, or sex, but allows single-sex schools to participate in the voucher program.
- Requires the program to use a random selection process if more eligible students seek to use a voucher than can be accommodated.
- Allows participating schools operated by religious organizations to consider religious affiliation according to the standards of the Civil Rights Act of 1964 when hiring employees.
- Specifies that participating religious schools do not need to change the mission or name of the school, remove religious symbols, or disregard religion when selecting board members.
- Requires entities administering the voucher program to measure the academic achievement of all participating students using the same assessments D.C. public schools use the first year of the program.
- Requires these entities to compare the academic achievement of students funded through the voucher program with students who applied for but did not receive a voucher and with other students who remained in D.C. public schools.
- Requires organizations to compare retention rates, dropout rates, and graduation and college admission rates of participating and non-participating students.

Activities in the States

Colorado VOUCHER PROGRAM ON HOLD

Plans to implement the Colorado Opportunity Contracts have been halted by a ruling from the Denver County District Court. Based on legislation signed into law in April, 2003, the Opportunity Contracts program would allow certain low income students from underperforming Colorado school districts to receive vouchers up to \$4500 to attend private, including religious, schools. Scheduled to begin with the 2004-2005 school year, the Colorado law was the first statewide voucher program enacted since the 2002 *Zelman v. Simmons-Harris* U.S. Supreme Court decision that Cleveland's voucher program did not violate the U.S. Constitution.

The judge in the *Colorado PTA v. Owens* ruling found that the Opportunity Contracts program violated the section of the Colorado Constitution that required public school districts to maintain local control over instruction. Since the voucher program provided public funds to schools which established their own instructional programs, he ruled that the Colorado legislature had violated Article IX, Section 15 of the state constitution.

He also issued an injunction stopping all activities relating to the implementation of the law while his ruling is appealed to the Colorado Supreme Court.

The Colorado high court is not expected to rule on the case until summer. Afterwards, the case may be returned to the district court for a decision on other constitutional provisions, especially those prohibiting public funding for religious institutions. Both sides in the current suit have pledged to continue appeals on this program.

Parents—the first and most important educators—have a fundamental right to choose the education best suited to the needs of their children, including private and religious schools. Families of modest means especially should not be denied this choice because of their economic status. Government should help provide the resources required for parents to exercise this basic right without discrimination.

—Faithful Citizenship

A Statement by the Administrative
Committee of the USCCB, September 2003

VIRGINIA PARENTS ORGANIZE TO SEEK PUBLIC BUS TRANSPORTATION FOR STUDENTS IN PRIVATE SCHOOLS

Prompted by the realization that Virginia is one of a minority of states which does not permit any publicly funded bus transportation to students attending private schools, a group of parents in September 2003 formed the non-profit organization *Virginia Coalition to End Discrimination in General Services for Education*. Known as VA EDGE, the coalition seeks to educate others about publicly funded general services (such as transportation, textbooks, and technology) which are available to students in private schools in other states but not in Virginia.

VA EDGE has chosen as its first legislative goal a Virginia law which would authorize local schools districts to provide bus transportation to students in private schools on the same basis as they provide this service to students attending public schools. Approximately 30 states currently offer some bus transportation to students in private schools. Emphasizing that offering bus transportation to the more than 200,000 students enrolled in Virginia private schools would offer the safest means of transporting them and have the added benefit of reducing traffic congestion, VA EDGE has pursued a variety of activities to educate Virginia voters and legislators.

Since last September VA EDGE has developed a website, prepared a "White Paper" detailing the legal basis for providing transportation to students attending private schools, collected several hundred signed petitions, and met with parents, administrators, and board members of Catholic and other private schools in Virginia.

Congratulations to this dedicated and very active group of parents. To learn more about or to contact VA EDGE, visit the website at www.vaedge.org.

Court Cases To Note

Supreme Court Hears Challenge to Washington State Constitution's "BLAINE AMENDMENT" Clause

On December 2, 2003 the U. S. Supreme Court heard oral arguments in *Locke v. Davey*, a challenge to the section of Washington State's constitution which prohibits the use of public money for religious instruction. Such a prohibition is similar to language in the constitutions of 36 other states, collectively referred to as "Blaine Amendments." In the 1870s U.S. Representative James G. Blaine unsuccessfully tried to get such language in the U.S. Constitution.

State interpretations of "Blaine" language have varied widely and the *Zelman v. Simmons-Harris* Supreme Court decision in 2002 upholding the Ohio voucher program for Cleveland left unsettled the potential for publicly funded vouchers elsewhere in the country.

Locke v. Davey came about when Joshua Davey was awarded a Washington State Promise Scholarship,

based on academic merit and financial need, to attend college. The scholarship was revoked, however, when he declared a double major which included "pastoral ministry." Davey sued Washington State on the grounds that his right to the free exercise of religion had been violated. A federal district court ruled against him but the 9th Circuit Court, in a 2-1 decision, ruled in his favor.

The decision of the U.S. Supreme Court to hear Washington State's appeal set the stage for arguments

focusing on what a state is permitted to fund without violating the Constitution's prohibition of state establishment of religion and what the state must fund to uphold the constitutional guarantee of the free exercise of religion.

In the December 2nd arguments, the justices appeared split about whether Washington State's action of withdrawing Davey's scholarship violated Davey's freedom to exercise his religion.

A decision in *Locke v. Davey* is expected by July and may give a federal standard about how far beyond

Oral arguments at the December 2, 2003 hearing before the U.S. Supreme Court can be accessed at www.supremecourtus.gov/oral_arguments/argument_transcripts/02-1315.pdf

the U.S. Constitution states may go in maintaining their own provisions on church-state separation. The Supreme Court ruling may clarify the extent to which "Blaine" amendments can bar state funds being used by students in sectarian schools.

In short, the Washington eligibility standard at issue here discriminates directly against Davey and individuals like him for reasons of religion. It does so, perversely, in a way that discriminates specifically against those who take religion most seriously and practice it most vigorously. This Court should make clear that it is no part of the work of government to discriminate against religious believers on that basis, or to prevent them from participating in governmental programs for which they would qualify. Religious differences are not to be feared or suspected, and that antipathy is certainly not to be enshrined in state legislation and enforced by our state governments.

—From *Amici Curiae* brief filed with U.S. Supreme Court by U.S. Conference of Catholic Bishops and others in support of Joshua Davey's lawsuit.

[Full text available at: www.usccb.org/ogc/lockevdavey.htm]

Resources

Useful Websites for Following Public Policy Issues That Affect Catholic Schools

UNITED STATES CONFERENCE OF CATHOLIC BISHOPS

www.usccb.org

Home page of the U.S. Conference of Catholic Bishops

www.usccb.org/education/index.htm

Site for all Education Department projects

www.usccb.org/education/parentassn/power

Current and past *Parent Power* newsletter issues

www.usccb.org/education/fedasst/conference.htm

Information about **Congressional Advocacy Days** conference held each spring

www.usccb.org/ogl/index.htm

Office of Government Liaison home page

www.usccb.org/ogl/oglmonitor.htm

OGL Monitor contains updated information about legislation the USCCB is following.

INTERNET RESOURCES ABOUT CONGRESS

<http://thomas.loc.gov/home/legbranch/legbranch.html>

Home page of the U.S. Congress with links to Senate and House members and their districts and the work of Congressional Committees. Bill text and status are available by bill number, key word, and sponsor.

PUBLIC POLICY SITES OF OTHER PRIVATE SCHOOL ORGANIZATIONS

www.capenet.org/pubpol.html

Information from the Council for American Private Education (CAPE), a national organization of 17 associations of private schools and 28 state affiliates.

www.ncea.org/publicpolicy/

Information from the National Catholic Educational Association

www.nais.org/govt/index.cfm

Government relations resource center of the National Association of Independent Schools. Some information may be available only to NAIS members.

INFORMATION ABOUT STATE CATHOLIC CONFERENCES

www.nasccd.org

This website for the National Association of State Catholic Conference Directors provides links to the websites of each of the state Catholic Conferences.

SITES OF CATHOLIC SCHOOL ADVOCACY ORGANIZATIONS

www.diocesephoenix.org/catholicschools/legislation/az-can.htm

Arizona Alliance of Catholic School Communities

www.flacathconf.org/FFCP/Homepage.htm

Florida Federation of Catholic Parents

www.mdccathcon.org/ParentAdvJan04.pdf

Maryland Federation of Catholic School Families

www.pacesite.org/main.html

Parents Alliance for Catholic Education (Massachusetts)

www.njcatholicschools.org/category.cfm?Category=2

New Jersey Alliance of Catholic School Families

www.nebcathcon.org/nfcsp.htm

Nebraska Federation of Catholic School Parents

<http://web.state.nm.us/lobby/NMFCSF.HTM>

New Mexico Federation of Catholic School Families

www.catholicschools.org/parents_federation/

Rhode Island Catholic School Parents Federation

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Catholics Called To Active and Faith-Filled Citizenship

Urging Catholics to bring their faith and moral convictions to public life, the Administrative Committee of the U.S. Conference of Catholic Bishops has authorized the publication of *Faithful Citizenship: a Catholic Call to Political Responsibility*. *Faithful Citizenship* identifies public policy issues that voters face in the 2004 elections. In determining which candidates and issues to support, the bishops encourage Catholics to apply the themes of Catholic social teaching to their decisions. In *Faithful Citizenship*, summaries are provided on the themes of the life and dignity of every person; the call to family, community and participation; the rights and responsibilities of each person; the option for poor and vulnerable persons; the dignity of work and the rights of workers; the need for solidarity among all peoples; and caring for God's creation. Catholics are counseled to incorporate the goals of protecting human life, promoting family life, pursuing social justice, and practicing global solidarity when

judging public policy proposals and candidates.

In the area of education, *Faithful Citizenship* reiterates that parents have a fundamental right to choose the education best suited to the needs of their children and should be assisted by public policies that support that right. The bishops urge Catholics to support laws which will ensure that all educational institutions have an orderly, just, respectful, and non-violent environment where adequate professional and material resources are available to all, including those with special needs and limited resources.

Faithful Citizenship is being published both as a 40 page booklet and as an eight-panel summary brochure. Both the brochure and the summary are available in English and Spanish.

To obtain copies of this document, go to www.usccb.org/faithfulcitizenship/faithfulcitizenship03.htm. A Parish Resource Kit with additional resources is also available.

OTHER PRIVATE SCHOOL ADVOCACY ORGANIZATIONS

www.capso.org

California Association of Private School Organizations

www.kleonline.org/about.htm

Kentucky League for Educational Alternatives

www.m-a-n-s.org/

Michigan Association of Non-Public Schools

www.paschoolchoice.org/reach/site/default.asp

REACH Alliance (Road to Educational Achievement through Choice in Pennsylvania)

www.vaedge.org

Virginia Coalition to End Discrimination in General Services in Education

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.

**HIGHLIGHTS OF 2004 USCCB
CONGRESSIONAL ADVOCACY DAYS**
February 29 – March 2, 2004

PATRICK KORTEN *from The Becket Fund for Religious Liberty on*
“BLAINE AMENDMENTS”

FREDERICK HESS and PATRICK J. WOLF, *members of the*
National Working Commission on Choice in K-12 Education on
“SCHOOL CHOICE: GUIDELINES FOR DOING IT THE RIGHT WAY”

REPRESENTATIVE TRENT FRANKS (R-AZ) *on*
TAX LEGISLATION FOR PARENTS CHOOSING PRIVATE SCHOOLS

REPRESENTATIVE THOMAS M. DAVIS III (R-VA) *on*
D.C. CHOICE LEGISLATION

MOST REV. PAUL S. LOVERDE, BISHOP OF ARLINGTON, *on*
THE EXPANSION OF CATHOLIC SCHOOLS IN NORTHERN VIRGINIA

FRANK J. MONAHAN, *Director of USCCB Office of Government Liaison, on*
AN ANALYSIS OF THE 108TH CONGRESS

CATHOLIC PUBLIC POLICY LEADERS FROM ARIZONA, ILLINOIS, IOWA and PENNSYLVANIA *on*
TAX CREDIT/DEDUCTION PROGRAMS **benefiting families in their states.**

DON'T MISS THE
2005 CONGRESSIONAL ADVOCACY DAYS
Washington, DC
February 27 to March 5, 2005