

# Parent Power

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## IDEA Reauthorization Awaits Action of Conference Committee

"All schools that serve learning disabled and other children with disabilities have a strong stake in the reauthorization of IDEA and we are very pleased that we have worked with Senators of both political parties to strengthen IDEA to better meet the special education needs of children enrolled by their parents in our schools. While issues of importance to our communities still exist, we are most eager to have Congress complete action on this legislation so that it may be signed by the President and its benefit to our communities implemented in the next school year. Thus we urge you to support S. 1248's final passage as well as the appointment of conferees and the immediate convening of a conference committee."

*May 10, 2004 letter to all members of the U.S. Senate from Rev. William F. Davis, OSFS and Nathan Diamant on behalf of the Coalition for Equity in Special Education*

On May 13, 2004 the reauthorization of the federal Individuals with Disabilities Education Act (IDEA) passed another hurdle when the U.S. Senate approved its version of this legislation, S. 1248, by a vote of 95-3. Since the House of Representatives approved its reauthorization bill, H.R. 1350, in April 2003, the stage is now set for representatives of both the House and the Senate to work out the differences between the two bills in a Conference Committee. The same language must pass both the House and the Senate before the President can sign legislation into law.

Members of the Coalition for Equity in Special Education, the thirteen private school advocacy groups which have joined together to voice the needs of parentally-placed private school students with disabilities, believe that language in both the House and Senate bills will improve services for students with disabilities in private schools.

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### 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

# Federal Legislation

## IDEA Reauthorization *continued from page 1*

Both bills:

- strengthen Child Find procedures
- require greater consultation between local public and private school representatives about how private school students with disabilities will be identified and served
- give the responsibility for Child Find and providing services to the public school district where a student's private school is located rather than to the district where a student resides
- require public school districts to keep records on how many parentally-placed private school students are evaluated for a disability, determined to have a disability, and receive IDEA services
- improve the complaint procedures if services to private school students with disabilities are inadequate

The significance to the Coalition of IDEA reauthorization was voiced by Rev. William F. Davis, OSFS, Deputy Secretary for Schools for the U.S. Conference of Catholic Bishops, and Nathan Diamant, Director for Public Affairs for the Union of Orthodox Jewish Congregations, in their May 10, 2004 letter to each of the one hundred Senators. (See quote at the beginning of this article.)

Neither the House nor the Senate bill requires all parentally-placed private school students with disabilities to receive services. Instead, a proportion of federal IDEA funds in each district, representing the proportion of students with disabilities who are enrolled in private schools, will serve at least some private school students.

When the members of the Conference Committee are identified, the Coalition will continue efforts to emphasize the importance of students with disabilities receiving services **on site** at their private school, rather than traveling to another location. Coalition representatives have urged members of Congress to add language to IDEA that would require special education and related services to be provided on site at a student's private school whenever a student with a disability attending a public school receives that service on site.

Other issues which an IDEA Conference Committee needs to work out primarily affect IDEA services in public schools. These include funding levels, student discipline, teacher qualifications, legal fees from lawsuits, and paperwork reduction for school officials.

Updates on the progress of IDEA reauthorization can be accessed through the *OGI Monitor*, a service of the USCCB's Office of Government Liaison.

### OGI 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 *OGI Monitor*, can be accessed at [www.usccb.org/ogi/oglmonitor.htm](http://www.usccb.org/ogi/oglmonitor.htm).

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## D.C. Voucher Implementation Proceeds

The first federally funded school voucher program, authorized in January 2004 for students living in the District of Columbia, is on schedule to provide up to 1,700 scholarships to students from low-income families so they may enroll next fall in D.C. private schools. Authorized by the D.C. Choice Incentive Act of 2003, this new program allows scholarships up to \$7,500 per student each year to cover the tuition, fees and transportation expenses associated with attending a private school. To fund the first year of the private school vouchers, Congress appropriated \$13 million for scholarships and another one million dollars for administration of the program. The same law provides D.C. charter schools with \$13 million dollars and regular public schools with \$13 million to use for school improvements this fiscal year.

At the end of March, the U.S. Department of Education selected the **Washington Scholarship Fund** to administer this new program. WSF is a D.C. nonprofit organization which has raised money from private sources and awarded more than \$10 million in scholarships to 2,700 low-income students since 1993.

This spring the Washington Scholarship Fund has coordinated efforts of local groups interested in private school choice to identify both families and schools that wish to participate in this program for the 2004–2005 school year. To be eligible to receive a scholarship, a student must live in the District of Columbia, be entering grades K–12, and live in a family whose income is not more than 185 percent of the poverty level. Eligible students already attending a private school may apply for a scholarship, but first priority will be given to students who currently attend D.C. public schools identified as “in need of improvement” under the No Child Left Behind Act standards. Second priority will be given to students attending other D.C. public schools.

Students from eligible families will participate in an initial lottery to determine which of them will be offered vouchers. Those successful in the lottery will be awarded “conditional scholarships.” To actually use the scholarship, lottery winners must be admitted by a participating school. Awardees of “conditional scholarships” and their families will have

several weeks to become familiar with the private schools participating in the voucher program. They will then submit to WSF a Family School Preference Form, indicating which schools parents believe will best meet the needs of their children. Lottery winners admitted to participating schools will become D.C. scholarship awardees. If more “conditional scholarship” students are eligible to enroll in a certain grade in a particular school than the school can accommodate, a second lottery will be used.

Schools wishing to participate in the D.C. Scholarship Program must submit to WSF a School Interest and Enrollment Form, listing the number of spaces by grade that would be available for scholarship students. An eligible school must provide a certificate of occupancy and documentation it is operating lawfully in the District of Columbia and complies with all relevant health, safety and fire code requirements. A school must also demonstrate financial stability to be considered as a program participant.

Participating schools may test scholarship students for grade placement but may not deny enrollment on the basis of race, color, national origin, religion or sex. Single-sex schools are allowed to participate. Religiously affiliated schools may give priority to employing members of their own denomination. They do not need to change their curriculum or governance structure in order to participate in the program. Participating in the D.C. Scholarship Program does not make a private school a “recipient of Federal financial assistance.” Scholarships are considered aid to students, not funding to schools.

As the first federally funded private school voucher program in the United States, the D.C. Scholarship program is being closely watched by both supporters and opponents of private school vouchers. The Washington Scholarship Fund and eligible families and schools are involved in a truly historic venture.

### WEB INFO

More detailed information about the Washington Scholarship Fund and its implementation of the D.C. Scholarship Program can be found at [www.dcscholarship.org](http://www.dcscholarship.org)

Information about the program from the Archdiocese of Washington can be accessed at [www.adw.org/education/voucher.html](http://www.adw.org/education/voucher.html)

## Around the States

### *Existing State Programs Offer Many Options for Assisting Families Enrolling Their Children in Private Schools*

One of the most well-received sessions at the 2004 USCCB Congressional Advocacy Days was the panel discussion focusing on tax credit/tax deduction programs in various states that benefit students in private schools.

Below is a summary of programs—tax credit, tax deduction, and voucher/scholarship—which have been signed into law in the states.

#### ARIZONA

A **tax-credit** law was enacted in 1997. **Individuals** can receive a credit up to \$500 and married couples up to \$625 for donations to a **private school, tuition-scholarship program**. A \$200 tax credit is allowed for donations to public school extracurricular activities.

The Arizona Supreme Court upheld the program in 1999.

From 1998 to 2002, the program generated \$56 million, which financed almost 36,000 scholarships. Approximately 80 percent of the scholarships went to lower-income families.

#### COLORADO

In April 2003, the **COLORADO OPPORTUNITY CONTRACT PILOT PROGRAM** was authorized by the state legislature. The program would allow low-income public school students from “poor-performing” school districts to receive **vouchers** up to \$4,500 to attend private schools, including religious schools.

The program was due to begin in the fall of 2004, but a judge ruled that the program violated the Colorado constitution because local public school districts would no longer have control over instruction that they are partially funding. He also issued an injunction to stop all activities relating to implementing the program. The case has been appealed to the Colorado Supreme Court, but no decision is expected until summer.

As a response to the injunction, the 2004 Colorado legislature considered a bill that would have financed the program only from state funds, rather than partly from local real estate taxes. This change might have allowed the program to begin while legal appeals continue, but the legislation did not pass.

#### FLORIDA

Florida has three programs:

The **A+ OPPORTUNITY SCHOLARSHIPS** program provides **vouchers** to students in low-performing public schools. Students may use vouchers to transfer to another public or to a private school. In the 2002–2003 school year, 702 out of the 1,611 students using the program enrolled in private schools. In August 2002, a state circuit court ruled that the program was unconstitutional. The program continues while the decision is appealed.



Students from St. Patrick School in Springfield, Illinois join other private school students and their parents, teachers, and administrators in a March 3, 2004 rally at the Illinois statehouse. Approximately 2,500 representatives of Catholic, Lutheran, Christian, and Jewish schools gathered to voice support for legislation which would assist families with the cost of choosing schools best suited for their children.

Aspects of the various programs that may help guide the development of legislation in other states include:

- tax credits and deductions have been allowed for both individuals and corporations
- tax credits and deductions have been authorized both for expenses parents incur to educate their own children and for a family's donations to a scholarship fund which benefits low income children
- some tax credit and tax deduction programs benefit public school, as well as private school, families
- some tax credit programs are "refundable," thus allowing low-income families to receive money from the state for their educational expenses, if the tax credit allowed is more than the taxes they owe.
- voucher and/or scholarship programs generally target a specific group of children, such as low-income or students with disabilities
- some voucher/scholarship programs do not allow students already enrolled in private schools to participate
- authorizing legislation for voucher programs must deal with the question of how much state regulation is appropriate for schools that enroll publicly-funded students
- proponents of legislation which assist families who have students in private schools should anticipate legal challenges to such laws.

In 1999 the **McKAY SCHOLARSHIP** program began as a pilot to allow parents of a child with a disability to use a **voucher** to transfer to a public or private school. Parents needed only to indicate that they were dissatisfied with the academic progress of their child. The program expanded statewide in 2001. In the 2002–2003 school year, approximately 8,200 students used McKay scholarships to attend another public or private school. Students with disabilities already in private schools are not eligible for a McKay scholarship.

In 2001, the state authorized a **tax-credit** program for **corporations** who donate to **scholarship funds**. Low-income students who are enrolled in public

schools may receive up to \$3,500 for tuition at a private school or up to \$500 to attend a public school in another district. Only entering kindergartners may apply for a scholarship to attend a private school without first being enrolled in a public school. Approximately 15,000 students used the program in the 2002–2003 school year.

Financial scandals in the operation of some voucher programs prompted the Florida legislature to consider tightening state regulation of the programs. The 2004 legislative season ended, however, without any new regulations being approved.

### ILLINOIS

In 1999, the legislature approved a **tax-credit** plan. **Individuals** may take a credit of up to 25 percent of education-related expenses—including tuition and book and lab fees—that exceed \$250. The maximum credit is \$500 per family.

Illinois courts have upheld this program.

### IOWA

The original program of **tax credits or deductions** passed in 1987. Currently all **families** are allowed a **tax credit** of 25 percent of the first \$1,000 spent on their children's education.

The 2004 session of the legislature passed a **tax credit** bill for **individuals** who contribute to a **school tuition organization** which gives scholarships to low- and middle-income families. Unfortunately, the Governor vetoed this bill.

### MAINE

Maine has a **tuitioning** law which allows school districts without public schools to fund students' enrollment in other districts' public schools or non-sectarian private schools.

### MINNESOTA

Since 1955, **families** have been able to **deduct** education expenses **from state taxes**. In 1997, the maximum deduction was raised to \$1,625 for elementary expenses and \$2,500 for junior and senior-high expenses. Private school tuition may be included as an expense. Families with incomes under \$33,500 may receive a **refundable tax credit**, up to \$1,000 per student or \$2,000 per family, for educational expenses, excluding tuition.

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## State Programs *continued from page 5*

### OHIO

The **CLEVELAND SCHOLARSHIP AND TUTORING PROGRAM** was authorized by the state legislature in 1995. It originally provided **vouchers** to families of elementary-school children to attend a private school. The voucher was worth \$2,250 and used by approximately 5,500 children in the 2002–2003 school year. The program expanded to include high school scholarships for the 2003–2004 year. During this year, \$10.5 million was available to fund scholarships to private schools for approximately 4,000 Cleveland students.

In 2002, the U.S. Supreme Court, in *Zelman v. Simmons-Harris*, upheld the constitutionality of Cleveland families' using vouchers to enroll their children in religious schools.

### PENNSYLVANIA

Since 2001, Pennsylvania has allowed **corporations** to receive **tax credits** for **contributions to organizations** which fund scholarships to private schools or grants to public schools for innovative programs. The current tax credit allowed is \$200,000 annually. Scholarship recipients must meet family income standards.

During the 2003–2004 school year, over \$26.6 million from this program was available to fund scholarships for students to attend private schools in Pennsylvania.

### VERMONT

Vermont has a **tuitioning** program so that students in districts without a public school can be funded to attend a public school in another district or an approved, nonsectarian, private school.

### WISCONSIN

Established in 1990 and expanded in 1995, the **Milwaukee Parental Choice Program** provides **vouchers** to low-income families so their children may attend private schools, including religious schools. This program was upheld by the Wisconsin Supreme Court in 1998, a decision the U.S. Supreme Court declined to review.

(Much of the material in this article has been drawn from Krista Kafer's *School Choice 2003: How States are Providing Greater Opportunity in Education* published by The Heritage Foundation in 2003.)



### Faithful Citizenship: *Calls for Justice in the Area of Education*

The **education** of children is a fundamental parental responsibility. Educational systems can support or undermine parental efforts to educate and nurture children. No one model or means of education is appropriate to the needs of all persons. 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. To support parents' efforts to share basic values, we believe a national consensus can be reached so that students in all educational settings have opportunities for moral and character formation to complement their intellectual and physical development.

*Faithful Citizenship, A Catholic Call to Political Responsibility, p.20*

## New Education Bills of Interest

As the 108<sup>th</sup> Congress draws to a close, significant activity concerning education and education-related legislation continues. Although it is late in the session for many new programs to be adopted, legislation introduced at this point serves as a vehicle for discussion among members of Congress and stakeholders, providing an opportunity to fine tune ideas and perfect legislative language. Based on feedback during this process, revised legislation may be introduced in the 109<sup>th</sup> Congress if it was not enacted by the close of the 108<sup>th</sup> Congress in fall 2004.

The following are some of the most recent education-related bills that have been introduced and may be of interest to the Catholic school community:

### S. (unnumbered), "Child Nutrition and WIC Reauthorization Act of 2004"

**Summary:** Provides for many changes to the Richard B. Russell National School Lunch Act, including promoting better nutrition in school lunches, simplifying the application process, ensuring food safety, encouraging the purchase of locally grown produce, integrating food and nutrition projects into the elementary curriculum, improving the summer food service program, establishing a fruit and vegetable pilot project, initiating a childhood obesity prevention pilot program, and piloting a program raising the income eligibility to 185 percent of the federal poverty income guidelines (the current limit for reduced price meals).

### H.R. 4252, "School Renovation and Repair," Andrews (D-NJ/1)

**Summary:** Amends the Elementary and Secondary Education Act to authorize grants for the repair, renovation, alteration, and construction of *public* elementary and secondary school facilities.

### H.R. 4268, "Lead-Free Drinking Water Act of 2004," Norton (D-DC) and S. 2377 Jeffords (I-VT)

**Summary:** Amends the Safe Drinking Water Act to ensure a safe, lead free supply of drinking water. The bill will set up procedures for establishing a revised maximum contaminant level for lead in drinking

water; replace service lines that are not lead-free, including privately owned portions of service lines; and establish new requirements on community water systems and nontransient noncommunity water systems.

### H.R. 4108, "High Risk Non-Profit Security Enhancement Act of 2004," Nethercutt (R-WA) and Nadler (D-NY), and S 2275, Mikulski (D-MD) and Specter (R-PA)

**Summary:** Authorizes the Department of Homeland Security to provide assistance to non-profit organizations that demonstrate a high risk of international terrorist attack. The benefits would be made available through federal contracts, or, after funds had been exhausted for the highest risk non-profits, through Federal loan guarantees. To determine vulnerability, the Secretary for Homeland Security would take into account threats of international terrorist organizations, prior attacks, the symbolic value of the site, and the role of the non-profit in responding to international terrorist attacks. "Security enhancement" means the purchase and installation of security equipment in real property, including buildings and improvements, and includes software security measures.

### S. 2340, "Capacity to Learn for All Students and Schools Act," Bingaman (D-NM) and S. 2335, "Preparing, Recruiting, and Retaining Education Professionals Act of 2004," John Reed (D-RI)

**Summary:** Both bills amend Title II of the Higher Education Act (HEA) that deals with teacher preparation and professional development. The Republicans are expected to introduce a bill amending Title II of HEA in the near future. The two current bills provide professional development opportunities to teachers in *public* schools only. Earlier this year, the House passed HR 2211 which, as amended, included private school teachers in partnership grants for professional development.

For questions or comments on these bills, please contact Michelle L. Doyle, USCCB Office of Government Liaison at [mldoyle@usccb.org](mailto:mldoyle@usccb.org) or 202-541-3143.

# Faithful Citizenship on the Web...

[www.usccb.org/faithfulcitizenship](http://www.usccb.org/faithfulcitizenship)

## Calls for Justice in the Area of Education

All persons, by virtue of their dignity as human persons, have an inalienable right to receive a quality **education**. We must ensure that our nation's young people—especially the poor, those with disabilities, and the most vulnerable—are properly prepared to be good citizens, to lead productive lives, and to be socially and morally responsible in the complicated and technologically challenging world of the twenty-first century.

This requires that all educational institutions have an orderly, just, respectful, and nonviolent environment where adequate professional and material resources are available. We support the necessary initiatives that provide adequate funding to educate all persons no matter what school they attend—public, private, or religious—or their personal condition.

As a matter of justice, we believe that when services aimed at improving the educational environment—especially for those most at risk—are available to students and teachers in public schools, those services should be available to students and teachers in **private and religious schools** as well.

*Faithful Citizenship, A Catholic Call to Political Responsibility, p.24*

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A Catholic Call to Political Responsibility**

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*In the Catholic tradition, responsible citizenship is a virtue; participation in the political process is a moral obligation.*

Please visit this site often as additional information and resources will be added periodically.

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