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What's Up in
Washington?
And How Will It
Affect Your
School?

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Trouble Ahead for Private Schools?

An outspoken advocate on private school issues and public policy shares his concerns regarding what's going on in Washington and how it may affect your school.

It's a truism that there are two sides to every issue. That's why, when we at *Private School Administrator* decided to report on the changes being made in the ESEA, we made sure to include a variety of points of view. In her thoughtful, thorough article "What Changes to the ESEA Will Mean for You," U.S. Department of Education official Michelle Doyle presents all the many ways that private school students and teachers can benefit from new and revised federal programs.

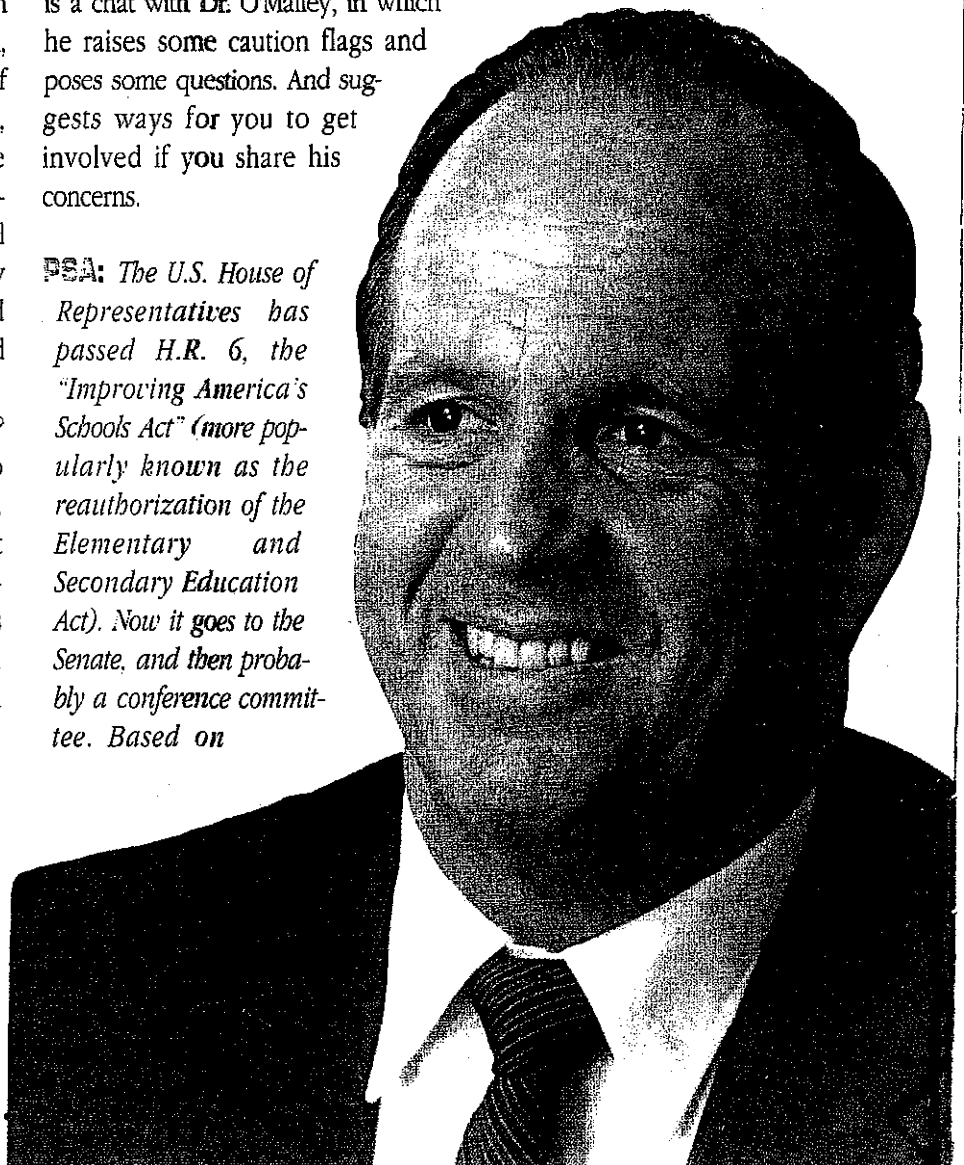
But is the picture completely rosy? We decided to ask someone who once held Ms. Doyle's position. Dr. Charles O'Malley, an independent education consultant with both state-level and national experience, sees some areas that may still need work. His role as executive director of a newly formed organization, the National Council for Private School Accreditation, makes him particularly aware of issues relating to school accreditation and teacher certification. And his years of experience consulting, speaking, and writing on just such issues have moved him to consider the similarities between the current

education legislation and the battles that erupted over child care legislation only a few years ago.

Here, then, for your consideration is a chat with Dr. O'Malley, in which he raises some caution flags and poses some questions. And suggests ways for you to get involved if you share his concerns.

PSA: *The U.S. House of Representatives has passed H.R. 6, the "Improving America's Schools Act" (more popularly known as the reauthorization of the Elementary and Secondary Education Act). Now it goes to the Senate, and then probably a conference committee. Based on*

what you know of the legislation so far, how do you think private school administrators are likely to view it?



O'Malley: If I were a private school administrator, I would be following the progress of H.R. 6 with great interest and even greater trepidation.

PSA: *Why trepidation?*

O'Malley: Consider the implications of some of the Title 2 provisions. This section (which was formerly called Chapter 2) deals with professional development programs for teachers. Section 2112 authorizes funds to "promote the transferability of licensure and certification of teachers and administrators among State and local jurisdictions and to support the National Board for Professional Teaching Standards." Another section requires that state plans to improve teaching and learning, if they include professional development, to "take specific steps to review and, if necessary, reform state requirements for licensure of teachers and administrators, including certification and recertification, to align such requirements with challenging State content and performance standards...."

The legislation also allows states to use federal funds to provide "financial or other incentives for teachers to become certified by the National Board for Professional Teaching Standards," and measures outcomes by, among other things, "the degree to which licensure requirements are tied to State standards" and "increases in the number of Board certified teachers licensed."

PSA: *But how will that affect private schools?*

O'Malley: The teacher certification/ National Board for Professional

Teaching Standards incentives may result in state legislatures addressing existing certification/credentialing processes in each state. Even though there is no federal mandate to certify private school teachers, nor to "recruit" them as members of the National Board for Professional Teaching Standards, those federal incentives I mentioned could cause problems for private school administrators—this despite the passage of amendments offered by Members of Congress Kildee, Ford, and Arney, which were designed to alleviate the concerns of private and home schooling leaders.

PSA: *If the federal legislation has been amended along those lines, why does the issue still concern you?*

O'Malley: I believe we'll see responses in the states similar to those we experienced after the enactment of the Child Care Development Block Grant Program — each state refining or adjusting its requirements for licensing of professionals.

PSA: *How did that become a problem?*

O'Malley: In the mid-1980s, when the Block Grant Program's predecessor, the Act for Better Child Care (ABC) Bill, was first introduced, the Reagan administration and various private school leaders believed the proposal contained provisions which would have severely impacted private and church-related child care facilities by imposing additional regulations upon them, and placing them in a position where they might have to choose between receiving

federal dollars or accepting certain conditions which were philosophically, religiously, or ideologically contrary to their mission and *raison d'être*.

Questions were also raised about the propriety of "the nationally recognized accrediting agency"—as termed in the ABC bill—becoming involved in issues such as disarmament, union activities, or sexual orientation. The proposal was ultimately amended, and became law with many of the ideological and federal regulatory concerns removed.

PSA: *Similar to the situation with the ESEA. What happened then?*

O'Malley: The major battleground moved to the states—state legislatures, child care licensing agencies, and accrediting agencies. A major national child care advocacy group distributed a manual to its constituency in each state, containing "blueprints" for these groups, which would enable them to determine the manner in which child care block grant monies would be distributed. That meant controlling state and local advisory committees, tightening regulations on all providers (not just those participating in the Child Care and Development Block Grant Program), and by virtually requiring that these facilities should become accredited by that organization and that the staff should hold child development associate certificates (CDAs).

PSA: *Didn't religious-sponsored facilities receive an exemption?*

O'Malley: In some states, church-related child care facilities and those

accredited by other associations were exempt from state licensure. But some states, like Wisconsin, require child care facilities participating in the block grant programs to be accredited by the NAEYC'S National Academy of Early Childhood Programs. Plus, the Wisconsin Department of Health and Social Services enacted provisions that required grantees, for example, not to discriminate against employees or applicants for employment "because of age, race, religion, color, handicap, sex, marital status, physical condition, arrest or conviction record, developmental disability..., sexual orientation or national origin." It also prescribed that in all categories except sexual orientation, grantees must "take affirmative action to ensure equal employment

opportunities."

Wisconsin did include a section stating that "federal regulations for Child Care and Development Block Grant funds allow a sectarian organization to require that employees adhere to the religious tenets and teachings of such organization and to rules forbidding use of drugs or alcohol." So, while sectarian institutions may have some latitude in their hiring practices, I envision an increase in litigation and in the amount of monies spent by dioceses, synods, etc., defending their religious freedom. Also, what recourse will private, non-sectarian facilities have?

PSA: *Can you outline some of the problems you foresee with H.R. 6?*

O'Malley: Sure. There are several serious public policy issues. I can see conflicts in four particular areas.

1) Should the federal government use federal dollars to pressure states to promote certification and licensure of teachers?

A significant number of private school administrators and leaders, while encouraging their faculty to seek voluntary state certification, have serious problems when mandated teacher certification is imposed upon them. Mandated teacher certification could pose educational and economic problems for independent and church-related school leaders alike.

2) Should the federal government pressure states to participate in the activities of the National Board for Professional Teaching Standards?

Note the lack of private school involvement in the policy activities of that organization—one represen-

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tative on the 64-member board, with the bulk of the representation coming from the two teachers unions. What will be the economic impact on private schools if affiliation with the Board is directly or indirectly required?

3) Should the federal government be using taxpayer dollars to promote a "politically correct" ideology?

Will private and church-related schools which admit or employ only those of their religious denomination be prohibited from participating in Chapter 1/Chapter 2 programs, or the Child Care and Development Block Grant Program? What are the possibilities of this type of language being incorporated in Internal Revenue Service regulations?

Private school leaders who were involved in the efforts to defeat the original Act for Better Child Care Bill vividly remember some of the provisions of that proposal which so concerned them—the ideological and "politically correct" provisions.

4) What impact will these programs have upon private school curriculum, hiring practices, enrollment practices, and finances?

There has been a definite movement toward increasing the regulation of private and church related child care facilities—despite assurances from federal agencies that there would be no federal regulation of these institutions. Undoubtedly, we can expect the same consequences if the "Improving America's Schools Act," as it is presently written, becomes law.

PSA: *What can private school administrators who, like you, are concerned do to prevent these scenarios from happening?*

O'Malley: They should become aware of—and involved in—what's happening in both their state capitals and Washington, DC.

PSA: *Isn't that lobbying? Won't that take time away from the most important reason for private schools' existence—teaching kids?*

O'Malley: When I've visited nonpublic schools or participated in administrators' conferences, I've learned that this fear prevails—and perhaps, rightly so. But! In order for administrators to keep doing the things they need to do, someone has to protect the autonomy and independence of the private schools. Your readers, the "lobbyists," are that someone!

Believe it or not, there are very strong, very proficient, and very well-funded groups who are dedicated to removing that autonomy and that independence private schools now have—and possibly take for granted.

PSA: *Do you really think those kinds of things are likely to happen?*

O'Malley: Ask the pastor and former principal of a small Catholic elementary school in South Florida what almost happened to them—and to the entire diocese—when they chose not to hire a handicapped individual as the principal's successor. And that was back in the mid-70s, long before the Civil Rights Restoration Act and Americans with Disabilities Act became law.

Ask the Christian school pastor/principal who refused to have his teachers obtain state teacher certification in Nebraska, only to find himself in jail for several months. Or ask the seven parents whose children

attended that particular school, who were imprisoned for the "crime" of not telling the state the name of the school their children attended.

Ask the former school superintendent of the Catholic Diocese of Fargo, ND, who had been awarded a U.S. Department of Education grant to implement a TV satellite calculus instructional program for her 13 schools, only to find out from the "feds" that her faculty and administration would not be allowed in the classroom in their religious garb, or that they would be monitored while using fax machines which were part of the project. (Fortunately, common sense ultimately prevailed, and the program is now operating fairly smoothly.)

PSA: *So, if private school administrators are going to act as lobbyists, what do they need to do?*

O'Malley: A good lobbyist provides accurate, useful information to legislators and legislative staff. This information is often the basis for a legislator making his or her decision upon a particular piece of legislation. Therefore, the responsibility of a good lobbyist is to develop a relationship with a legislator which is built upon trust and confidence.

PSA: *Fine. How?*

O'Malley: In the civics/citizenship classes we took as students, we were taught that our own personal awareness and involvement are important if we wish to preserve our freedom. That's still true today. Local papers, education publications, and bulletins from the state legislature which frequently update legislation

of concern to private schools should be part of administrators' daily readings and discussions—and the topics of "bull sessions" with students. Too frequently, you receive "To arms!" calls from your leadership, asking you to have parents contact their lawmakers on a particular issue—an issue about which you or the parents have little or no knowledge. It is difficult to make an impression on a lawmaker or staff person if you don't know what's going on.

Alumni(ae) and parents of your students are fantastic resources. Many of them are probably politically active, or serve as staff to lawmakers and cabinet officials, or have served on political campaigns for those now in office. They know the "system" and how it works. They may not know what you are up to or what the needs of the school are—or how a particular piece of legislation may impact you. Keep in contact. Do not wait until the 11th hour before bringing them into the fray. (They may resent the fact that you are placing them in a difficult position without ample preparation, and they'll be reluctant to help you next time around.) Thank them—publicly, if possible—whether you win or lose.

PSA: *Any other advice?*

O'Malley: Yes. Blow your own horn.

Private schools historically produce well-educated, well-rounded students with sound moral values—including humility. However, unless that humility is tempered a little bit, there may not be a private school system. If you don't blow your own horn, no one else will!

Encourage key policy makers

and/or their staff to visit your schools. Have them discuss with your students and parents "how they did it and what their education did for them." Have them judge debates and speech or essay contests, or preside over "mock" court procedures or mini-legislatures. Present them with awards for their contributions to your school or community. Somehow, reporters and photographers seem to find out about these presentations—and, lo and behold, St. Good School or Wonderful Country Day School is generating favorable publicity.

Then, your lawmaker knows about your school—and private schools in general. If legislation is introduced which could be damaging to your school, they can contain or eliminate the damage. If it is beneficial, they can serve as "champions" on your behalf.

These are just a few uncomplicated ways that administrators can help protect their schools and uphold the tradition of private education. You don't have to prowl legislative chambers, brandishing oversize cigars. You don't have to spend a lot of money to promote your issue. All you have to do is to remain aware and use the vast resources you have at your disposal.

YOUR OPINIONS COUNT!

We at *Private School Administrator* would like to hear from you, our readers. If you feel strongly about this or any other article in this issue—either positively or negatively—please let us know. We'd like to include your thoughts and opinions in an upcoming issue. Write to: Editor, *Private School Administrator*, 330 Progress Rd., Dayton, OH 45449.