

Who Says Private Schools Are Not Accountable?

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Since the Commission on Excellence in Education--the "Blue Ribbon" panel appointed by former President Ronald Reagan and spearheaded by Reagan's first secretary of education, Terrel Bell, the issue of increasing the accountability of schools by applying more stringent standards has been widely discussed at both state and federal levels. State legislators, governors and other policy makers have enacted laws, regulations and policies designed to make schools (in most instances, specifically public schools) more responsive and effective. Former U. S. Secretary of Education Lauro Cavazos noted this when he opened a national conference of policymakers, public and private education leaders and administrators. At this conference cosponsored by the U.S. Department of Education's Offices of Educational Research and Improvement, the Council of Chief State School Officers, the National Association of State Boards of Education and the Council for American Private Education, Secretary Cavazos stated:

... In these years much has been said and written about education reform, and a lot has been done. But in all the discussion and in much of the legislation one topic has been more or less passed over; that is the effect of education reform on the nation's private schools. I see this as an oversight... 1.

Vouchers, tax credits and other methods of private school choice, have been controversial components of the education reform package. Debate on these issues has often been heated. The recent enactment of Wisconsin state representative Polly Williams' Milwaukee inner city voucher plan shifted the issue of private school choice from an intellectual exercise to a political reality. And it will likely remain a political reality with the recent introduction by the Bush Administration of the GI Bill for Children (which would allow low and middle income parents to use their \$1000 education voucher at a private school as well as at a public school even if it's not their neighborhood school.)

Regulation of private schools and certification of private school faculty members and administrators have been recurring themes in the debate on the choice issue. Opponents of private school choice inevitably claim that private schools are unregulated or underregulated and therefore not sufficiently accountable to the public. Also many perceive that private school teachers are not adequately credentialed. The fact is, both these claims are unfounded. An overwhelming majority of private school children attend schools that are accredited or approved by state and regional agencies, or private school accrediting agencies which are recognized by federal*, national, regional or state agencies. And an overwhelming majority of private school teachers hold at least

a bachelor's degree.

* The U.S. Department of Education and its predecessor, the Office of Education (HEW) had been awarded -- by statute and regulation -- the responsibility of relating to the U.S. Department of Justice's Office of Immigration and Naturalization Services (INS) whether a private or parochial school seeking to enroll alien, nonresident students, is operating as an established school and maintains the necessary facilities, personnel and finances to instruct in recognized courses. (8 CFR sec.214.3(c))

Because of the increase in requests by private schools for INS approval, my office (Office of Private Education, U.S. Department of Education) recommended that the U.S. Department of Education utilize the organizational structures of private education to the government's advantage. An internal policy was approved on April 19, 1984, which stated:

"...or (4) is accredited or successfully evaluated through a team visit by an organization holding membership in the Council of American Private Education (CAPE); or holds membership in and is accredited or successfully evaluated through a team visit by the American Association of Christian Schools, or the Association of Christian Schools International..." 2.

Four key areas will be addressed to substantiate my assertion that private schools in our nation are indeed accountable:

1. **THE WORLD OF PRIVATE EDUCATION:** When we discuss private education, who and what are we talking about?
2. **GOVERNANCE STRUCTURES:** What structures are in place with which private schools are complying?
3. **IS THERE NEED FOR CHANGE?** Are we concerned about private schools being regulated because the regulations would ensure a better quality of education? Or are we discussing regulations for the sake of regulations? (i.e., Private schools should be regulated because public schools are.)
4. **WHAT ARE THE NEXT STEPS?** What steps can be taken to assure quality education in private schools without the private schools losing the autonomy and independence that allow them to maintain their *raison d'être*?

THE WORLD OF PRIVATE EDUCATION

(NOTE: The definition of "private school" used in this paper includes K-12 parochial, church-related and independent schools. Home schooling will not be addressed. Also, since compliance by private schools with state or local health, safety and sanitation requirements is rarely an issue, this paper will discuss educational standards only.)

Recent figures from the U. S. Department of Education (Private

Schools in the United States: A Statistical Profile, With Comparisons to Public Schools) indicate there are over 5.4 million children attending over 28,000 private elementary and secondary schools. This is approximately 12% of the total school age population and 25% of all elementary and secondary schools. 3.

Of these 5.4 million private school children, 75% are in grades K through 8. Also, of these 5.4 million children, approximately 86% attend church-affiliated schools. 4.

Staffing the 28,000-plus private schools are 404,000 full and part-time teachers. Private school teacher certification is mandatory in only twelve states. 5. However, 62% of private high school teachers are state certificated, and 95% of all private school teachers hold at least a bachelor's degree. 6.

Although private schools are not systematized in the same manner as public schools are, there are strong organizational structures in the private school world. Twenty-one private school associations were identified in a U. S. Department of Education report. 7. And in preparation for a meeting I was convening at the U.S. Department of Education in June 1990, I identified 22 additional private and church-affiliated associations, bringing the estimated total to 43.

TABLE 1

Name of Association (Department of Education Report)

National Catholic Educational Association
 Lutheran Church-Missouri Synod
 General Council of Seventh Day Adventists
 National Association of Independent Schools
 American Lutheran Church Christian Day Schools
 American Montessori Society
 Association of Evangelical Lutheran Churches
 Association of Military Colleges and Schools
 Christian Schools, International
 Friends Council on Education
 National Association of Episcopal Schools
 National Association of Private Schools for Exceptional Children
 National Society for Hebrew Day Schools
 Solomon Schechter Day School Association
 Accelerated Christian Education
 American Association of Christian Schools
 Association of Christian Schools International
 Jesuit Secondary School Association
 National Center for Neighborhood Enterprise
 National Coalition of Alternative Community Schools
 National Federation of Church Schools

Other Private School Organizations (Identified for June 1991 Meeting)

National Christian School Association
 National Independent Private School Association
 Association of Christian Schools and Teachers
 Alternative Schools Network
 Amish Schools
 Association of Waldorf Schools of North America
 The Armenian Assembly
 Association of Southern Baptist Colleges and Schools
 Church of the Lutheran Confession
 Greek Orthodox Archdiocese of North and South America
 Mennonite Schools
 General Council of Assemblies of God
 Moravian Church in North America- Northern Province
 National Presbyterian Center
 Reformed Church in America
 United Methodist Church
 Wisconsin Evangelical Lutheran Synod
 Board of Jewish Education
 International Montessori Society
 National Coalition of Alternative Community Schools
 Council of Islamic Schools of North America
 Oral Roberts Educational Fellowship

GOVERNANCE STRUCTURES OF PRIVATE EDUCATION

State regulation

Surveys conducted by the Florida Department of Education (1980) and the U.S. Department of Education (1985) vividly illustrate the diversity among the states in their approaches to regulating private schools. New York, South Dakota and West Virginia report mandatory accreditation programs for private schools; however New York exempts church-affiliated schools and South Dakota exempts high schools. Thirteen states administer mandatory approval

programs, while twenty eight states administer voluntary accreditation and/or approval programs. (Several states provide private school administrators with the option of selecting either accreditation or approval.)

The same diversity exists with teacher certification. Twelve states report mandatory certification requirements for private school teachers and administrators, but seven of these states either exempt church-related schools or don't enforce the requirements. 8.

Approximately twenty states, including Florida, Connecticut, Washington, Texas and Virginia authorize private education associations to accredit their member schools, in lieu of state accreditation or approval. 9. One state, Mississippi, has a unique arrangement. In 1970, the Mississippi state legislature statutorily authorized the Mississippi Private Schools Association (MPSA) to essentially serve as a state department of education for private schools. The MPSA accredits its member schools, certifies teachers and administrators of the member schools, and also serves as an activities association, scheduling sports, band, and other extracurricular activities. 10.

Regional Accreditation

An unpublished, informal survey just completed by Dwight Crum (former U. S. Commissioner of Education Sidney Marland's private education advisor in the U.S. Office of Education and my deputy in the U.S. Department of Education's Office of Private Education) indicates approximately 3,900 private elementary/ secondary schools are accredited by the six regional accrediting associations.

TABLE 2

	<i>secondary schools</i>	<i>elementary schools</i>	<i>totals</i>
SOUTHERN ASSOCIATION OF COLLEGES AND SCHOOLS	550	150*	700*
MIDDLE STATES ASSOCIATION OF COLLEGES AND SCHOOLS	383	37*	420*
NEW ENGLAND ASSOCIATION OF COLLEGES AND SCHOOLS	246	1042	1288
NORTH CENTRAL ASSOCIATION OF COLLEGES AND SCHOOLS	490	--	490
NORTHWEST ASSOCIATION OF COLLEGES AND SCHOOLS	81	9*	90*
WESTERN ASSOCIATION OF COLLEGES AND SCHOOLS	705	300	1005*
<u>TOTALS</u>	2040*	1263*	3993*
	(* estimate)		

However, in addition to the 3,900-plus private schools which are accredited by the regional associations, schools belonging to private school associations administering their own accreditation

programs for member schools frequently enter into joint or reciprocal arrangements with the regional associations (e.g., General Conference of Seventh Day Adventists Schools, Lutheran Church Missouri Synod Schools, Association of Christian Schools International, etc.)

Private School Accrediting Associations

A unique, relatively unrecognized process of private school self-assessment is the national, regional or state private school accreditation program.

For the past twenty-five years or so, in states such as Washington, Florida and Mississippi, state departments of education have recognized -- officially or unofficially -- accreditation programs operated by independent school organizations, state Catholic conferences, Seventh Day Adventists unions, Lutheran synods, and other private school agencies. In some instances, state department of education accreditation/approval site visits are conducted concurrently with private school accrediting association site visits. In other instances, state agencies will accept accreditation by the private school association in lieu of state accreditation. And, on occasion, state department of education officials serve on private school associations' accrediting commissions.

The concept of self-accreditation for private schools has become increasingly popular over the past seven years. One of the catalysts for its expanded use was the National Association of State Boards of Education's (NASBE) *Public and Nonpublic School Relationships: Lighthouse Approaches For State Policymakers*. NASBE with funding from the U.S. Department of Education's Office of Private Education prepared and disseminated a report profiling four states maintaining favorable working relationships between public and private education. Partners in this project were such diverse organizations as the National Conference of State Legislatures, Education Commission of the States, Council for American Private Education, and the American Association of Christian Schools. The Association of Christian Schools International and the Council of Chief State School Officers were also unofficially involved in the development of the report.

In offering solutions to policymakers vis-a-vis working relationships between public and private education, the report refers to the importance of state private school associations providing a "variety of professional and communications services such as...developing minimum standards or an accreditation association. 11.

The report describes the situation in Florida (one of the four "lighthouse" states):

The state of Florida has virtually no laws regulating nonpublic education, with the exception of a compulsory attendance law...Accreditation of schools and programs

is implemented by independent organizations and is voluntary. 12.

The report continues:

Today, the Florida Association of Academic Nonpublic Schools (FAANS) is one of the most effective groups of its kind in the nation. **Its membership has grown to nineteen school associations representing approximately 95 percent of Florida's nonpublic school enrollment** (emphasis added), providing much of the statistical accounting that was previously lacking. FAANS now includes eight accrediting associations, each with its own standards and evaluation procedures. 13.

NASBE's Lighthouse report was released to state departments of education, state boards of education, state legislators and private school leaders. Subsequently, representatives from at least seven states contacted the U.S. Department of Education's Office for Private Education (OPRE) for further information. It soon became a valuable resource to policy makers and to private school leaders throughout the nation.

In fact, the Commonwealth of Virginia's private school leaders were aware of the existence of the report while still in draft form and requested assistance from the U.S. Department of Education in working with the Virginia Department of Public Instruction and the state board of education. By the fall of 1983, the state board had approved the establishment of the Virginia Association of Private Schools' Commission on accreditation. Virginia's private school leaders are still pleased with the change. 14.

Currently several other states are reviewing the "Florida model" as a way to provide proper accountability from private schools and to strengthen relationships between public and private education.

IS THERE NEED FOR CHANGE?

Only looking at the small number of states mandating private school accreditation and private school teacher certification, and the small number of private schools accredited by regional agencies, it appears that our nation's private schools are not regulated to any great degree. However, closer scrutiny of the situation reveals that about 5.2 million of the total 5.4 million private school children (almost 96%) attend schools that are members of or accredited by private school organizations. And, as previously cited, 95% of private school teachers hold at least a bachelor's degree, and 62% hold state teaching certificates -- even though, in most instances, they are not required to do so.

Other data which show that private schools are indeed being held accountable include the following:

1. Over 69% of the nation's private school children attend elementary grade schools -- which, according to the NASBE

report, indicates that the overwhelming majority of these students are continuing their education in public high schools. Public schools accept these children (with rare exception) into the age appropriate grade level. 15.

2. Eighty-two percent of Catholic high school graduates and eighty-six percent of other private high school graduates who applied for admission to colleges were accepted, compared to seventy-three percent of public high school graduates who applied for admission. 16.

So if the ultimate goal of our nation's educational institutions is to provide a quality education to all our children, it seems that even if one accepts AFT President Al Shanker's contention that with proper statistical controls, private schools do not "significantly" outscore public schools in national standardized achievement tests 17. -- no one can contend that our stringently regulated public schools are providing a better quality of education than our more flexibly regulated private schools. Then how can the argument be made that private schools should be as stringently regulated as public schools? Would this type of regulation improve the achievement of private school students and increase the accountability of private schools?

In other words, if it "ain't" broke, don't fix it!

WHAT ARE THE NEXT STEPS?

Having been actively involved as a mediator in the 1981-1985 confrontation between the state of Nebraska and the Nebraskans for Religious Freedom, I am well aware of the tensions that can erupt when a state attempts to regulate private or church-related schools. In this situation the state required that for a private school to be approved its faculty members must hold state teachers certificates. Consequently if the school were not state approved, the parents would be violating the state compulsory attendance requirements and be subject to imprisonment. Several Christian schools refused to comply with the teacher certification requirements maintaining that their teachers were ministers, therefore, not subject to secular licensing. A pastor and seven parents were imprisoned for several weeks and over one hundred ministers were bodily evicted from the church/school by state troopers. The door was padlocked. At issue was the fact that the schools wished to be judged by the outcome of their educational programs i.e. student achievement as measured by national standardized tests. Ultimately, the governor recommended testing of private school students as a legitimate alternative to state approval.

In fact, it was this volatile Nebraska episode which prompted the National Association of State Boards of Education to undertake the Lighthouse report. To prevent situations like the Nebraska confrontation from recurring, I would strongly recommend that NASBE and the other cosponsors of the report again disseminate copies of the report -- with strong cover letters recommending acceptance of

the report's findings -- to their constituencies in each state, as well as to key policymakers on both state and national levels.

I would further recommend that organizations which have clout in the states, such as the National Conference of State Legislatures, the American Legislative Council and the Education Commission of the States, encourage state policymakers and private school leaders to adopt, or to adapt, one of the models contained in that report.

In this way, those who advocate increased private school regulation and those who advocate private school autonomy should both be satisfied. States would save valuable dollars previously spent on enforcement or on litigation.

Recently there has been serious interest and discussion about even expanding one of the Lighthouse report approaches in order to establish a more formal process recognizing private education accreditation programs. As previously explained the U.S. Departments of Education and Justice (Office of Immigration and Naturalization Services) already have an established policy using private education's own accreditation structure as a basis for determining the eligibility of private schools to enroll alien, non-resident students. Also several large foundations and corporations already accept the current alternative private school accreditation structures as bases for eligibility in charitable, matching gift programs. This is an idea whose time has come.

SUMMARY

Although few states require strict regulatory control over private and church-related schools, approximately 96% of private school children attend schools which are accredited or evaluated by national, regional, or state private school organizations. These organizations maintain standards which have been accepted or recognized by federal, state and local education agencies, as well as by foundations and corporations.

As the education reform movement continues, the issue of private school accountability should be addressed by private education leaders, state policymakers, and key associations, e.g., National Association of State Boards of Education, Education Commission of the States, National Conference of State Legislatures, American Legislative Exchange Council, Council for American Private Education, Association of Christian Schools International and the American Association of Christian Schools. Cooperation among these groups to implement reasonable state policies should ultimately result in establishing appropriate regulatory processes for private schools which utilize their existing systems of assessment, evaluation and credentialing. That way everyone -- especially kids -- win!

Endnotes

1. Lauro Cavazos, 8 October 1988 speech to the Conference on the

Participation of Private Schools in Education Reform, Washington, D.C.

2. Memorandum by the Executive Assistant for Private Education and the Assistant Secretary for Elementary and Secondary Education to the Secretary of the U.S. Department of Education, 19 April 1984.

3. National Center for Education Statistics (NCES), *Private Schools in the United States: A Statistical Profile, with Comparisons to Public Schools* (NCES 91-054), February 1991, 8 & 24.

4. Ibid.

5. U.S. Department of Education, Executive Assistant to the Secretary, Office of Private Education, *Private School Governance Information*, a compilation of private school governance data excerpted from an official 1980 survey conducted by the Florida State Department of Education and from research by the Education Commission of the States.

6. NCES, 52.

7. Center for Education Statistics, Special Report, *Private School Statistics: A Review of Private and Federal Data Concerns* (CS 87-429), September 1987, 10-11.

8. Charles J. O'Malley, Ph.D., "Regulation of Private Schools Varies Widely," *Phi Delta Kappa Kappan*, January 1982:359.

9. *Private School Governance Information*, 2-3.

10. Correspondence of 8 June 1992 from Donald Souder, Mississippi Private School Association Executive Secretary.

11. National Association of State Boards of Education (NASBE), *Public and Nonpublic School Relationships: Lighthouse Approaches for State Policymakers*, 1984, 14.

12. NASBE, 18.

13. NASBE, 19.

14. Correspondence by Father William Davis, president, Virginia Association of Private Schools, 22 September 1983.

15. NASBE, 10.

16. NCES, 106.

17. Al Shanker has on numerous occasions, including in testimony to Congress, provided this interpretation as part of AFT's position against private school parental choice.

Biographical Information

Dr. Charles "Chuck" O'Malley is an independent education consultant specializing in private education. In this role he provides policy development assistance to national, state and local organizations, and legislative bodies in areas related to private education, including parental choice, teacher credentialing, school accreditation, graduation requirements etc. He also serves as executive director of the newly-formed National Council For Private School Accreditation. Previously Dr. O'Malley served as Executive Assistant for Private Education to three U.S. secretaries of education (Ted Bell, Bill Bennett and Lauro Cavazos). He also served as coordinator of private education services for the Florida Department of Education, Coordinator of Education for the Florida Catholic Conference and Assistant Superintendent for Governmental Programs, Catholic Archdiocese of Miami (Florida). Dr. O'Malley has taught school and served as an athletic director, athletic and debate coach, and physical education instructor with schools in Ft. Lauderdale, Florida and Chicago, Illinois. He is an adjunct professor at the University of San Francisco, and a visiting lecturer at Lynchburg College (Virginia), Georgia Southern University, Oral Roberts University, and the University of South Carolina. He has served as a contributing editor with the Center for Research in Private Education and the National Rural and Small Schools Consortium. His many articles have appeared on such publications as *Education Week*, *Private School Quarterly*, *Today's Catholic Teacher*, *Jewish Education*, *Private School Administrator*, the *Kappan*, *Momentum* and *Private School Monitor*. He holds a doctorate in Postsecondary Education Leadership from Florida State University.