

# Capitol Comments



American Association of Christian Schools

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### The AACCS is a service organization that exists

- To provide legislative oversight.
- To promote high-quality educational programs.
- To encourage the goal of producing Christ-like young people.
- And to provide related institutional and personnel services to its constituency.

## PROTECTIONS FOR CHRISTIAN SCHOOLS IN THE ELEMENTARY AND SECONDARY EDUCATION ACT

The Elementary and Secondary Education Act (ESEA) was first passed in 1965 in an effort to improve the quality of education in America by providing federally funded educational programs to be administered by the states. Under President Bush in 2002 when ESEA was reauthorized as the No Child Left Behind Act (NCLB), specific language was included in NCLB which protected the freedoms of private, religious, and home schools. In addition, the NCLB Act included specific language which prohibited the establishment of a national curriculum, national testing, mandatory national teacher certification, and a national student database.

The NCLB is currently up for reauthorization, and the AACCS Legislative Office has been working hard to ensure that this protective language for private schools is maintained in the bill. At a special Capitol Hill briefing on "ESEA Reauthorization and Private Schools," the AACCS Legislative Office outlined the importance of protecting the autonomy of private schools and also stressed the dangers that an established national curriculum presents to this autonomy. The AACCS was joined by the Home School Legal Defense Association and the Association of Christian Schools International in hosting this briefing, and these organizations also stressed

the importance of prohibiting the establishment of a national test, mandatory national teacher certification, and a national student database. In attendance were members of Congress, Congressional staffers, and key leaders from other conservative organizations.

As the Department of Education is also working vigorously on ESEA Reauthorization, the AACCS Legislative Office also has communicated to key officials in the Department the importance of maintaining autonomy for private and home schools. During a meeting specifically for private school leaders, AACCS Executive Director Dr. Jeff Walton explained to senior policy advisors the dangers that an established national curriculum would present to the autonomy and mission of private, faith-based schools.

Currently, there is a strong movement among the states to adopt national standards. While the Department of Education insists that a national standard is not the same as a federal standard or national curriculum controlled by the federal government, some policy makers would like to tie adoption of the national standards to certain funds available through ESEA. This indirect support of the national standards by the federal government could very easily become an established na-

tional curriculum. If established, a national curriculum would lead to federal control over school curriculum, thereby jeopardizing the freedoms of private, religious, and home schools to teach the curriculum which best reflects their core educational and cultural beliefs. Furthermore, a national test created and controlled by the federal government would have the same negative effects—creating a de facto national curriculum.

Efforts to control curriculum, testing, and teacher certification from the federal level would jeopardize the religious freedom of faith-based schools to adhere to their mission when determining their own curriculum and hiring the best faculty to achieve academic excellence. Accountable to the parents, these schools continually demonstrate that they are succeeding in educating their students without additional governmental regulations. The AACCS Legislative Office has submitted written comments to education committees in both the House and Senate stating the importance of maintaining protections for private, religious, and home schools in ESEA Reauthorization. During this Congress, the AACCS will continue to communicate to Congressional members the importance of maintaining these protections for Christian schools as the bill moves forward.



## STRONG CONCERNS ABOUT OVERREACHING FEDERAL REGULATIONS

In an attempt to rein in for-profit colleges and universities and enhance the credibility of higher education providers, the Department of Education proposed early in 2010 new federal regulations that would make federally subsidized entities more accountable. However, these proposed regulations proved to be overreaching since they would affect all colleges and universities—including private institutions—with burdensome and unnecessary requirements.

The most troublesome aspect of these regulations is the new requirement that any higher educational institution participating in the Title IV Student Aid program be authorized by the state. According to an Issue Paper released by the Department of Education, this “state authorization” refers to the “legal status granted to an institution through a charter, license, or other written document issued by an appropriate agency or official of the State in which the institution is located. It may be provided by a licensing board or educational agency.” The regulations make it clear that this state authorization is in addition to the standard accreditation requirements. Yet, if a school already has been through the rigorous process of accreditation, further regulation by the state seems

redundant, burdensome, and a waste of taxpayer funds. Although the Department of Education stated that it felt there would be no major expenditure necessary to meet the new guidelines, estimates show that the cost of implementation will be significant for states and higher educational institutions.

Furthermore, since it is unclear what standard the state authorization would be based upon, these new regulations open the door for the state to exert more oversight over the colleges. Since there is no distinction made between public and private schools, private institutions will now have to be authorized by the state, presenting a sure threat to the autonomy that private institutions have enjoyed. This is especially troublesome for faith-based colleges and universities. While the final regulations do include a religious exemption, it is very narrow and covers only those religious institutions that are “owned, controlled, operated, and maintained by a religious organization lawfully operating as a nonprofit religious corporation and award only religious degrees or religious certificates.” This, of course, would not exempt any Christian colleges and universities that are liberal arts institutions.

These concerns were raised during a comment period before the regulations were finalized, yet the Department of Education insisted on publishing the regulations November 1, 2010. However, due to the continued outcry from higher education institutions and organizations, the implementation of the regulations has been temporarily delayed. The AACSB Legislative Office has been communicating with the Department of Education and Congressional offices regarding these concerns. Several Representatives and Senators share our concerns. As the 112th Congress moves forward, our efforts will focus on working with these Congressional offices to rein in the federal regulations.

## EARLY EDUCATION

It is no secret that one of the top education agenda items for the Obama Administration is to expand early education for children in America from birth to age five. However, while the formative years before a child enters kindergarten are indeed critical for each child’s learning, expanding the role of the federal government in this area of education will inevitably prove to be more harmful than helpful.

A critical component of a successful early education program is the recognition of the vital role that parents play in the education of young children, beginning at birth. Federal involvement undermines this philosophy that parents have the primary responsibility, rights, and privilege of providing the best education for their young children. Without question, quality parenting is the best predictor of a child’s future success and development emotionally, socially, physically, and intellectually.

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Any early education that a child receives beyond the home can serve to enhance a child's experiences but should never supplant the parents' role in providing the education and direction for these young children.

In addition, federal involvement in early education will produce adverse effects on existing private day care and preschool centers. Private preschool centers enjoy a certain autonomy which allows them to operate according to a specific mission and ensures the freedom to hire teachers and administrators who share that same mission. This autonomy also gives the teachers the flexibility to employ the best educational methods and experiences for each individual student. Federal involvement will threaten the autonomy, mission, and effectiveness of these privately-run centers, including the faith-based preschools, by increasing the requirements and regulations placed on these schools.

Furthermore, states which offer a universal pre-K program have seen a dramatic decrease in the enrollment of private preschool centers. This has ultimately resulted in a loss of opportunities for parents and children. Currently, the majority of existing preschool centers are privately run, and an increase of federal involvement in early education will hinder the great success these schools are experiencing.

The AACS has many member schools which offer early

education opportunities in both urban and rural areas of the country, meeting the needs of low- and middle-income families. These schools provide excellent programs because of their commitment to supporting parents in their vital role as the primary caregivers of their children and their commitment to providing quality care and education.

While early education can indeed be beneficial, the research proving the necessity for early education programs is inconclusive at best. While pursuing means to improve the education of America's children, it is important to recognize that an expanded role of the federal government is not necessary. At a meeting on this topic hosted by the Department of Education and the Department of Health and Human Services in Washington, D.C., AACS Legislative Director Maureen Wiebe gave public comments stressing the importance of protecting parental rights and private preschools when considering early education policy. She stated, "We believe that the best early education policy is one that allows for the continuance of the autonomy of non-public schools and also recognizes the primary role and responsibility of parents in the early education of children."

The AACS position on early education, including opposition to expanding the federal role in early education, has been submitted to the Department of Education and top Congressional leaders. This issue continues to be a priority for the AACS Legislative Office in the 112th Congress.

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## ARIZONA SCHOOL CHOICE CASE BEFORE THE SUPREME COURT

On November 3, 2010, the United States Supreme Court heard oral argument in *Arizona Christian School Tuition Organization v. Winn*. The arguments focused on the case's standing and on accusations that the Arizona tax-credit program violates the Establishment Clause of the First Amendment.

Liberty Counsel, joined by AACS, submitted an amicus brief which focuses on the true purpose of the Establishment Clause. The brief seeks to clarify the Establishment Clause standards which should be used to determine the constitutionality of a case, pointing out that the standards employed in the 9th Circuit Court decision fail to meet these legal standards.

Dr. Jeff Walton, Executive Director for AACS, elaborated on the need to get involved in the case. "The American Association of Christian Schools supports tax credit programs as perhaps the only

the most effective and equitable way to improve the quality of K-12 education in America. Individuals and corporations may freely choose the School Tuition Organization (STO) to which they contribute. Parents may freely choose the STO and through it the school that a child will attend. The State of Arizona establishes no particular religion, but establishes an environment in which individual choice and educational quality can flourish. The AACS fully supports those core values and applauds the State of Arizona for this remarkable and critical effort to offer educational choice and to foster educational quality."

Arizona's tax-credit program serves nearly 29,000 students and was the first tax-credit program in the country, leading to the adoption of similar school choice programs in other states. While the AACS currently has nine schools in Arizona which will be directly affected by the Supreme

*The American Association of Christian Schools supports tax credit programs as perhaps the only vehicle allowing a tax incentive for parents who choose Christian schools without entangling the government in those schools.*

vehicle allowing a tax incentive for parents who choose Christian schools without entangling the government in those schools. A challenge to the Arizona program threatens all efforts to offer parents genuine choice in education... We believe that such freedom is

Court ruling, as Alliance Defense Fund Senior Counsel David Cortman points out, "A ruling against this constitutionally sound program could eliminate school choice not just for Arizonans, but for hundreds of thousands of students nationwide."





by Sarah K. Griffith

As challenging as the past two years have been for our nation, I consider it a true blessing to have served as part of the American Association of Christian Schools in the Legislative Office as the legislative assistant. Working along side Legislative Director Maureen Wiebe, I have been able not only to gain valuable experience and knowledge about issues that directly impact daily lives but also to play an integral part in the legislative process. Our mission is to give a national voice to Christian schools to protect their autonomy and their religious freedom. The AACS Legislative Office, located directly on Capitol Hill in Washington, D.C., serves as a liaison between AACS members and legislators on the Hill by communicating to both parties about the legislation and issues that can influence Christian schools in America. This is accomplished through attending weekly meetings, organizing Congressional briefings, and establishing working relationships with other like-minded organizations as well as with Congressional staffers.

During the past 21 months that I have worked with AACS, we have worked hard to secure the freedoms that allow Christian education to prosper and family values to be preserved. This has not come without many hurdles; but in many instances, were it not for the AACS office, small victories would not have been won. Last year, the AACS legislative office staff worked

closely with Congressional offices to see protective language added to a bill that could have weighed heavily on the autonomy of private schools. In addition, the AACS submitted public comments and official letters to the Department of Education and Congressional education committees on the issues of limiting the expansion of federal involvement in early education and keeping Christian education protected from federal control. We also have worked closely with staffers to see that protective language is maintained in the upcoming reauthorization of the Elementary and Secondary Education Act (formerly No Child Left Behind) to ensure that private schools be exempted, and that federal funds are prohibited from funding a national curriculum, test, and student database.

The AACS Legislative Office has also worked to promote pro-family and pro-life legislation in Congress. During the historic healthcare debate, the AACS office worked vigorously along with many pro-life organizations to inform constituents of the concerns with the law regarding protecting life. Also, in the spring of 2010, the AACS voiced disapproval over the efforts of the Obama Administration to zero-out the funding of a successful school choice program within the District of Columbia. Other issues that are continually being monitored by the AACS include new federal regulations issued by the Department of Education, new initiatives in school choice, the Employment Non-

Discrimination Act, and the Parental Rights Amendment. Though it's been a time of highly polarized politics, the AACS Legislative Office has continually worked hard to play a vital role on pertinent issues.

The AACS Legislative Office is also responsible for planning several conferences throughout the year as well as hosting the AACS State and Regional Legislative Directors when they travel to D.C. to lobby on issues important to the schools in their states and regions. Perhaps one of the most exciting opportunities the AACS Legislative Office offers is the Youth Legislative Training Conference (YLTC). This week-long conference is designed to give high school students the opportunity to travel to Washington, D.C., and experience the legislative process through a Biblical worldview. This is also a great time for Congressional members to see the benefits of Christian education. Several YLTC graduates either are or have been active in the political process by working on political campaigns, in Congressional offices, and for conservative organizations.

Though the Lord is calling me into a new direction, I am grateful to the AACS for its leadership and strong stand for biblical truths and religious freedom. In what was perhaps one of the most challenging times in our nation's history, I thank the Lord that He has given AACS the resources and ability to be a voice in Washington and to preserve Christian education for years to come.

*The AACS would like to publicly say thank you to Sarah Griffith for her excellent work in our Legislative Office. While we are sad to see Sarah go, we are excited for her and her upcoming wedding plans and offer our sincerest congratulations.*

## Capitol Comments

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