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# California Association of Private School Organizations

April 20, 2014

Senator Darrell Steinberg  
State Capitol Room 205  
Sacramento, CA 95814

**SB 837: Concerns**

Dear Senator Steinberg,

I write on behalf of the California Association of Private School Organizations to share the common concerns of our members with respect to SB 837. As you may know, CAPSO is a statewide association of private school service agencies and administrative units whose 1,400 member-organization schools enroll some 400,000 pupils in grades K-12, inclusive, representing roughly 80 percent of California's total K-12 private school population.

At the outset, please know that we recognize the value of early education and wish to be supportive of efforts to extend access to high quality programs to all parents wishing to choose such opportunities for their children. Indeed, high quality early education is currently being provided by a significant number of private entities, many of which are associated with schools served by our members. We would, therefore, hope to be able to support SB 837, but are unable to do so at this time in light of the following concerns.

## 1. A "Mixed Delivery Model" that isn't Mixed

SB 837 proposes a downward expansion of California's public education system. While you have repeatedly expressed your commitment to protecting private providers of early education, SB 837's provisions paint an entirely different picture.

Proposed Education Code Section 48005.55(a)(2) reads as follows:

"Transitional kindergarten services provided by a public local agency or a private local provider shall be under the exclusive management and control of the governing board of the school district, or governing body of the charter school, that administers the contract."

When a private entity is placed under the exclusive management and control of a governmental entity, it can no longer be said to be private. Ironically, this view is upheld by some of the very interests that object to SB 837's putative allowance for 'privatization'. For example, the American Federation of Teachers identifies "contracting with a private corporation to provide services, such as managing public schools" as an instance of privatization. We submit that if the private management of public schools constitutes 'privatization', it follows that the public management of private entities can only be regarded as 'de-privatization'.

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CAPSO is an affiliate of the Council for American Private Education

## 2. Excessive Regulation of “Private” Providers

A comparison of SB 837’s proposed statutes governing “private” providers of transitional kindergarten and those currently governing California’s K-12 private schools show the former to be considerably more restrictive than the latter. A private K-12 school need not, for example, restrict its hiring of teachers to those in possession of state-issued credentials, as will be required of “private” TK providers. (Proposed Education Code Section 48005.30(b))

While we concur that teacher quality makes for profound differences in educational outcomes, we reject the notion that the mere possession of a teaching credential and subsequent participation in professional development programming provide reliable assurance that any particular teacher will be highly effective. Moreover, many of California’s private early education providers either require, or conduct their own teacher professional development and training programs which occur prior to a teacher being placed in the classroom.

SB 837 would require all TK classes offered by “private” providers to be staffed at a minimum by a teacher and a paraprofessional. (Proposed Education Code Section 48005.30(g)). While certain interest groups may derive benefit from such a requirement, we don’t believe the proposed arrangement reflects a primary concern for children. From a point of view that considers the interests of children first, we see illogic in establishing a maximum ratio of one adult for every 10 children while making it impermissible for one adult to teach *fewer* than 10 children.

SB 837 will (effectively) require “private” providers of TK to consider all teachers and paraprofessionals full-time employees, regardless of actual hours of work performed. (Proposed Education Code Section 48005.30(f)(1))

Finally, SB 837 will require every “private” provider of TK to be regarded as a “public school employer” for purposes of establishing the collective bargaining rights of those entities’ employees.

## 3. Standardization in Place of Pluralism

If there is anything we have learned from the billions of dollars invested in education research over the course of decades it is this: *There is no one best way*. There is no one best way to teach, neither is there one best way to prepare teachers. There is no one best curriculum, and no one best set of instructional standards. There is no one best way to organize instruction and no one best way to evaluate its results.

Such an observation is not offered in favor of an “anything goes” approach. We are committed to the *existence* of various standards, prescriptions and practices. We do not, however, believe that these must be uniform, or that their nature and content should be unduly restricted by government. Differing philosophical, theoretical and religious views can and do produce early education programming that is *both diverse and of high quality*.

We understand the need to ensure continuity between TK programs and public K-12 education. By the same token, we call upon you to understand that private entities, including those associated with a particular theory of child development and/or philosophy of education (such as Montessori, Waldorf, and various religious providers) see a need to ensure continuity within their respective philosophical, curricular and instructional frameworks. A true mixed delivery model should support, rather than inhibit pluralism in education.

#### **4. No Place for Religious Providers**

The notion of a model (as proposed by SB 837) in which a prospective private religious provider of TK is invited to enter into a contract placing it under the “exclusive management” of a governmental entity strikes us as a sort of Faustian bargain in which the price of entry is nothing less than the forfeiture of identity. Any religious provider of TK, under terms of the contract model established by SB 837, will be constrained to offer programming that is devoid of religious symbols, teaching and practice. Religious providers offer some of the best current early education programming available. By making a “free” TK program available just down the street, or around the corner, SB 837 will impose a cruel choice upon such providers: purge your programming of its religious character, or perish.

#### **5. Limited Choice for Low-Income Families**

Absent substantial amendment, SB 837 will force a substantial number of early education providers to offer fee-based alternatives to TK. These providers will have arrived at the conclusion that they cannot maintain their distinctive programs, pursue their visions or fulfill their missions if made subject to the proposed law’s requirements. They will find themselves competing for scarce resources in a market environment in which a “free” alternative has been introduced. Some will not survive, further diminishing the range of options available to parents.

SB 837 will make TK available to all low-income families. That is commendable. Regrettably, it will also place substantial limits upon the degree of choice and the range of options available to such families. As is true of K-12 education, real choice is largely confined to the affluent, whether exercised through area of residence or access to private options.

### **Conclusions**

We believe that a true “mixed deliver model” must uphold each of the following four principles, enunciated by the Council for American Private Education:

- Formal early childhood education should be voluntary.
- Legislation promoting early childhood education should support the right of parents to choose from a range of programs, including explicitly religious programs, without financial penalty. Faith-based providers and those reflecting a particular pedagogy should be able to retain the distinctive and essential elements of their programs.
- Programs designed to assist children and teachers should provide benefits to comparably situated children and teachers, whether in independent or government-run settings.
- Early childhood education regulations should not seek program uniformity; they should promote pluralism that allows institutions to fulfill their unique missions and parents to choose from a variety of truly distinctive options.

We believe the objectionable elements of SB 837 outlined in this letter result from a delivery system that relies upon the contracting of private providers by governmental entities. Alternative models exist. We believe they should be given serious consideration, and we would be happy to discuss such possibilities with you and/or your staff.

Thank you for your consideration of our views. Please keep our Association in mind as a stakeholder. We would welcome any opportunity to participate in constructive discussions intended to broaden support for SB 837.

Sincerely,

Dr. Ron Reynolds  
Executive Director  
California Association of Private School Organizations

CC: CAPSO Board Members and Member-Organization Contacts, Susanna Cooper, Lynn Lorber, Jacqueline Wong-Hernandez