



THE SECRETARY OF EDUCATION
WASHINGTON, DC 20202

March 5, 2009

Mr. Joe McTighe
Executive Director
Council for American Private Education
13017 Wisteria Drive, #457
Germantown, MD 20874

Dear Mr. McTighe:

Thank you for your January 29, 2009, letter regarding the House and Senate versions of the American Recovery and Reinvestment Act of 2009 (ARRA), which President Obama signed into law on February 17, 2009. In your letter, you expressed concerns regarding the equitable participation of private school students and teachers in programs requiring their participation, and about the exclusion of private schools from funds for school modernization and renovation.

The enacted ARRA contains a number of provisions that will positively impact private school students and teachers. The law includes \$10 billion for formula grants to local educational agencies under Title I, Part A of the Elementary and Secondary Education Act (ESEA); \$11.7 billion in grants under Part B of the Individuals with Disabilities Education Act (IDEA); and \$650 million for the Enhancing Education through Technology program under Title II, Part D of the ESEA. These programs are governed by the equitable services provisions of the ESEA and IDEA and require the equitable participation of eligible private school students and, in some programs, their teachers.

In the weeks ahead, the Department will be providing further information about the ARRA and its impact on the education community.

Again, thank you for your letter and for your dedication to meeting the needs of America's private school students and teachers.

Sincerely,

A handwritten signature in black ink, appearing to read "Arne Duncan".

Arne Duncan

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January 29, 2009

The Honorable Arne Duncan
Secretary of Education
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202

Dear Secretary Duncan:

Knowing that you appreciate the work being done by private schools and that you understand the financial challenges faced by urban faith-based schools, I write to seek your assistance with two concerns we have about the economic recovery package that Congress is currently considering.

Both the House and Senate versions of the bill include a multi-billion dollar (\$14 billion in the House and \$16 billion in the Senate) provision for modernizing public schools (including charter schools) with technology upgrades and energy efficiency improvements. Unfortunately, religious and independent schools are excluded from this provision, even though a companion provision relating to higher education includes religious and independent colleges and universities.

The House and Senate versions also provide substantial monies to school districts under a \$79 billion State Fiscal Stabilization Fund (SFSF) to help offset state-level cuts to education and to provide funds for innovation and other purposes. Although school districts are expected to use SFSF funds for activities authorized by three specified acts, including the *Elementary and Secondary Education Act* (ESEA) and the *Individuals with Disabilities Education Act* (IDEA), which both include requirements for services to children in private schools, the SFSF itself contains no such requirements for equitable services, even though the count of students in private schools helps generate SFSF funds. Thus, a funding stream that would provide more money for ESEA and IDEA activities than would the regular annual appropriations for these programs has been stripped of hard-won and longstanding provisions that require districts to serve students who happen to attend private schools.

We seek equitable inclusion for religious and independent schools in the school modernization piece, and equitable services for students in those schools under the SFSF piece. The attached letters to **Congress** and the **Obama Transition Team** present the case for private school equity in the recovery package.

Thanks for whatever assistance you can provide to change the pending legislation.

Sincerely,



Joe McTighe
Executive Director

Attachments