

EDUCATION DAILY

The education community's independent daily news service

SCHOOL CHOICE

Groups file lawsuit against Nevada voucher law

By Frank Wolfe

Three civil liberties groups last week filed a lawsuit against Nevada to enjoin the state from enacting a school voucher law, Senate Bill 302, signed by Republican Gov. Brian Sandoval in June.

The law is to go into effect in January to allow Nevada parents the opportunity to use their child's education funding for private school tuition or tutoring services.

"If allowed to proceed, Nevada's Education Savings Account program will unconstitutionally divert millions of dollars in public education funds to private schools — the majority of which are religious," according to the complaint, *Duncan v. State of Nevada*, No. A-15-723703-C (Clark Co. (Nev.) Dist. Ct., *complaint filed*, 08/27/15), filed in Clark County (Nev.) District Court by the American Civil Liberties Union, the American Civil Liberties Union of Nevada, and Americans United for Separation of Church and State. "While parents have a right to send their children to religious schools, the Nevada Constitution prohibits them from doing so at taxpayers' expense. Nevada law provides robust protections against the use of public education funds for sectarian purposes."

The ESA program would allow parents of students enrolled in public school for at least 100 days to transfer their children to participating private schools, including religious schools. Through the Education Savings Accounts, which ACLU said would impose no restrictions on fund expenditures by participating schools, such parents could also receive public education funds to pay for tuition, textbooks, and other costs.

"Because the voucher program places no restrictions on how participating entities may expend the public funds that are paid to them, private religious schools are free to use these funds for religious purposes, including, for example, religious instruction, worship services, clergy salaries, the purchase of Bibles and other religious literature, and construction of chapels and other facilities used for worship and prayer," according to the lawsuit.

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E-RATE FUNDING

Survey: Applicants despair over loss of phone support

By Emily Ann Brown

In an annual E-Rate survey, Funds for Learning found that program changes as a result of E-Rate modernization introduced both opportunity and disappointment in the education community. Although funds are available now to help expand Wi-Fi connectivity in schools and libraries, applicants said they face challenges in paying for basic telephone service.

The survey findings may help inform the regulatory framework and rulemaking process for the federal E-Rate program going forward, experts said.

Two-thirds of respondents wrote responses to a question related to voice services, which Funds for Learning then classified as either "negative," "positive," or "indifferent."

Funds for Learning CEO John Harrington said 86 percent of those responses were overwhelmingly negative, using terms such as "devastating" and "suffer" to describe the effects of losing support for various voice services under E-Rate.

"In all of our years of doing survey responses, and analyzing data, and reading comments, I've never seen anything quite so clear and consistent and so strong as the responses to this question about losing support for voice services," he said

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in a recent webinar to discuss the online survey results.

“There are a lot of very emotionally charged words that I typically don’t see associated with [the survey], begging for support [for voice services],” he added. “This is an area that ... applicants are struggling with, coming to terms with how they are going to budget for their telephone service.”

If the scenario sounds familiar, he said, it’s because the tables have turned. Just a few years ago, when there were no E-Rate dollars available to pay for internal connections, related infrastructure and electronics, applicants issued a similar plea for help. “In 2013 and 2014 ... schools and libraries were clamoring for internal connection support,” he said.

Device ‘density’

Forty-eight percent of schools and libraries participating in the survey reported having some form of one-to-one or bring your own device initiative underway, but device “density” — the number of devices per student — varied widely.

Nine percent of respondents said their schools have less than one device per student; 13 percent said at least one device per 50 to 100 students; and 53 percent have one device per 2 to 49 students, according to the results. However, 25 percent of respondents said at least one device per student is available.

“I wish we had asked this question two years ago or three years ago, because my sense is that that is shifting quite a bit,” and as students bring in personal devices, along with school-provided technology, LEAs and library systems may face difficulty in keeping up with bandwidth demands, said Harrington.

“I know anecdotally,” he continued “talking to school districts that we work with, that they are grappling with the reality of devices. As they begin to open up the doors and as they are deploying Wi-Fi for their students ... they’re realizing that in many cases, there are two or three devices that they’re trying to attach to the networks.”

According to the survey, most school and library broadband networks in place currently are at least 3- to 5-years-old, and nearly one-third said they’ve had Wi-Fi for more than five years. Three percent reported having no Wi-Fi whatsoever, the results showed.

“Anecdotally, that is not unusual,” Harrington said. “But in many cases, everyone is poised and ready to either ... add layers on top of Wi-Fi networks, or to simply pull those networks entirely and bring in newer, faster wireless access points that can support the types of device densities that we’re looking at and the bandwidth requirements for those devices.”

‘Go all in’

Applicants were asked how swiftly they would use their Category Two E-Rate allocations, which are dedicated to internal connections. E-Rate program rules allow applicants to spend their Category Two funds over a five-year period, Harrington said. But once the funds are spent, “you have to sit on the sidelines while that five-year period expires,” he said.

Survey findings revealed that 13 percent of respondents are going to “go all in” in FY 2015 and use their entire budget for school sites or library facilities during the first funding year, he said.

Yet the findings also revealed that spending will likely peak in FY 2016 and FY 2017, drop in FY 2018 and FY 2019, and then level out in the years that follow.

“How I interpret this is that in 2016 and 2017, applicants who say that their networks are three-plus years old, in [the] large part, are going to be really looking towards their Category Two budgets to build out those Wi-Fi networks,” Harrington told webinar attendees.

Among other survey findings, 20 percent of the Category Two applicants were first-timers; 21 percent of respondents felt “positive” about the direction of the E-Rate program; 26 percent believed the application process needed to be simplified; and 71 percent of respondents indicated having five years or more of E-Rate experience.



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Early childhood development is factor in later bullying behavior

By Jean Gossman

Early childhood offers adults the opportunity for “modeling, teaching, and reinforcing pro-social behaviors, empathy, and kindness,” notes a new report on bullying from Child Trends.

These years form “a critical period in which to help children develop positive, adaptive, and healthy socio-emotional capabilities, such as empathy, kindness, concern for others, perspective-taking, and compassion — traits at odds with the intentional harm to others inherent in bullying behavior.”

Bullies in the Block Area: The Early Childhood Origins of “Mean” Behavior examines potential early childhood roots of bullying behavior, reviews research, and presents developmental strategies promoting social-emotional learning and encouraging strong supportive adult relationships. The report comes at a time of heightened concerns about bullying’s impact on K-12 school climate, safety, and student achievement, as well as increasing interest in research in pediatric brain development.

In light of studies showing trauma’s adverse impact on the developing brain, as well as those indicating that young children are more likely than their older peers to experience trauma or abuse, the report noted, “It seems imperative that a theoretical model of the early childhood antecedents to later bullying acknowledge and incorporate maltreatment as a key construct.”

“We may be missing an important opportunity to identify and address the antecedents of bullying before these behaviors become organized and intentional,” wrote authors Kerry DeVooght, Sarah Daily, Kristen Darling-Churchill, Deborah Temkin, Megan Novak, and Karen VanderVen. “At least some bullying behavior likely has roots in adverse childhood experiences.”

Strong attachments critical

Secure and strong attachment between a child and their caregiver is “the primary protection” that prevents the child from developing aggressive or violent behavior, the report said. Such an attachment facilitates childhood development of “emotion/impulse regulation skills, prosocial behaviors and empathy, and a positive sense of self,” and helps children “manage stress and adversity, and to create and maintain emotionally reciprocal relationships.” If this critical relationship is disrupted, “children may have difficulty moderating their feelings and developing positive relationships with others.”

Children without strong parental attachment “may expect others to be unpredictable or unresponsive to their needs,” which then influences their reactions and behavior. Moreover, parental disciplinary methods, especially corporal pun-

Key points:

- Roots of bullying behavior could be identified in early childhood.
- Strong child-caregiver attachments are key to preventing development of aggressive behavior.
- Teaching young children pro-social behavior management may prevent later aggression.

ishment, “may be a key correlate to children’s aggressive and/or bullying behaviors,” the report said. Physical abuse can prompt children to consider ordinary situations as hostile episodes, which then can spur aggressive behavior.

Research reviewed for the report indicated that effective early childhood interventions used curricular models with specific components addressing aggressive behavior to support educators, children, and their parents or caregivers given that “an important relationship exists between attachment and bullying involvement.”

Research and intervention

“Based on the robust support of the research for an association between the relational dynamics of children and their caretakers and subsequent or later aggressive or bullying behavior, interventions with the early childhood population should include a keen focus on improving, strengthening, or maintaining these essential relationships.” The authors added that children’s parent modeling “may be critically important.”

In addition to influences from parenting, other factors in early childhood related to later bullying behavior include early childhood abuse, as well as quantity and type of television exposure, the report said. However, “Evidence is limited and/or mixed” for applying a connection to bullying with “caregiver-child attachment, the influence of early care and education settings, the effects of early exposure to bias and prejudice, and other environmental factors such as peers or socioeconomic status.”

Although “a broader, more societal shift will likely be needed” to address bullying risk factors inherent in children’s personal situations, programs teaching pro-social behavior at an early age can offer “protective factors and contexts for young children,” the report said. For example, the report reviewed the Second Step classroom program that uses developmentally appropriate methods to help children learn to identify their emotions, manage anger, and respond appropriately, as well as understand their peers’ feelings.

The report is available at www.childtrends.org/wp-content/uploads/2015/08/2015-31BulliesBlockArea.pdf.

Resource

CoSN highlights student digital privacy resource for educators

The Consortium for School Networking, in conjunction with the National School Public Relations Association, announced Tuesday the availability of an infographic on student data privacy for schools and educators.

The announcement comes as students across the nation are returning to school and is intended to provide a customizable resource for school administrators to discuss “specific practices and how they are safely personalizing the digital learning experience in a clear and easy to read format,” according to a press release.

According to the press release, among the questions answered by the resource are: “What data are collected and why? How do education data support student success and school improvement? How are education data protected?”

Among the groups’ suggestions for school data privacy efforts are:

- Designate a staff person or school leader as the point and spokesperson on all privacy matters.
- Provide an overview of district privacy policies to all school leaders and staff.
- Distribute copies to all staff, parents, local school board members and PTAs/PTOs and explain the purpose and distribution plan.
- Keep handy for on-demand needs, particularly during standardized testing periods.

“School systems are expected to comply with federal and state laws. However, meeting this expectation alone does not mean a school system can be trusted,” said CoSN CEO Keith Krueger in a statement. “The infographic will help leaders demonstrate their commit-

ment to student privacy and build a transparent environment that exhibits the importance of data collection and use.”

For more information, see www.cosn.org/focus-areas/leadership-vision/protecting-privacy.

Legal Brief

Lawsuit claims Philly schools fail to translate special ed documents for LEP parents

A federal class action lawsuit alleges that the School District of Philadelphia prevents parents who are limited English proficient from meaningfully participating in the special education process by failing to interpret or provide translated documents in a timely manner, according to an Education Law Center press release.

The ELC, Public Interest Law Center, and law firm Drinker Biddle & Reath LLP filed the lawsuit Aug. 21 on behalf of thousands of children with disabilities and their non-English-speaking parents.

According to the complaint, as of the 2013-14 school year, there were 25,990 families in the district who did not speak English as their primary language, 19,000 of which requested documents in their native language. In addition, 1,500 ELL students were receiving special ed services and 1,887 ELLs had IEPs.

The complaint is asking the U.S. District Court, Eastern District of Pennsylvania to order the district to provide complete and timely translations of special ed documents, to notify parents that they are entitled to such documents in their native language, to provide sufficient oral interpretation services for key encounters pertaining to special ed services, and to provide bilingual evaluations for all students who need them.

SCHOOL CHOICE

LAWSUIT (continued from page 1)

Income guidelines

Unlike other state voucher programs, which limit the use of funds to low-income families, Nevada’s ESA program is fairly expansive.

Parents of children with disabilities and parents whose income is less than 185 percent of the federal poverty level could receive 100 percent of the statewide average basic per-pupil support rate of \$5,669, while all other parents could receive 90 percent of the rate.

Heather Weaver, an ACLU senior staff attorney, said that ESA “will use taxpayer dollars for religious education and indoctrination at a number of religious schools, many of which discriminate in admissions and employment.”

“The program would be a huge loss for religious liberty if implemented,” she said.

School choice advocates hailed the Nevada law and predicted that the courts would uphold it, as Arizona courts did in a challenge to that

state’s voucher law in 2013.

The Wisconsin legislature passed the first school voucher law in 1989 for low-income students in Milwaukee — a law expanded about a decade later to include religious schools. In one seminal case, the U.S. Supreme Court in 2002 ruled 5-4 in *Zelman v. Simmons-Harris*, 102 LRP 12868, 536 U.S. 639 (2002), that Ohio was within its constitutional bounds to provide a school choice program for children in Cleveland. Most states have so-called Blaine Amendments, which prohibit direct government aid to educational institutions with religious affiliations.

Kara Kerwin, the president of the Center for Education Reform, said that most states “earn a D” in CER’s Parent Power Index.

“Nevada lawmakers understood they were putting the interests of parents and students first by enacting this ESA program, and we stand with them and Nevada leaders and parents in this lawsuit brought on by a group clearly only interested in protecting the status quo,” she said.