



HUFSTEDLER NAMED EDUCATION SECRETARY

Shirley M. Hufstedler is President Carter's nominee for Secretary of the new Department of Education. The nomination, made October 30, 1979, must be confirmed by the Senate after hearings by the Labor and Human Resources Committee. These deliberations have been set for November 27. Hufstedler, 54, has served on the 9th U.S. Circuit Court of Appeals since 1969, having been a member of the California Supreme Court of Appeals and the Los Angeles County Superior Court. A graduate of The University of New Mexico at age 20, and an editor of the *Stanford Law Review*, Judge Hufstedler has frequently been mentioned as a candidate for the United States Supreme Court. Her formal connection with education has been as a trustee of the California Institute of Technology, vice chairman of the board of trustees of Occidental College, and chairman of the board of trustees of the University of Southern California Law Center. Informally, she has come to know the California public school system as a parent.

Having sought to place the Department in the hands of a "strong, creative thinker who could take a new, fresh look at the way we educate our children," President Carter announced "we have found that person" in Judge Hufstedler. A Los Angeles judge said "Shirley can do anything. She is very intelligent and extremely hard-working. *The Washington Post* hailed her appointment as "good news." The reaction of some of the national education organizations was more cautious because of Judge Hufstedler's modest background in education. However, a California educator commented that the Judge had worked on several statewide task forces in education and was "extremely bright and capable." When asked to evaluate her own

qualifications for the job, Judge Hufstedler replied that her "lifelong interest in education" and judicial experience with "many different aspects of education" would help her deal with the "immense" problems in that field.

When her appointment was announced, Judge Hufstedler said "I expect to spend a great deal of time as Secretary of Education listening to parents, teachers, students and other people who care about education in this nation. The first concern of this country in education must be helping all students to learn." Thereafter, she added "there has been a lack of real commitment by state governments, local governments, and in some respect, the Federal government to making quality education available to children." In part this has been because "all kinds of groups have been fighting over children, and not necessarily for them, in terms of educational opportunity for all our children."

Department Organization

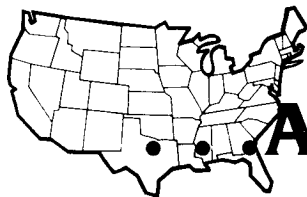
The new Department of Education was signed into being on October 17, 1979. With an annual budget of \$14 billion and an employee roster of 17,000, it can begin to function 180 days after the naming of the Secretary. A Department of Education Transition staff, under the direction of Harrison Wellford, is organizing the new Cabinet-level agency. Mr. Wellford is the Executive Associate Director for Reorganization and Management of the Office of Management and Budget.

There is lively interest in the private education community about the placement of private school matters within the new Department. As reported in the October issue of *Outlook*, President Carter has given his personal commitment to continuing the private school office at the "highest level headed by an Assistant Secretary." Rep. Frank J. Guarini (D-N.J.) has introduced a bill to create such an office. A measure almost identical to Guarini's will shortly be introduced by Rep. Peter Peyser (D-N.Y.). It will contain an added provision requiring the new Assistant Secretary for Private Education periodically to study the state of private education and make recommendations for effective Federal assistance to private education.

HARASSMENT DATA SOUGHT

The National Advisory Council on Women's Educational Programs, a presidentially appointed body, is conducting a project to examine ways in which the Federal government can and should assist in protecting students from being sexually harassed by faculty, staff or other employees of secondary and postsecondary school institutions. The group was established by Congress to advise and report on attaining sex equity in education.

The Council is sending out a call for information to students who have had direct or indirect experience with such harassment. It indicates that responses may be anonymous, but should "describe the type of harassment involved, the institutional or other action on the matter if the incident was reported, and the eventual outcome." The Council asks that responses be sent before January, 1980, after which it may hold hearings, depending on the information it receives. If indicated, the Council may make recommendations for appropriate Federal action.



And Beyond

HISTORY AS A SUBJECT MADE SUBJECT OF STUDY

What do we mean by "history" as a subject of school curriculum?

In what respects is history as a subject different from other of the social studies?

These and other questions will be addressed by the Council for Basic Education in its year-long study of the place of history in the schools. The Council will conduct the project with the support of grants from the National Endowment for the Humanities and the Rockefeller Foundation. Thomas C. Mendenhall, historian and past President of Smith College, will chair a commission whose 10 members are experienced in the ways of universities, the College Board Advance Placement Program, a local school board, and public and private secondary schools.

James Howard of the CBE staff will direct the study. He plans to consult with people in educational organizations and to visit many schools, looking at textbooks, methods of teaching history, and exemplary programs. Howard hopes to be able to

produce some recommendations which will result in making the place of history as a subject secure, and resolving what the Council calls history's "protracted identity crisis in American education."

SMALLNESS A VIRTUE; LUTHERANS CONCUR

"Bigger schools are not necessarily better schools" was the consensus reached at an October meeting of the Rural/Regional Education Association (RREA). As reported in the October 15, 1979 issue of *Education USA*, Professor Robert E. Stephens explained that the school consolidation movement of the 1950's and 1960's has ground to a halt because "many of the claimed benefits of consolidation haven't proved correct." He added that better quality education and more efficient management do not always derive from combining small school districts into one big one.

Harking back to the spirit of the one-room schoolhouse, Wisconsin Governor Lee Dreyfus urged conference attendants to "think about what we lost in changing the structure" of schools. "Somehow we need to recapture the spirit of those small schools ... and reinject it into education everywhere."

The Lutheran Church-Missouri Synod agrees that small schools are quality schools. "Five Rooms or Less," (Information Bulletin 31079), presents the rationale for keeping schools small: "... these schools encourage a greater amount of parent-teacher-child interaction. Parents, children, and teachers can become better acquainted and communicate more easily. The pastor of the congregation as well as the principal gets to know each child and family in the school and develops a personal concern for the spiritual welfare of each. As a result of this more frequent and personal communication, a feeling of 'family' and 'belonging' develops. Also, parents can have a greater input in school decisions."

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FOOD FOR THOUGHT MAY DO JUST THE OPPOSITE

"The proof of the pudding is in the *not* eating," parents were cautioned at the Washington area Parents Council meeting on November 5, 1979. Parents of children exhibiting learning or behavior problems were urged to isolate previously unsuspected causes of these difficulties by eliminating all of the commonly allergic foods from the diet for at least a month, evaluating the result, and re-introducing the foods one at a time. Dr. Robert T. Scanlon, Professor of Pediatrics at Georgetown University Medical School and Co-Director of the Georgetown Allergy Clinic, described the effects of food allergies on children. These sensitivities can "set up the infection process" in a child, he said, causing recurrent sore throats, bronchitis, and ear infection. Possible hearing difficulties result in inattentiveness while at school and repeated absences from school, causing children to fall behind in their work and feel overwhelmed and bewildered. The "allergy-tension-fatigue syndrome", the most common symptom related to food, leaves children chronically tired and not very interested in their studies.



Sugar The Culprit

A variety of medical problems has been found to be food-related, according to Dr. Barbara A. Solomon, a Baltimore internist specializing in allergy and nutrition. In addition to the allergic-tension-fatigue syndrome, these problems include sore throats, bladder and ear infections, migraine headaches, digestive disorders, acne, bed wetting, dyslexia, asthma and continuous extra heart beats. The ingestion of white sugar, in particular, has been seen to cause a decrease in the activity of the body's defense cells.

The social and emotional setting in which food is eaten is often as important as the content of the food itself. Eating takes place in an inter-personal context. To ignore this factor of context "is to spoil the extraordinary and wonderful experience of eating," warned Dr. James S. Gordon, a research psychiatrist at the National Institutes of Mental Health. Gordon urged that children should learn

how to prepare and grow food, be familiar with the politics and economics of food distribution, and understand the relationship of food to the condition of their bodies.

RELIGIOUS TENETS HELD INVOLABLE IN GYM SUIT

A federal judge has ruled that two Illinois students who objected to seeing members of the opposite sex in "immodest attire" during gym class cannot be forced to participate in the classes. Judge J.W. Ackerman said in the ruling that school officials could not "suspend, expel, deny graduate credit to or take other disciplinary action" against the plaintiffs.

The First Amendment to the U.S. Constitution cannot tolerate requiring anyone to "participate in violation of religious teaching or belief or be subject to sanctions," he said. The plaintiffs are members of the United Pentecostal Church. The case is *Moody v. Cronin*.

BETTER INFORMATION FLOW BETWEEN ERIC AND CAPE; ERIC IMPROVES VOCABULARY

Data on private schools will become more easily available to both public and private institutions as a result of a closer working relationship established between CAPE and the Clearinghouse on Educational Management. This Clearinghouse processes and disseminates information on private schools. It is one of 16 network components of ERIC, the Educational Resources Information Center of the National Institute of Education. Professor Philip Piele, Director of the Clearinghouse, will keep CAPE Directors informed about the mission and function of the Clearinghouse and the best means of their participation in its activities. Directors will furthermore be apprised of the operations of all 16 of ERIC's Clearinghouses and will be encouraged to reciprocate by sending journals and other publications to ERIC. As the new Executive Director of CAPE, Robert L. Smith will serve on ERIC's National Advisory Council.

ERIC will seek private school recommendations with regard to thesaurus development and vocabulary review as part of its special effort to revise the terms used to index its documents. The revision is being undertaken to clarify the nomenclature used in its reference journals.

EDUCATION MALPRACTICE SUIT HELD IMPROPER

If Johnny can't read, his tuition need not be refunded, at least if he lives in Suffolk County, New York. In *Pietro v. St. Joseph's School* a lower court extended to county private schools a prior New York Court of Appeals ruling that a malpractice suit for alleged failure to educate a child cannot be brought against a school. The Pietros claimed that in the eight years in which their son attended St. Joseph's School he had been improperly evaluated and taught. The Superior Court held that in the absence of a contract with the school that an agreed-upon level of proficiency would be reached, the parents could not bring suit.

WASHINGTON ARCHDIOCESE CONTESTS TREATMENT OF HANDICAPPED CHILDREN

"Unidentified, not evaluated, and unserved" by state and local education agencies: these are the handicapped Maryland youngsters who are placed in private schools by their parents, according to G. Patrick Canan, Deputy Superintendent of Schools of the Archdiocese of Washington, and Maryland-CAPE Secretary. The treatment of disabled students in private schools has been a source of continuing concern to the private school sector in Maryland and elsewhere since the 1975 passage of PL 94-142, amending the Education of the Handicapped Act. The concerns have been shared with both state and local officials over a period of years, culminating in Canan's testimony before the Maryland State Board of Education last June.

In that testimony Canan claimed that Federal allocations were not being used in any direct way to identify, locate, and evaluate children with potential or actual handicapping conditions who have been placed in Maryland private schools by their parents; that Federal allocations were not being used in any direct way to meet the identified needs of private school handicapped children by providing them with special education and related services comparable to those received by children enrolled in public schools; and that public officials were not consulting private school people "as to the needs of children in their schools and how maximum use of an equitable share of Part B (of the Handicapped Act) funds could be used to provide needed services."

Moving the complaint from the State to the Federal level, Canan went to the Bureau of the

Education of the Handicapped in July. He argued that the Maryland State Plan did not make clear to local education agencies their responsibility to include the private sector in their activities and thereby to insure service to all handicapped children in the State. He charged that the Plan's mechanism for identifying children in private schools was not working, since the administrators of those schools were not being contacted under Maryland's "Child Find" program. The mere fact that the State Plan presents adequate policies and procedures for implementing the federal requirements for participation of private school students is irrelevant, said Canan, because Congress did not intend only "paper compliance on the part of the states." In actual practice, Maryland was not delivering adequate services to her handicapped children in private schools.

The Bureau presented Canan's allegations to the State of Maryland. When it received the State's answer, the Bureau forwarded it to Canan for his reaction. At Canan's request, the private sector is now in the process of compiling the requested commentary.

NEW HEADQUARTERS FOR CHRISTIAN SCHOOLS INTERNATIONAL

Christian Schools International dedicated a new headquarters building in suburban Grand Rapids, Michigan, on November 10, 1979. The one story, highly flexible structure will serve as the association's new home for its administrative offices and thriving textbook activity. CSI will now have ample space in which to undertake the enlarged scope of its world-wide work.

Upon his return from the dedication ceremonies, CAPE Executive Director Robert L. Smith commented that "the presence at the ceremonies of Neil Knol, a teacher from Perth, Australia, as well as numerous representatives from Canada, attested to the world-wide attachments of this organization of 335 member schools, 6000 teachers and nearly 64,000 students." Dr. Michael Ruiter, Executive Director of CSI and a CAPE Director, presided at the inaugural.

Although each CSI member school operates independently, the headquarters office supplies curriculum guides, texts and films. Associate schools are further aided in their work by a central Administrative Staff concerned not only with the vigor of the organization itself but also with all aspects of school life.