

Washington...



Indochinese Refugees Aided By Public, Private

"To leave was to lose": thus the plight of the world's refugees was set before the November conference of the International Year of the Child in Washington, D.C. Since 1975, 270,000 of these homeless people have come to the United States from Southeast Asia, and are continuing to arrive at a rate of 15,000 a month. 40% of the refugees are children.

Both non-government and government agencies provide services to refugees. The efforts of 130 private organizations are coordinated by the National Coalition for Refugee Resettlement. Religious organizations are among the most active of these. The U.S. Catholic Conference and the Lutheran Immigration and Refugee Service share responsibility for placing unaccompanied minor children in the U.S. Family sponsorship is often handled by individual churches under the direction of parent organizations and by synagogues under the auspices of the Union of American Hebrew Congregations.

Government programs, coordinated by the State Department, involve Action, the Labor Department and the Department of Health, Education and Welfare. Action enlists the services of volunteers whose experience or age makes them sensitive to the needs of refugees. Labor offers the refugee full participation in its programs, of which the Job Corps and CETA have proved particularly helpful. HEW is responsible for medical care, cash support, social services, education, employment and housing.

The HEW IYC Secretariat suggests some activities to ease the assimilation of refugee students into American schools. They include a mini-course exploring "roots," a curriculum examining refugee customs, foods and interests and a volunteer relief support system for teachers with many refugee children in their classes.

\$12 million will be available from the federal government for the balance of the school year to cover the cost of educating Indochinese refugee students attending American public and private schools. In the middle of January, local education agencies will be asked by their states for an exact count of the number of such students in each school. All schools, public and private, should inform their LEAs of the number of Indochinese refugee students in their schools, and make known their wishes to receive the services and benefits thereby available to them under federal law.

Education Head: Hufstedler

Judge Shirley M. Hufstedler has been confirmed by the Senate as the new Secretary of Education. The vote, taken November 30, was 81-2.

At the confirmation hearings before the Senate Labor and Human Resources Committee, the following exchanges took place on the topic of private education:

Sen. Pell (D, R.I.): "I now come to another question of organizational structure which is a reflection of viewpoint and philosophy too, and that is the question of non-public schools where I think you have a very real responsibility to help them along as well because one, they're less of a burden on the taxpayer and two, they provide an alternative route or course of learning and I was wondering what your thoughts were to appointing an Assistant Secretary for Non-Public Schools."

Judge Hufstedler: "Senator Pell, I am aware that the President of the United States has made a commitment in the direction of appointing a Secretary for Non-Public Education. I shall honor that commitment."

Sen. Metzenbaum (D, Oh.): "Do you feel that we should be providing some kind of financial assistance to parents who send their children to private schools and if so, what form should this assistance take?"

Judge Hufstedler: "I have no reason to disagree with the position taken by the Administration in voting negatively on the tax credit methodology, but other methodologies can and should be explored."

Family Is Last Bastion Of Freedom, Says Smith

"Family life is the essential start and the essential end of every school day," said CAPE Executive Director Robert L. Smith in his testimony to the White House Conference on Families on November 30. "The average school day for the young and not so young child is a vast kaleidoscope of happenings, a varied series of engagements with the new, the difficult, the habitual, the easy, the funny and the frightening. These encounters always involve both head and feelings. School is a very emotional place. . . . Values are in the air all over the place, different ones, some that are confusingly inseparable like envy and esteem or cooperation and competitiveness. From this highly charged, unpredictable school day, the growing child needs to find at home the special gifts to growing up which families provide: affection, familiarity, structure, freedom, certainty, rest, food—the vital necessities."

Smith testified, "There are special factors about growing up today which call for more help for both children and families. One form of such help is the close and intelligent partnership of school and home. By school I'm referring to private schools because I know them best and because they are, by intent, concerned fundamentally with the development of character and values as well as cognitive skills."

"If the chief role of the family in much earlier times was to train their young in how to survive," he said, "it is now clearly to teach them how best to live. In my view, this is the chief role of the school as well. For private schools, helping to develop values and character have always been primary. Clearly this is the major joint enterprise of school and home in our times."

Libraries Join Space Age; Request Assistant Sec'y

If you want to find out where to get food stamps, how to get your Social Security check, or how to help your handicapped child, your local library might well be the place to go for an answer—but you might not find it in a book. Librarians need to be perceived as capable of providing essential services, they were advised at the White House Conference on Library and Information Services in Washington, D.C. November 15-19. "We have to provide gut-level service that reaches people where they are and grabs their needs." Libraries already offer literacy classes, public welfare referral services, meeting rooms for community groups and

the use of special technical aids for blind and deaf patrons.

From now on, libraries have to pay less attention to books and more to computer terminals, television screens and other electronic devices, Conference Chairman Charles Benton warned. "We've come a long distance from the familiar stacks. There's a vast technological change that the library community must cope with. . . ." New York State Senator Major R. Owens suggested that libraries might acquire the necessary computer-data storage technology and other sophisticated information retrieval systems by using fees derived from commercial users' payment for federal documents.

Librarians called for the creation of an Assistant Secretary in the new Department of Education to oversee library and information services now being handled by HEW's Office of Libraries and Learning Resources. They sent the Office of Management and Budget a request to fund libraries in fiscal 1981 at a level of \$268.5 million instead of the \$197.5 million asked for by the Office of Education. In so doing, they said they were taking President Carter at his word when he told them they "have a friend in the White House." Carter also said the new department will have a "greatly expanded and more effective role in emphasizing the importance of books, of learning . . . and libraries." His Domestic Policy Adviser Stuart Eizenstat told the delegates the "new department will give much greater priority to libraries and library science" than was given when the library office was "buried within a department that had many other concerns."

Members of the Senate Committee on Labor and Human Resources evidenced great interest in library needs during the confirmation hearings of Judge Shirley Hufstедler. Sen. Claiborne Pell (D, R.I.) stated that he supported the creation of an Assistant Secretary for Libraries.

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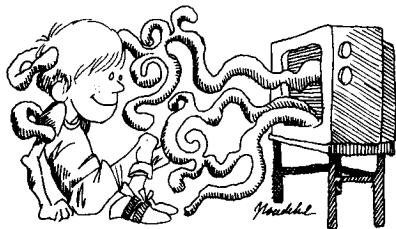
COUNCIL FOR AMERICAN PRIVATE EDUCATION
1625 Eye Street, N.W., Washington, O.C. 20006 (202) 659-0016
Robert L. Smith, Executive Director; Carla Gelband, Editor

'Kid-Vid' Disappointing

Long before today's grade-schoolers began their school careers, the Federal Communications Commission tried to assure that they would be able to watch good TV programs when their homework was done. The attempt has failed. According to an FCC Children's Television Task Force report released October 30, television broadcasters have not met their obligation to improve programming for children—and, under the current system based on advertiser support of television, they probably will not do so if left to their own devices.

In its 1974 Policy Statement, the FCC established guidelines for commercial broadcasters to use to meet the special needs and interests of children in TV programming and scheduling. The Commission allowed the broadcasters to comply voluntarily with the guidelines but put them on notice that their compliance would be evaluated at a later time.

The Task Force believes that the time has come to require rather than request compliance in the face of what it sees as a "market failure in children's television programming." There is not enough programming for children. The few programs that do exist are scheduled at hours when more economically desirable viewers are not interested in watching television. Children's shows are often pre-empted by adult programs. Broadcasters have indicated an "unwillingness to devote more than minimal resources to children's programming," and air very little educational or age-specific programming for children.



A short-term solution to the problem is available in mandatory programming rules, even though the Task Force staff cautions that this solution is imperfect and temporary. The staff recommends a rule requiring 5 hours per week of educational or instructional programming for preschoolers and 2½ hours per week of such programming for school age children. It would require that this programming be scheduled between the hours of 8:00 a.m. and 8:00 p.m. on weekdays. It cautions, however, that while the regulation will result in increased amounts of educational programming, it will not insure high quality programming.

Improving the quality of programming may lie indirectly with Congress, which could restructure

the funding of public broadcasting to give higher priority to children's programming, create a National Endowment for Children's Television, and amend the Emergency School Aid Act to allow programs produced under it to be shown with commercial advertising, thus making them more attractive to profit-minded broadcasters.

Labor Says Church Schools Subject To Unemployment Tax

Secretary of Labor Ray Marshall has ruled that the unemployment compensation laws of the States of Alabama and Nevada are "not in conformity with the requirements of FUTA" (the Federal Unemployment Tax Act) because they do not provide coverage for employees of non-profit church-related elementary and secondary schools.

At issue was whether the 1976 amendment repealing the exemption for non-profit elementary and secondary schools in Section 3309(b)(3) of FUTA, but leaving in effect the exemption contained in 3309 (b)(1), requires the coverage of church-related schools. Subsection (b)(1) exempts service performed "in the employ of (A) a church or convention or association of churches, or (B) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled or principally supported by a church or convention or association of churches."

Secretary Marshall said that "FUTA, as amended by the 1976 amendments, requires State unemployment compensation laws to provide coverage for employees of non-profit church-related elementary and secondary schools. The legislative history of the pertinent statutes shows that Congress intended to cover such schools under FUTA. Settled principles of statutory construction support such coverage, particularly the rules that remedial social legislation should be liberally and broadly construed as to coverage so as to accomplish its purpose and that exemptions from such statutes should be narrowly construed. . . . Covering such schools under FUTA does not create excessive governmental entanglement with religion and is within the limits of government regulation provided by the Constitution."

Marshall's ruling is contrary to court and administrative decisions in at least 18 states. It also overrules an opinion of a Labor Department administrative law judge holding that Congress had not intended to provide unemployment compensation benefits to employees of primary and secondary religious schools and to fund the program by an excise tax imposed on the religious schools.



And Beyond

Independent, Religious, Public: Useful Allies

New Hampshire public high school seniors can spend six weeks of their summer experiencing the “rigors and joys of boarding school living” at St. Paul’s School Advanced Studies Program, according to the Winter issue of Boarding Schools Report. Described as a “cross between a think tank and a playground,” the program enrolls about 200 students in the study of one major subject and a required course in composition and literary analysis. In six weeks the students complete the equivalent of a two-semester college course. In addition, they participate in weekly seminars on the college admissions process given by St. Paul’s college guidance counselor, thus becoming initiated into the mysteries of financial aid, applications, essays, interviews and tests. Although tuition per pupil runs close to \$1000, “there isn’t a kid in New Hampshire who can’t afford to come to this program,” says St. Paul’s. About 60-65% of the students receive financial aid from monies raised by the school, New Hampshire businesses, alumni and friends. St. Paul’s claims many benefits from the program. Several of its winter courses, as well as its coeducational way of life, grew out of the summer school. Its sense of isolation within the state has also been alleviated by the program.

Lutheran school principals report in the December Align that they also have experienced success in many joint ventures with public schools, including the sharing of buildings, busses, calendars, films, supplies, faculty resource personnel and even students’ talents in school bands.

State Cannot Set Private Standards, Kentucky Rules

The State of Kentucky cannot require private schools to meet the accreditation standards in curricula, teacher training and texts that it sets for its public schools. In a unanimous decision handed down by the Kentucky Supreme Court on October 9, in the case of *Kentucky State Board for Elementary and Secondary Education v. Rudasill et al*, Judge Robert O. Lukowsky said that the Kentucky constitution did not permit the state to prescribe standards for teachers and textbooks in private and parochial schools. The decision dealt directly and

conclusively with the question of the extent to which the state can control a school that does not fall within the public educational system. Schools no longer have to prove that they are worthy of accreditation by the state; rather, the state must demonstrate that schools are inadequate to be approved if it wishes to take action against them. This issue of approval arises from a 1977 Board of Education requirement that all children subject to compulsory attendance laws must attend “approved schools.” The state’s determination of what constituted an approved school would have involved it in the evaluation of schools’ textbooks, curricula and teaching standards.

The Kentucky Association of Christian Schools had sued the Board of Education in Franklin County Circuit Court in 1978, winning an injunction against the state on the grounds that the Board had violated parents’ constitutional liberties by imposing standards on private schools. The Board then took the case on appeal to the Kentucky Supreme Court.

William B. Ball, attorney for the schools, said the landmark decision means that “parents are free to send their children to schools without fear of being jailed or fined under criminal procedures.” He characterized Judge Lukowsky’s opinion as a “splendid defense of religious and parental liberties in education.” Since the decision is based on a provision of the state rather than the federal constitution, it is not appealable.

The Court did not entirely remove the private schools from the purview of the state educational system, however. It suggested that the state “monitor” the schools through standardized achievement testing programs. Kentucky education department Dep. Att’y Ed Fossett said this suggestion was tantamount to applying “after-the-fact standards” and recommended that the state board ask the court for a rehearing.

Self-Serving Supplements?

Christmas may have come and gone, but Santa is still making his rounds at schools. According to a study released by Ralph Nader’s Center for the Study of Responsive Law, “. . . free films, pamphlets, books and other ‘education kits’ . . . are flooding the nation’s public and private classrooms. . . .”

Researcher Sheila Harty contends that the average teacher does not have the resources to balance the pro-industry bias in the corporate material. She says that two-thirds of Fortune Magazine’s 500 corporations and 90% of the trade associations and utility companies supply materials to teachers.