

OUTLOOK

A report from CAPE, the Council for American Private Education, Washington, D.C.,
a coalition of 15 national organizations serving private schools (K-12)

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Platforms Differ on Private Education

Students are often asked to "compare and contrast" the ideas of notable philosophers, historians and even educators. Now the educators themselves have an opportunity to indulge in this pastime by examining the views of the major presidential candidates on the issue of aid to private education.

Following are excerpts from the platforms of the three candidates:

Democratic: "Private schools, particularly parochial schools, are also an important part of our diverse education system. The Party accepts its commitment to the support of a constitutionally acceptable method of providing tax aid for the education of all pupils in schools which do not racially discriminate, and excluding so-called segregation academies. Specifically, the Party will continue to advocate constitutionally permissible federal education legislation which provides for the equitable participation in federal programs of all low and moderate income pupils."

National Unity Campaign: "An Anderson Administration will oppose tuition tax credits for primary and secondary education. Tax expenditures of this nature would drain much needed resources from public education needs at a time when the public school system's long-standing role as the principal provider of quality education is endangered. An Anderson Administration, while recognizing the important role of private primary and secondary institutions, is committed to preserving the traditional importance of free public education."

Republican: "Federal education policy must be based on the primacy of parental rights and responsibility. Toward that end, we reaffirm our support for a system of educational assistance based on tax credits that will in part compensate parents for their financial sacrifices in paying tuition at the

elementary, secondary and post-secondary level. This is a matter of fairness, especially for low-income families, most of whom would be free for the first time to choose for their children those schools which best correspond to their own cultural and moral values. In this way, the schools will be strengthened by the families' involvement, and the families' strengths will be reinforced by supportive cultural institutions.

We are dismayed that the Carter Administration cruelly reneged on promises made during the 1976 campaign. Wielding the threat of his veto, Mr. Carter led the fight against Republican attempts to make tuition tax credits a reality.

Next year, a Republican White House will assist, not sabotage, Congressional efforts to enact tuition tax relief into law.

We will halt the unconstitutional regulatory vendetta launched by Mr. Carter's IRS Commissioner against independent schools."

No FUTA Future for Church Teachers

Sectarian elementary and secondary school teachers are not covered by the Federal Unemployment Tax Act (FUTA), according to a decision handed down by a federal appeals court September 8. In the companion cases of *State of Alabama* (No. 79-3968) and *State of Nevada* (No. 79-4032) v. *Ray Marshall, Secretary of Labor*, the Court of Appeals for the Fifth Circuit ruled that such teachers are employees of a church and, as such, are exempt from FUTA coverage.

The decision rejects a controversial 1979 ruling by Marshall which held that Congress intended state unemployment compensation laws to cover employees of non-profit church-related elementary and secondary schools. Confining his definition of "church" to mean only a physical house of worship, Marshall had stated that an exemption applied solely to "those strictly church duties performed by church employees at the school pursuant to their church responsibilities."

The Appeals Court held, however, that Congress plainly intended an exemption to be contingent on the nature of the employing agency and not the character of the work performed, and, therefore, if a teacher were to be employed by a church, coverage would not be required. The Court went on to construe the meaning of "church" as "something

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qualitatively greater than the physical building of worship," and to comment that an acceptance of the Secretary's narrower view would bypass "the very people which comprise a church as an entity and perform its functions" and would "ignore the historic function of churches and defy the definition of the word as used in our vocabulary."

"If Congress desires to change the established exemption of unemployment compensation coverage for elementary and secondary parochial school employees," the court said, "it is well within its ability to amend the law to reflect that desire But it is not the responsibility or function of this court to perform linguistic gymnastics in order to upset the plain language of Congress as it exists today."

Regs Now, Remuneration Later

"Friable." "Analytical protocols for Polarized Light Microscopy." "X-ray Diffraction."

These are not the fraternal passwords of Advanced Placement Physics teachers. If they are not already, they will soon become part of the everyday vocabulary of all school officials.

On September 17, the Environmental Protection Agency issued a proposed rule requiring all public and private elementary and secondary schools to identify friable (crumbling) asbestos-containing materials in their buildings. All school areas are to be inspected; samples of friable materials are to be taken and analyzed in accordance with the above-mentioned techniques. Schools must record the whereabouts of the asbestos and communicate its location to their employees, along with instructions on how to reduce exposure to it. Parent-teacher associations are to be notified of inspection results.

On the same day, the Department of Education released its proposed regulations implementing the Asbestos School Hazard Detection and Control Act of 1980 (September *Outlook*, page 1). These rules establish procedures for granting federal funds to local and state educational agencies for school asbestos identification and for loaning federal money to LEAs for school asbestos control.

Both sets of rules are in the *Federal Register* of September 17, 1980, Parts V and VI. Comments are due to the Department and the Agency by November 3.

Legislative Update

Youth Act of 1980

H.R.6711 (Perkins, D-KY)

S.2385 (Williams, D-NJ et al)

See March *Outlook* for bill descriptions.

House approved H.R.6711 August 26, 1980, 337-51.

S.2385 reported out by Senate Committee on Labor and Human Resources September 23.

Senate floor action expected after November 12.

Charitable Deductions to Extend to Non-Itemizers

H.R.1785 (Fisher, D-VA and Conable, R-NY)

S.219 (Packwood, R-OR and Moynihan, D-NY)

House bill pending before Ways and Means Committee with 249 co-sponsors.

S.219 added to tax cut bill (H.R.5829) by Senate Finance Committee; awaits floor action.

International Education Programs

To move programs from National Defense Education Act to Elementary and Secondary Education Act.

Authorizes \$5.25 million in 1981 for grants for in-service training of teachers in international studies, training materials, instruction of languages new to schools.

Bill (H.R.5192) awaits President's signature.

Foreign Language Programs

H.R.7580

H.Con.Res.301

To reimburse schools, colleges for partial costs of providing foreign language instruction.

H.Con.Res.301 approved by House Education and Labor Committee September 23 and awaits House vote.

House Select Education Subcommittee held hearings on H.R.7580 September 17. It is now pending before Subcommittees on Elementary, Secondary and Vocational Education and Post-Secondary Education.

Presidential Commission on National Service

H.R.6868 (Panetta, D-CA)

H.R.2977 (national service a component of domestic violence bill)

H.R.6868 reported out by House Education and Labor Committee but pending before Military Personnel Subcommittee of Armed Services Committee.

National service component dropped from conference report on domestic violence bill.

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Tuition Tax Credits

More than 50 bills have been introduced. Illustrative is H.R.366 (Gradison, R-OH et al), pending before House Ways and Means Committee.

S.1095 (Moynihan, D-NY and Packwood, R-OR) is pending before Senate Finance Committee.

Cuban and Haitian Refugee Education Aid

H.R.7859 (Stack, D-FL)

House originally approved August 18; again October 1.

Senate approved September 25.

Regulatory Reform

PL 96-354, Regulatory Flexibility Act ("to ease regulatory burdens on schools, colleges and universities"), signed by President September 19.

H.R.3263 (Rodino, D-NJ) reported by House Judiciary Committee September 25.

S.262 (Governmental Affairs Committee) and S.2147 (Judiciary Committee) are subject of committee staff negotiations. Chances good for bill consideration after November 12.

Sunset Review

H.R.5858 (Long, D-LA)

S.2 (Sasser, D-TN)

See *March Outlook* for bill descriptions.

H.R.5858, similar to Senate Rules bill, pending before House Rules Committee.

Senate Governmental Affairs and Rules Committee versions differ: former includes automatic termination of nearly all federal programs at least once every 10 years but does not include tax expenditures; latter includes tax expenditures but not mandatory termination. Both have been reported out.

S.2 will go on Senate calendar with committee versions considered as amendments.

Child Health Assurance

H.R.4962 (passed House December 11, 1979)

S.1204 awaiting floor action.

Capenotes

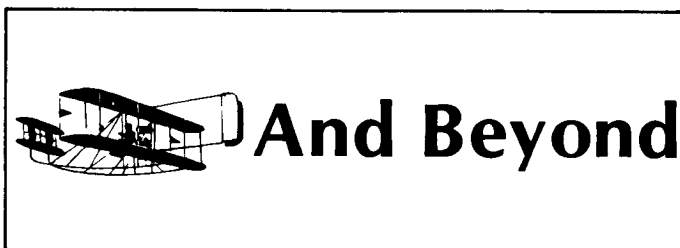
... CAPE Board notes: Charles B. Hirsch has been named Director of the Department of Education, General Conference of Seventh-day Adventists. The Reverend John F. Meyers, President of the National Catholic Educational Association, has been elevated to Monsignor Meyers.

... The CAPE Board met with Under Secretary of Education Steven Minter and a panel of Department officials during the course of its annual fall meeting in early October. It was joined at luncheon by Rabbi Abraham Shemtov of the Intergovernmental Advisory Council on Education and at dinner by three officers of the National Association of Secondary School Principals.

... CAPE has made arrangements through the National Center for Education Statistics for all private schools to receive grant announcements from the National Endowment for the Humanities, the first time such canvassing has been undertaken.

... The federally mandated study of school finance is moving ahead under severe budget restriction. Private school research involved is expected to be done during 1981.

... CAPE has received Department of Education approval to conduct a feasibility study of minority student and staff involvement in private education.



Why Does it Work?

St. Mary's would never appear on a list of well-endowed schools. A private Catholic boarding school located on the Andreafsky River in southwestern Alaska, it lacks basic facilities and equipment, offers no special bi-cultural programs to its Eskimo students, and hires inexperienced teachers. But it demonstrates remarkable success in educating Native adolescents.

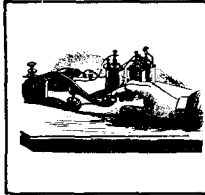
All the normal developmental difficulties of the age are compounded for Eskimo youngsters by the rapid cultural change and disorganizing life-styles surrounding them. Many respond by becoming alienated, depressed, even suicidal. St. Mary's students, however, evidence unusual psychic well-being: their values appear organized and their self-confidence seems secure. They are successful in college and return home to become village leaders.

Why is this so, when their high school is so deficient in even the minimal trappings of modern pedagogy? According to Dr. Judith Kleinfeld, professor of psychology at the University of Alaska, the

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success of St. Mary's resides in its shared student and staff values, a curriculum based on a character ideal, and an applied ethic of responsibility. Her study, *Eskimo School on the Andrafsky*, concludes, "What is important about a school is that elusive but unmistakable quality of school climate or 'spirit.' "



Capeline

● **Metric Education Grants:** The closing date for transmittal of applications for new projects is November 25. Grants are awarded for "programs that prepare students to use the metric system of measurement with ease and facility as a part of the regular educational program." Write Metric Education Program, U.S. Department of Education, 400 Maryland Ave., S.W., Washington, D.C. 20202.

● **Help for Parents of Cancer Victims:** The Candlelighters Foundation is the national coordinator for parents whose children have or have had cancer. It organizes "buddy systems" and phone networks among parents, maintains a speakers bureau, surveys patient and family needs, promotes educational materials, arranges for parental representation on government advisory committees, sponsors patient conferences and inventories parent groups. Write: Candlelighters Foundation, 123 "C" St., S.E., Washington, D.C. 20003.

● **Arts in Education and Law-Related Education:** Education Department proposes new regulations in

wake of recent Congressional rejection of initial rules. ED describes new regs as "substantially shorter and less prescriptive" than earlier ones. They are in the *Federal Register* of September 22, pp. 62856-63. Comments due November 21 to Harold Arberg, Director, Arts and Humanities Staff, and Elizabeth Farquhar, Acting Director, Law-Related Education Program, both at 400 Maryland Ave., S.W., Washington, D.C. 20202.

● **NEH Youth Projects:** The National Endowment for the Humanities announces a December 1, 1980 deadline for submission of preliminary proposals to NEH Youth Projects for Major Project Grants. The projects are designed "to encourage new and challenging out-of-classroom opportunities for young people to develop their knowledge and skills in the humanities." They should involve "hundreds of young people in participatory learning experiences in the humanities, often on a regional or national level" and "focus on the disciplines of the humanities, which include history, philosophy, literature, history and criticism of the arts and those aspects of the social sciences employing historical or philosophical approaches." For guidelines write: Public Affairs Office, Mail Stop 351, NEH, 806 15th St., N.W., Washington, D.C. 20506.

● **Public Policy and Families:** The Family Impact Seminar was established in 1976 at the Institute for Educational Leadership, George Washington University, in response to concern about the ways in which public policies affect families. The Seminar has developed a conceptual framework for examining the family impact of governmental programs and policies. A list of publications is available. Write: Publications Coordinator, IEL, 1001 Connecticut Ave., N.W., Suite 310, Washington, D.C. 20036.

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