

# CAPE OUTLOOK



## Tax Credits: Concerns and Corollaries

The end of public education in America?

The key religious liberty issue confronting the Congress this session?

The restoration of the American dream?

The topic is tuition tax credit legislation. To date, nine bills involving elementary and secondary education have been introduced, eight in the House and one in the Senate. 55 Representatives and 14 Senators are involved in cosponsorship.

CAPE, whose position in support of tuition tax credits was announced in a press release on February 24 (*February Outlook*, p.2), has expanded on its original statement to respond to frequently-voiced concerns on the ramifications of the proposed legislation. Following is a brief description of the major issues involved:

1. *Parents will take their children out of public schools and enroll them in private schools.* Parental decisions to change schools have, in the past, been based far more often on educational than monetary considerations. Relatively few students who leave public schools transfer to private schools; rather, they go to public schools in different localities. CAPE believes that the credit will be a motivating factor in only a small number of cases.

2. *Tuition tax credits will drain funds from public education.* Even in the current context of federal budget stringency, CAPE does not assume an inverse relationship between the support of public and private education. Moreover, the phasing-in of this bill is such that its impact will not be felt until the program for economic recovery is well under way. CAPE does not promote any effort to reduce federal aid to public education; its interest is in strengthening both sectors of education. Many students attending private schools benefit from such public policy programs as ESEA Title I and P.L. 94-142.

3. *Private schools are undemocratic and elitist and should not be aided, even indirectly, by public monies.* Private schools educate children from all strata of society. Every member organization in CAPE has a nondiscriminatory policy. The intended legislation specifies that credits cannot go to families that choose to enroll their children in schools that discriminate. The fact is that most families (62.7%) who send their children to private schools earn less than \$25,000 a year, and that 10% of the children who go to private schools are members of minority groups. Private schools often offer children the opportunity to be educated in a heterogeneous setting unavailable to many children in suburban public schools.

4. *Private schools are less a part of the American tradition than public schools.* Private schools have been a part of America's educational system since the earliest days of our nation, and, indeed, at times were our only schools. From their beginnings they have served both secular and religious constituencies. As practiced in our country, the democratic rule of the majority has always been marked by encouragement of pluralism and diversity. To suggest that there is one right way to educate our children is clearly not in the American tradition.

5. *Private schools do not have to stand up to the same kind of evaluation and scrutiny that public schools do.* All private schools are subject daily to the most important assessment possible, that of concerned parents. When a child's education is being paid for directly out of the parental pocketbook, very close attention is given to how good it is. In addition, a great many private schools must meet geographical or denominational evaluation standards.

6. *Tuition tax credits threaten our constitutional ideal of separation of church and state by aiding church schools, albeit indirectly.* The Establishment Clause of the Constitution has been interpreted by the Supreme Court to mean that the constitutionality of a law will be judged by a three-pronged test: that it reflect a secular legislative purpose; that it have a primary effect that neither advances nor inhibits religion; and that it avoid excessive entanglement with religion. CAPE believes that tax credits, which go to individual families and not to schools themselves, are in conformity with these requirements.

## 39 Fewer "Chiefs" at ED; Private Representative Included

Charging that there were "too many chiefs" at the Department of Education, Secretary Terrel Bell announced on March 8 that he intended to abolish four of the 13 assistant secretary positions and 35 of the 47 deputy assistant secretary slots. He added that, had he not been restricted by Congressional mandate, he "would have eliminated more" high level jobs in the Department.

Among those targeted for extinction is the Office of Assistant Secretary for Nonpublic Education, which, according to *The Washington Star*, will become a sub-Cabinet job, responsible to the under-secretary. The slot was pegged specifically at the level of "special assistant" by *Education Daily*, a Washington-based independent news service.

Vigorous representations are being made by CAPE and others with respect to this organizational rearrangement. They reiterate the importance of a private school presence in the Department at the assistant secretary level and urge Secretary Bell to reconsider his decision.

## Legislative Update

### Tuition Tax Credits

S.550 (Packwood, R-OR; Moynihan, D-NY; Roth, R-DE).

Pending before Finance Committee.

H.R.380 (Luken, D-OH) and others.

Pending before Ways and Means Committee.

### Tax-Exempt Status of Private Schools

H.R.82 (Ashbrook, R-OH) and others.

Pending before Ways and Means Committee.

### Guidance for Elementary School Children

H.R.1598 (Perkins, D-KY).

Subcommittee on Elementary, Secondary and Vocational Education hearings April 9.

### Sunset Review

H.R. 2 (Blanchard, D-MI).

Pending before Rules Committee and Subcommittee on Legislation and National Security.

H.R.58 (Long, D-LA) and others.

Pending before Rules Committee.

### Youth Opportunity Wage

S.348 (Hatch, R-UT); S.430 (Percy, R-IL); and others. Labor and Human Resources Committee hearings March 24-25.

H.R.157 (Campbell, R-SC); H.R.1068 (Hinson, R-MS); and H.R.2001 (Simon, D-IL).

Labor Standards Subcommittee will hold hearings in late April.

### Charitable Deductions to Extend to Non-Itemizers

S.170 (Packwood, R-OR and Moynihan, D-NY).

Pending before Finance Committee with 19 co-sponsors.

H.R.501 (Conable, R-NY and Gephardt, D-MO) and others.

Pending before Ways and Means Committee with 184 co-sponsors.

### Youth Education and Work Opportunity

H.R.1992 (Jeffords, R-VT; Perkins, D-KY; and Goodling, R-PA).

To extend authorization of youth training and employment program; to authorize intensive and remedial education programs for youth.

Pending before Subcommittees on Elementary, Secondary and Vocational Education; and Employment Opportunities.

## Capenotes

...At its annual spring meeting on March 23-24, the CAPE Board of Directors elected the following officers for two-year terms:

*Rev. John F. Meyers*, President (National Catholic Educational Association).

*Dr. Michael T. Ruiter*, Vice-President (Christian Schools International).

*Mr. Frederic W. T. Rhineland*, Secretary (National Association of Episcopal Schools).

*Dr. Sally Sibley*, Treasurer (National Association of Private Schools for Exceptional Children).

...On the same occasion, the Board met with Education Secretary Bell to discuss private school interests, including block grants and the selection and position of the top private school officer in the Department.

...CAPE's Executive Director spoke at the national meetings of the National Association of In-

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A coalition of 15 national organizations serving private schools (K-12)

[ISSN 0271-1451]

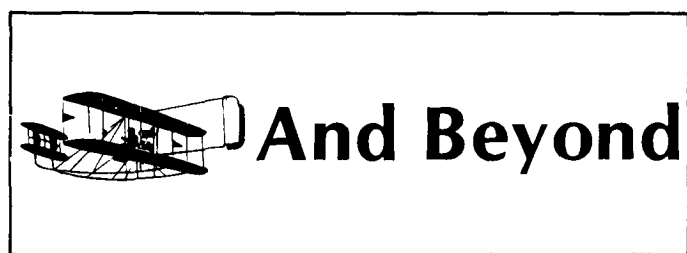
Robert L. Smith, *Executive Director*; Carla Gelband, *Editor*; Jay Roudebush, *Art Editor*

OUTLOOK is published monthly (September through June) by the Council for American Private Education. Annual subscription \$7. Council members: The American Lutheran Church • American Montessori Society • The Association of Evangelical Lutheran Churches • Association of Military Colleges and Schools of the U.S. • Christian Schools International • Friends Council on Education • Lutheran Church-Missouri Synod • National Association of Episcopal Schools • National Association of Independent Schools • National Association of Private Schools for Exceptional Children • National Catholic Educational Association • National Society for Hebrew Day Schools • Seventh-day Adventist Board of Education, K-12 • Solomon Schechter Day School Association • U.S. Catholic Conference • Associated state organizations in Arizona, California, Connecticut, District of Columbia, Florida, Georgia, Indiana, Kansas, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, Oregon, Puerto Rico, Rhode Island, Tennessee, Texas, Virginia, Washington and Wisconsin.

dependent Schools and the Association of Military Schools and Colleges of the U.S. and addressed a meeting of the World Bank Wives Seminar Committee. He attended a two-day meeting in Chicago of the Superintendents of the 20 largest Catholic dioceses on block grants, and took part in a televised debate with AFT President Albert Shanker on tuition tax credits.

... Mr. Smith's article, "A Non-Catholic Looks at Catholic Schools," appeared in *New Catholic World*, Vol. 224, No. 1340, March/April, 1981.

... *Outlook's* editor attended an Hispanic Forum for Responsive Education Policy sponsored by the Aspira Center for Educational Equity. The forum considered the implications for Hispanic communities of government aid to private schools.



## CARIB in Brooklyn

Imagine the bewilderment of a small child from Guyana — or Surinam — or Trinidad — whose family has recently moved to America and settled in the Crown Heights section of Brooklyn, New York. Think of the levels of strangeness to be overcome: the very fact of being in America, instead of "back home," the wonders and terrors of New York City, particularly of Brooklyn, and even the neighborhood of Crown Heights, where the people next door are likely to be Lubavitcher Chassidim, members of a Jewish group whose lifestyle would be totally unfamiliar to a Caribbean child.

Enter St. Mark's (Episcopal) Day School. The school has received a \$51,516 grant from the Department of Education's Ethnic Heritage Studies Program (Title IX, Part E of P.L.95-561, the Elementary and Secondary Education Act) to develop CARIB: Caribbean-Americans Reside in Brooklyn. The program provides workshops in ethnic studies for teachers from St. Mark's and the near-by public school, P.S.398, as well as for parents and community residents. It offers an ethnic studies curriculum for grades nursery through nine in history, geography, sociology, economics, literature, art, drama, language, culture, music, foods, clothing, mathematics, science, reading and physical education. After the curriculum has been tested, the program's materials and findings will be disseminated to other schools and groups with similar needs and concerns.

CARIB grew out of a realization that the whole community surrounding St. Mark's had needs deriv-

ing from its ethnicity. Students were unaware of their own heritage, let alone that of their Jewish neighbors. Similarly, their parents needed to develop skills in interacting with people of other backgrounds, especially the Jewish people in the community. All adults had to clarify "their feelings and attitudes about their own ethnicity. . . ethnic groups in general and . . . the processes through which these groups adapt and change."

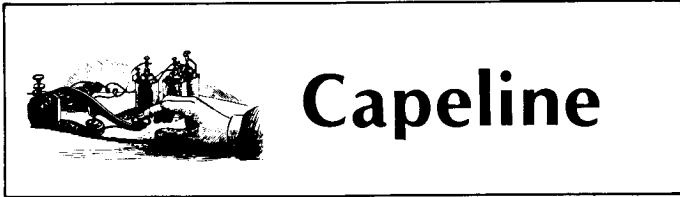
The curriculum guide is currently being tested both at St. Mark's and P.S.398 and will be implemented in September, 1981. It will be available for dissemination thereafter. Inquiries may be addressed to: Dr. William A. Atkins, Jr., St. Mark's Day School, 1346 President Street, Brooklyn, New York 11213.



## States Differ on Church Schools' Unemployment Compensation Coverage

As far as North Carolina is concerned, church schools are covered by the state's unemployment compensation tax law. In its decision in the case of *Ascension Lutheran Church v. Employment Security Commission*, the North Carolina federal district court found that such inclusion did not violate the First Amendment, inasmuch as schools had only to contribute to the program, an action which neither impinged on their free exercise rights nor involved them in excessive entanglement with government.

Pennsylvania, however, has determined that church schools are exempt from such coverage. The Pennsylvania Commonwealth Court, in *Christian School Association v. Commonwealth of Pennsylvania*, cited the 1979 Supreme Court decision in *Catholic Bishop v. NLRB* in pointing to an absence of clear legislative intent to bring church schools under such laws. The court found that inclusion of the schools would abridge their First Amendment guarantees, encumbering them with significant financial and administrative burdens.



● **State Vouchers, Tax Credits:** The ECS *Legislative Review* of February 23, 1981 (Vol. 11, No. 3), reports that a voucher bill, HB 1950, is pending before the Indiana state legislature. It would provide funds "to nonpublic schools that meet certain criteria as education scholarship schools." The *Review* also indicated that Wyoming's HB 436 would give a tax credit of up to \$200 to property-owning, tax-paying families who send their children to private schools.

● **Parental Freedom of Choice Debate:** The Secondary School Department of the National Catholic Educational Association is sponsoring a debate between Prof. John Coons, University of California at Berkeley, and Mr. Thomas Shannon, Executive Director, National School Boards Association. The session is part of the NCEA's Convention, and will be held on Wednesday, April 22 at 2:30 p.m. at the New York Hilton. The issue to be resolved is: Do "parents have a right to receive governmental financial support in order to exercise their freedom in determining which school(s) will educate their children?"

● **Petition to Abolish ED:** The Public Service Research Council has gathered 100,000 signatures on a petition to Congress to abolish the Department. The Council would like to see the Department dismantled before October 1, 1981, on which date the 11,000 federal workers now employed by overseas schools are slated to be transferred from the Department of Defense to ED.

● **Catholic Adoption of NDN Program:** The Archdiocese of Baltimore, MD, has adopted the Early Prevention of School Failure National Diffusion Network Program. Developed in a rural public school district in Peotone, IL, it identifies possible learning problems in pre-kindergartners. The program was created during a 3-year period at a cost of \$400,000 under Title III of the ESEA. The cost to participating schools in the archdiocese was approximately \$120 per school. For information write Luceille Werner at the Peotone School District, 114 N. Second St., Peotone, IL 60468.

● **Energy Materials:** Tenneco's Schoolhouse Energy Efficiency Demonstration (SEED) project has developed a new program, Something Special for Teachers (SSFT). The program is designed "to assist teachers in using the school facility as a tool for teaching energy and its efficient use." The SSFT booklet provides background on the energy issue and outlines possible future energy sources. Copies may be obtained by writing: Tenneco, Inc., Tenneco Bldg., P.O. Box 2511, Houston, TX 77001.

● **Inner-City Catholic Elementary Schools Film:** *Miracle in the Inner City* is a 28-minute color documentary film on inner-city private schools. Based on a study conducted by the Catholic League for Religious and Civil Rights, and accompanied by a study guide, it becomes a vehicle for examining "the impact of poverty on the rights of disadvantaged families and the service of the Church through quality, value-oriented education." The film is available for rental (\$25) or sale (\$395) from Franciscan Communications Center, (Mr. Karl Holt-snider), 1229 South Santee Street, Los Angeles, CA 90015.

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