

CAPE OUTLOOK



Moynihan: Why Don't Liberals Support Private Schools?

New York's Senator Daniel Patrick Moynihan told those attending the May 7th Seton-Neumann Lecture sponsored by the U.S. Catholic Conference that liberals are acting strangely and irrationally these days when faced with the question of supporting private schools. Speaking on the subject "Catholic Tradition and Social Change," Senator Moynihan told his audience of predominantly Catholic educators that Catholics are associated with work at the cutting edge of most of the nation's most serious challenges—nuclear war, poverty, discrimination, family well-being. These same issues are of serious concern as well to most leaders of liberal thought. Yet when it comes to educational pluralism and equal educational opportunity, liberals almost totally desert what should be a liberal cause. The Senator criticized the almost *complete silence* of liberals at the time when the Coleman Study reported that private schools do better than public schools with minority students when all background factors are taken into account.

Tracing the history of Catholic education as one permeated with the effort to transmit to each generation the moral and religious values of the church, values closely akin to those held by liberals, he decried the current paradox according to which liberals oppose a major institution within society which is helping to keep its ideals alive.

He urged Catholic educators to continue to confront liberal thinkers and Congressional opponents of private schools with this point. He reminded his audience that the first private schools were private and religious. It is cause for serious concern that their direct descendants do not have the backing of the liberal establishment because the nation's well-being depends so very much on the ideals and values nurtured through religious education.

Gaining Recognition — A Progress Update

At this writing nearly 120 schools have been site-visited in the Private School Recognition Project by nearly 200 different administrators, teachers, retired school heads, guidance counselors and assorted other experts in private school evaluations. About 5 more visits remain. According to the Project rules each school must be visited by a 2 person team of which one member is intimately familiar with the type of school being seen. The critically important guideline has of course made for logistical difficulties, even nightmares in arranging for visits through a period which involved every school's spring vacation period. However, remarkably few "glitches" were reported.

The next stage in the Project will be the screening of site visitor reports followed by three days of meetings by the Steering Committee to settle on those schools to be given recognition. Announcement about these schools will be made in all probability sometime between the first week and the middle of June.

The fact that the Project office has received only one newspaper account which badly distorted the Project's purpose (it announced that a certain school was about to be site visited toward being selected as one of the best schools in the country) suggests that this effort to represent the diversity of strengths found within private education is widely understood and accepted. CAPE's Executive Director noted that "the notion that recognized schools are in some way superior to others runs completely counter to the underlying philosophy of the Project."

Pushing & Stalling: Congress, Education and the Political Year

Rushing to meet a May 15 deadline for reporting authorizing legislation, the House Committee on Education and Labor during the last month approved a number of bills including three new education measures and several simple reauthorizations.

Due to expire in September, 1984 are several education programs such as bilingual, immigrant, Indian and adult education, impact aid, asbestos detection and control and Women's Education Equity Act. The House committee combined them in an Omnibus Education bill.

(continued on page 4)

Congress Debates Title IX Coverage

A bipartisan Congressional coalition completed its drafting last month of a measure—"The Civil Rights Act of 1984"—which would overturn the U.S. Supreme Court's recent ruling in *Grove City v. Bell* that only those parts of an institution which receive federal aid must comply with Title IX of the Education Amendments of 1972. The bill's implication for private schools were still being legally studied as we went to press.

Title IX prohibits discrimination on education programs and activities receiving federal financial assistance. Among the exceptions provided in the law are military schools, schools controlled by religious organizations (if coverage would conflict with religious tenets), youth organizations like the Boy Scouts and Girl Scouts, YMCA's and YWCA's and admissions policies of private undergraduate colleges.

Title IX applies to a wide range of policies and practices. The Title IX regulations issued by the Department of Education include requirements on such matters as admissions and recruitment, financial assistance, access to course offerings, athletics, counseling, housing and other facilities, health insurance benefits and services, employment, and compensation. The regulations explicitly exclude textbooks and other curricular materials from Title IX coverage.

Identical language is found in Title IX of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against the handicapped, and the Age Discrimination Act of 1975.

The outcome of *Grove City v. Bell*, perhaps the most important civil rights case of the Court's term, brought denunciations from civil rights attorneys and members of Congress.

Almost immediately a bill to nullify the Court's decision in the *Grove City* case, to clarify congressional intent and to broaden the scope of federal antidiscrimination laws was introduced (Senator Kennedy, D-MA; Rep. Simon, D-IL) and two House Committees began joint hearings in mid-May and a pair of Senate committees have scheduled similar hearings later in the month. Rep. Olympia Snowe (R-ME) speaking as co-chair of the Congressional Caucus for Women's Issues said, "If we did not make clear to the Supreme Court what we meant

when these four critical civil-rights Statutes were originally passed, we will make it perfectly clear in 1984."

The proposal would extend all four major civil rights laws to wholly cover recipients of federal aid and nullify the narrow ruling by the Court in the case of *Grove City College v. Bell*. Proponents of the legislation believe that Congress must act quickly and favorably so that antidiscrimination cases will continue to be pursued. So far at least 4 universities have been relieved from discrimination suits in direct response to the *Grove City* ruling.

At present, application and impact of the Court's decision will vary from school to school across the country depending on state laws and the type of aid received by the schools.

CAPE Pushes Chapter 2 Funding

CAPE has joined a Coalition of Educational and State Organizations supporting the Administration's efforts to increase Chapter 2 funding. Chapter 2, the name given in 1981 to the blocking into a single federal grant of 28 different categorical programs, mandates that private school students will benefit on an equitable basis with public school students. This makes it unique among federal programs aiding education.

Teams of public school and State representatives, joined by a CAPE representative, have been visiting with a staff member of every representative on the House Committee on Appropriations to reinforce the importance of this year's funding. Chapter 2 provides the only 'seed money' available for school improvement as well as the only federal aid available for the benefit of all students. The team makes clear to Congressional staffs that it is not supporting Chapter 2 funding at the expense of Chapter 1 and other critical programs. Similar visits with the Senate Appropriations Committee members begin in mid-May.

Because the Chapter 2 increase is one of the relatively few in a tight budget year, the effort is very significant and its outcome very uncertain.

Copyright Law Revisions Affect Schools/Libraries

Recent attempts to revise the First Sale Doctrine in copyright law by allowing copyright holders to restrict the commercial use of copyright videotapes

(continued on page 3)

COUNCIL FOR AMERICAN PRIVATE EDUCATION/1625 Eye Street, N.W., Washington, D.C. 20006

(202) 659-0016

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

[ISSN 0271-1451]

Robert L. Smith, *Executive Director*; Kellen Flannery, *Editor*; Jay Roudebush, *Art Editor*

OUTLOOK is published monthly (September through June) by the Council for American Private Education. Annual subscription \$8. 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.

Copyright *(continued from page 2)*

and videodiscs posed serious potential problems for the education and library communities.

CAPE is a member of the Educators' Ad Hoc Committee on Copyright Law which worked out a solution to the issue. The educators worked with Congressional staff and drafted an amendment to protect the usual lending activities of nonprofit libraries or the educational programs of nonprofit educational institutions which may involve the rental, lease or lending of a phonorecord. The amendment confirms that the proposed revised law is inapplicable to nonprofit libraries and nonprofit educational institutions which engage in the rental, lease or lending of phonorecords as part of their customary activities and which are not entered into for profit making purposes.

For example, the amendment does not permit nonprofit libraries and nonprofit educational institutions to engage in record rentals for the purpose of raising funds or generating revenues for the organization itself. On the other hand, the mere fact that a fee is imposed for a rental transaction does not mean that the organization is attempting to profit from the transaction, even if at the end of a year the rental transactions do show or appear to show a "profit."

For Academic Fitness — A Presidential Handshake

At a ceremony reminiscent of nearly every outdoor school commencement in the country, President Reagan on the sunny morning of Friday, May 11 with parents beaming and cameras clicking, handed certificates to sixty students, six from private schools, for achieving Academic Fitness. In a speech which also celebrated the anniversary of the report of the National Commission on Excellence, "A Nation At Risk," the President heartily congratulated the students for being chosen to represent over 220,000 high school seniors who were receiving Academic Fitness certificates at their high schools. He also warmly praised David Gardner, the Chairman of the Commission and Secretary Bell, both on the podium with him, for helping to bring focus and energy to the nation's concern for good schools.

The Academic Fitness award, a new one, was described by CAPE OUTLOOK in its April, 1984 issue.

CAPE's reporter managed to reach two of the private school recipients after the ceremony through a crowd of reporters, parents and educational leaders. Both were thrilled by the chance to get an award and a handshake from the President and felt they were exceedingly lucky to be chosen out of hundreds of others whom they represented.

All in all, it was a commencement none of the graduates or their parents would ever forget.

Private school awardees were: Thomas Ferguson,

Bishop Ireton, Virginia; Janice Gologeren, Chemawa Indian School, Oregon; Dena Hilsenrad, Bais Yaakov School for Girls, Maryland; Joella Jennings, Dae Christian School, Florida; Maile Jean Loo Kamehameha School, Hawaii; Cheryl Lynnkiel, Whittier Christian, California; Juliana Prather, Campbell Hall Independent School, California; Shawnn K. Shears, St. Cecelia's Academy, D.C.

Legislative Update

Recent Action . . .

Equal Access to School Facilities, HR 5345.

A controversial bill that would have denied federal funds to schools that prohibited high school student religious groups from meeting on school premises was narrowly defeated on the House floor on May 15 by a vote of 270-151. Because of House procedural rules a two-thirds vote was required to pass the bill, which failed by 11 votes.

School Facilities Child Care Act, HR 4193, S.1531

A bill to establish a federal program to encourage the creation of after school programs for "latch-key" children—children who are home alone after school while their parents work. The House May 14 passed HR 4193 with a \$30 million authorization. The Senate Human Resources Committee May 9 approved a similar measure with a \$15 million authorization.

CAPE is working to have private school facilities included as eligible recipients of the program.

Still Pending . . .

Foundation Legislation

Bills passed in both houses which are designed to eliminate impediments that inhibit gifts to foundations are included in the major tax bills which will soon go to a House/Senate conference to work out the differences in the bills. The nonprofit sector continues to push for improvements in the provisions for foundations.

Child Nutrition Programs, S. 1913, HR 7

In committee markup, the Senate Agriculture Committee agreed to only consider the reauthorization proposals for child nutrition programs that are due to expire in 1984. It reported a bill that reauthorizes for 2 years five child nutrition programs, but it does not include program funding restorations. The bill should go to the Senate floor after Memorial Day. The provision to eliminate the private school tuition cap, included in S. 1931 (Huddleston, D-KY), may be considered as a floor amendment and/or as an issue during the House-Senate conference.

The House May 1 passed HR 7 which extends 5 child nutrition programs and restores about 10% of the cuts enacted in 1981. It includes a provision which raises the private school tuition cap from \$1500 to \$2500.

Stalling: (continued from page 1)

As soon as the Elementary and Secondary Subcommittee wrapped up its reauthorization debates the full Education and Labor Committee took up the new measures that would boost federal aid to education. The first, the American Defense Education Act, is a measure that could over three years cost up to \$10 billion to help schools improve instruction and research in math, science, foreign languages and technology. Under the bill, school districts that set up programs to improve the quality of instruction could get an "incentive payment" based on the number of disadvantaged students and the number of students aged 5-17 in the state. It could be as high as \$50 per student. Private schools are included in the bill.

The House education panel also approved a version of several pending computer literacy bills. The Committee agreed that over the next 3 years the federal government would help schools buy computers and pay for training teachers how to use them. Private schools are eligible participants in this legislation.

The committee also passed a bill which would authorize \$15 million to create a government corporation that would eventually be self-financed to develop education software.

The issue of reauthorizing the Higher Education Act, which expires next year, was raised by the introduction of Rep. Paul Simon's reauthorization proposal which among other things would turn Pell Grants into an entitlement program and create a block grant for campus-based student aid. The bill also included provisions for teacher training programs which CAPE helped draft. However, the Postsecondary Subcommittee has postponed and is not likely to reschedule a markup session during this session of Congress. Senator Robert Stafford,

Chairman of the Senate Education Subcommittee sees no reason to rush so far ahead of the expiration of the existing law. He has recently stated that "there will be no reauthorization of the Higher Education Act by the Senate this year."

The dialogue in this session of Congress raised some important issues which will serve as the backdrop for the future agenda concerning the reauthorization of the higher education act.



Available to all
CAPE members

Grolier Educational Services

Ave Et Vale!

As the 1983-84 school year draws to a successful close, your Grolier Coordinators extend to you our best wishes for a refreshing and fulfilling summer.

We look forward to serving you once more in the year just ahead.

Grolier Educational Services

For more information call or write Sam Rosen,
Senior Vice President, Grolier Educational Services,
Sherman Turnpike, Danbury, CT 06816.
In Connecticut call collect: (203) 797-3500.
Out of town call toll free: (800) 223-2384.

Grolier Educational Services

"Your Partner in the Pursuit of Educational Excellence."

CAPE OUTLOOK

COUNCIL FOR AMERICAN PRIVATE EDUCATION

1625 Eye Street, N.W.
Washington, D.C. 20006

First Class Mail
U.S. POSTAGE
PAID
Rockville, MD
Permit No. 129

FIRST CLASS