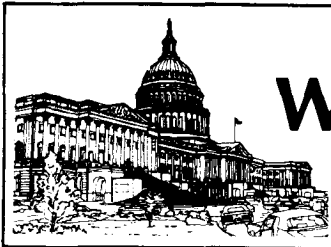


# CAPE OUTLOOK



## Washington

### Filing Deadline Approaches for School Asbestos Claims

With educators in the middle, the issue of asbestos in school buildings has been explosive in recent months and the dilemma stretches from the classroom to the courtroom. School officials are having to make decisions about whether they wish to lodge claims to try to recover their asbestos related costs.

October 31 is the deadline for schools to file a special property damage claim against the Johns-Manville Corporation (one of the world's largest asbestos concerns), which is undergoing reorganization in bankruptcy court.

According to the committee that is seeking restitution for schools under the Johns-Manville bankruptcy proceedings, the claim forms called for by the court are the only way schools have to attempt to recoup their losses from the company. The committee lawyers urge any school that has incurred or expects to incur any costs for asbestos inspection, consultation, testing, relocation, abatement, or replacement to file a claim.

Because Johns-Manville involvement in the asbestos industry was extensive — it was a miner and supplier of raw asbestos and it was the largest manufacturer of pipe and boiler insulation — the lawyers advise that claims be filed even if there is no evidence at this time that the Johns-Manville Corporation was directly involved.

Schools that fail to file a claim by October 31 will "be forever barred from asserting such claims against the debtors," according to the federal bankruptcy court that is considering the Johns-Manville case. Completed forms must be received, not just post-marked, by October 31. CAPE and other school organizations have petitioned the court for an extension of the date.

Schools may obtain the form from the Johns-Manville Corporation, P.O. Box 17310, Denver, CO 80217, or the Creditors Committee for Asbestos Related Property Damage School Claimants, P.O. Box

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### Private School Allowance Recommended for Figuring College Aid

On behalf of the private school community CAPE and representatives from USCC, NAIS and the private higher education community have been working over the past year to bring equitable treatment into the process of calculating the financial need of a family which pays tuition to a private school and to a college.

Until 1980 the full cost of private school was considered in figuring eligibility for Pell Grants and Supplemental Grants, which is one of three campus-based aid programs. With the 1980 Education Amendments Congress called for a single need-analysis system for Pell Grants and campus-based aid that would consider "any education expenses of other dependent children in the family."

But in each subsequent year Congress has mandated a separate need-analysis for Pell Grants and campus-based programs.

Under the current standards for the 1984-85 school year (called the uniform methodology), elementary and secondary school tuition must be at least 4% of a family's income to be counted, and there is a cap of \$1400 per family for private school expenses. Because this amount covers, at most, the tuition of one child in a low tuition private secondary school, private school families are being unfairly treated.

In a recent letter to Secretary Bell, CAPE's Board President, Michael Ruiter, emphasized that Congress clearly wants private elementary and secondary school tuition to be considered in awarding aid for college. The letter points out that the late Chairman of the House Education and Labor Committee Carl Perkins and Senators Orrin Hatch (R-UT), Robert Stafford (R-VT) and Clairborne Pell (D-RI), leaders on the Senate Labor and Human Resources Committee, wrote to Secretary Bell that Congress meant what it said in mandating that "any education expenses of other dependent children" should be considered in determining a family's ability to pay for college.

In May, 1984 the National Student Aid Coalition revised and redefined the cap on the private school tuition allowance for 1985-86 from \$1400 to \$2700 per dependent child. \$2700 is the estimated public school per pupil cost.

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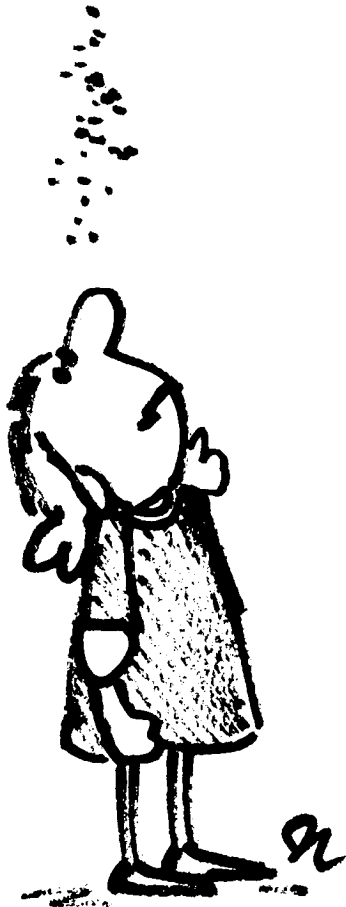
## Asbestos (continued from p. 1)

1832, Grand Central Station, New York, NY 10163, or by calling (800) 445-4000. Schools should request the proof-of-claim form for a property-damage claim.

Schools may address questions to Creditors Committee for Asbestos-Related Property Damage School Claims at (212) 759-4600.

Once the claims are received, they will be reviewed by attorneys for Johns-Manville and the schools and there will be an attempt to negotiate a settlement. It is uncertain how long it will take — the bankruptcy proceedings have been going on for two years.

In a related court proceeding, a federal judge recently ruled that all private and public school districts may participate in a class action suit against 55 asbestos firms. Schools can expect a notice by December informing them they are considered a part of the class action unless they remove themselves from the suit. Following receipt of the notice, schools have 30 to 60 days to respond.



## Exemplary School Recognition Project Underway for 2nd Year

The announcement letter for the second year of the Exemplary Private School Recognition Project was mailed in mid-September to over 6000 private schools. The Project, managed by CAPE under a grant from the US Department of Education, will identify exemplary private secondary schools during the 1984-85 school year. It complements a public school recognition project which is in its 3rd year.

CAPE's Executive Director stressed that the Project is voluntary and "that it is not to be construed as a competition among private schools. It is, on the other hand, a valuable opportunity to give the nature and strengths of private schools broader national understanding."

Principals of participating schools will submit completed applications by December which will then be screened by committees of private school educators. Approximately 120 schools will be selected for site visits between February and mid-April. Visits will be conducted by two educators, one familiar with the type of school being visited, the other from a different sector of private education. Final selections of approximately 60 exemplary schools will be announced next spring.

## Legislative Update

The 98th Congress was scheduled to adjourn on October 5. When OUTLOOK went to press, the legislators were still pushing to complete action on several key measures. During the last few weeks action was completed on the following education bills. Other unfinished bills must be reintroduced when the 99th Congress convenes in January.

### *FY '85 Education Appropriations*

Most programs were increased moderately, and \$100 million was approved for new programs under the Math/Science bill. Chapter 1 is funded at \$3.2 billion, an increase of almost \$200 million. But the Senate rejected House efforts to boost the Chapter 2 block grants from \$450 million in '84 to \$678 million in '85; the total is \$500 million.

The total budget for the Education Department in FY '85 is \$17.7 billion.

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

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### *HR 11, Omnibus Education Bill*

The bill reauthorizes for 4 years several education programs, including bilingual, immigrant, Indian and adult education, impact aid, asbestos detection and control and the Women's Education Equity Act. The President has until Oct. 22 to sign the bill.

### *Civil Rights Act of 1984*

A measure to overturn the US Supreme Court's narrow interpretation of the federal laws barring sex discrimination in education was killed by the bill's opponents by procedural morass in the Senate, even though there were 63 Senate cosponsors of the bill. The House passed its own measure in June. House proponents say they will reintroduce the bill as H.R. 1 in the next Congress.

### *School Facilities Child Care Act*

The Senate adopted a revised version of a bill to establish after-school programs for children of working parents in the Head Start Reauthorization. The measure authorizes \$12 million a year through 1986.

### *Talented Teachers Act*

This bill authorizes the Carl D. Perkins College Scholarships to high school students who intend to become teachers. Students would receive up to \$5,000 a year and in return would be required to teach two years in public or private schools for every year that they received assistance. The bill also provides fellowships to 2 outstanding teachers in each congressional district to allow them to take time off for research to develop new programs. The House passed bill was accepted in the Senate as an amendment to the Head Start Reauthorization measure. The bill awaits the President's signature.

## **Citizen's Lobby Celebrates 25th**

Citizens for Education Freedom, the citizen's lobby for parent rights in education, held its 25th Anniversary Symposium Celebration in Philadelphia on September 21-23 with about 130 participants. Among its highlights was a luncheon speech by the eminent constitutional lawyer, William Ball, on the centerpiece topic: "Parents' Rights and the States' Compelling Interests in Education." Ball's recitation of the elements of private school-state cases he successfully litigated in Wisconsin and Kentucky spotlighted a major theme of the meeting — the constitutional right of private schools to educate according to religious convictions shared by school parents in relation to the state's legitimate interest in the education of each child.

In another session of the Conference attention was paid by three speakers to private school participation in federal programs. Sister Bernadette Maier of the Cleveland Diocese described the generally satisfactory workings of the block grant in her schools and the significant difficulties experienced in making PL 94-142 effective. She said vocational education programs barely touched the private school community in Cleveland and lamented this fact.

Rabbi Bernard Goldenberg, retired Executive Director of the National Society of Hebrew Day Schools and a CAPE founding Director, noted from his long experience that private schools have passed slowly through a period of being thought to "not really belong" within the purview of federal education programs.

He urged that private schools work carefully and articulately, not brazenly, to assert the fact that they do 'belong' and that they are an equal partner in the country's educational enterprise.

Chuck O'Malley, Executive Assistant to Secretary Bell for Private Education, reviewed briefly all the federal programs for private schools and held out the hope that the election could result in a Congress which could pass a tuition tax credit bill.

CAPE's Board President Michael Ruiter, Executive Director of Christian Schools International, gave the closing address with a rousing reminder that equity and justice are still unfulfilled ideals in education. He said helping students develop strong values for life is the private schools' special contribution to a pluralistic system of education in which this concern appears to be increasingly neglected. "Now is the hour for faith and hard work."

CEF has long advocated means such as educational vouchers to ensure parental rights in education from which follows in their view educational improvement in all schools.

## **CAPELOG**

Among its recent activities on behalf of its constituency, CAPE:

... On October 12 Secretary Bell honored four private and 45 public school principals selected for awards under the first annual National Distinguished Principals Program sponsored by the National Association of Elementary School Principals (NAESP) and the Department of Education. The private school winners include: Sister Stella Maria Enright, St. Paul The Apostle Schools, Los Angeles, CA; Harrison W. Kimbrell, Brandon Hall School, Atlanta, GA; Nancy R. Murdy, Heritage Academy, Hagerstown, MD; George Roy Kaiser, St. John Lutheran School, Rochester, NY.

... Agatha Auerbach, a Washington-based expert in non-profit organization funding and a private school parent, has joined the CAPE staff in a part-time capacity.

... CAPE's Executive Director took part in a two day meeting on text-book improvement in early September sponsored by Secretary Bell.

## **College Aid** *(continued from p. 1)*

The Education Department must approve the recommendations, but typically the Committee's decision is accepted as the criteria for determining a student's need for all college aid except Pell Grants.

Even though only a relatively small number of private school families are affected, limiting the private school allowance is an arbitrary and discriminatory decision on the part of the student aid community. CAPE will continue to work to eliminate the constraints on the tuition deduction.

## **CAPE E.D. Joins NIE Panel**

A new advisory committee — the National Study Group on the Improvement of Practice — of the National Institute of Education met for the first time in mid-September. CAPE's executive director was invited to serve as a member of the 22 person committee.

The primary purposes of the Study Group are "sharing with NIE problems and needs faced by practicing educators when further research is needed" and disseminating the results of such research.

Bob Smith said he is pleased that private education will be playing "an active role in designing NIE's future research plans to meet the needs of educators on the local level."

CAPE welcomes comments from private school educators on issues that should be researched and reported by NIE.

Among the other new initiatives developed by NIE for 1985 are improving technology's application to schooling, secondary school effectiveness, and recruitment and retention of teachers.

## **A MESSAGE FROM SAM ROSEN**

Educational service and educational excellence, long the goals of our partnership with America's private schools, continue to guide us as we strive to serve you even better.

This has been a year of growth and movement for Grolier Educational Services. In January we moved our offices to Grolier's international headquarters in Danbury, Connecticut. Last month, in an organizational move, we established a number of distributorships throughout the country.

The people who head these independent companies — and who will continue to provide the quality services you have always received from Grolier — are no strangers to you. They have, for a number of years, made available to your school a variety of educational support and enrichment programs. As exclusive independent distributors of Grolier quality products, they will continue to do so.

Next month it will be my pleasure to re-introduce these longtime friends.

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*Your Partner in the pursuit of educational excellence*

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