

CAPE OUTLOOK

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Private/Public School Recognition Program Underway

In late September the principals of nearly 8,000 private secondary schools were sent invitations by CAPE to participate in the 1986-87 Secondary School Recognition Program sponsored by the Department of Education. In its 4th year for private schools and 5th for public schools, the program is intended to give visibility to distinctive and strong schools. The number of private schools to be recognized will bear a reasonable relationship to their percentage among all American secondary schools and will represent a national profile of private schools. In alternate years, the program will recognize elementary schools.

Although many of OUTLOOK's readers are familiar with the program and its purposes, there are some new developments to report about this year's efforts. In 1986-87 and thereafter the Program will be a unified one for both private and public schools. Private and public school educators will together share site visit responsibilities and together make final decisions on schools to be recognized.

Nomination forms currently are being sent to private schools on a rolling basis as requests are received. Completed forms must be returned to the CAPE office postmarked by December 8, 1986. CAPE will arrange to have the forms screened initially by a committee appointed by school associations or, when an association chooses not to do peer reviews, by a Secretariat which it will put together. Further screening is done by the private school steering committee and its advisors. The result of this process will be a set of nominee private schools for consideration within the overall public/private school program. Public schools will be nominated by their respective state Departments of Education.

The next step, in February, will be a meeting of a National Review Panel convened by the Department of Education to determine which private and public schools will receive site visits. These two day visits by two educators will take place in March and April. Final

recommendations of schools to be recognized are scheduled to be made at the end of May, 1987 by the National Review Panel. An awards ceremony at the White House is anticipated for early fall.

Congress Acts to Restore Fairness to Private Education

In the recently enacted 5 year reauthorization of the Higher Education Act of 1965, Congress has restored a fair balance in areas important to private school students and families. Under the program designed to encourage high school graduates to pursue pre-school, elementary and secondary school teaching careers, the bill reverses past discriminatory provisions affecting private school teachers. The former law required that, for each year of scholarship assistance received, a recipient was required to teach two years in an elementary or secondary school, but if the scholarship recipient fulfilled the service requirement by teaching in a private nonprofit school it had to be a school located and serving students in a district eligible for Chapter 1 aid. On the other hand, recipients could fulfill their service requirement by teaching in any public school. It appears that the new law will treat private and public school teachers consistently by not restricting service to a particular kind of school. Furthermore, Congress approved a new incentive in the program that allows the Secretary of Education to reduce the repayment by one-half if the scholarship recipient teaches in a "shortage" area as defined by the Secretary in consultation with the Chief State School Officer and an appropriate private school representative. A shortage area can be defined in a variety of ways: by its geographic location, by the subject matter taught, by a grade level. Also, the bill changes the name of the program from the Carl D. Perkins Scholarship Program to the "Congressional Teacher Scholarship Program."

An additional teacher incentive program that applies the same equitable treatment for public and private school teachers was adopted as part of the Guaranteed Student Loan (GSL) program. It allows a GSL recipient to defer loan repayments for three years if the individual teaches in a public or private nonprofit elementary or secondary school in an area of shortage as defined by the Secretary of Education.

In what has been a long-standing issue for private education, the bill retains fair treatment for private school families under the provisions for determining college financial need. Known as the "needs analysis", a complete family contribution schedule with an allowance for private elementary and secondary school

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Settlement Reached in Rhode Island Chapter 2 Case

Education officials in Rhode Island recently settled a long-standing case filed by the Rhode Island American Civil Liberties Union (ACLU) on the use of federal block grant money by parochial schools. The consent agreement, which could serve as a model for other states, limits the use of materials and equipment that religiously affiliated schools may receive with Chapter 2 education block grant funds. In the case, *Taft v. Pontarelli*, the ACLU had sought in federal court to bar the state from providing Chapter 2 funds to religious schools for any equipment that could be diverted to religious uses. The new restrictions require districts, before installation, to modify computers and cassette players funded under Chapter 2 to prevent diversion in religious schools and they may prevent the supply of photocopiers.

The plan defines Chapter 2 resources that religious schools may receive — materials such as textbooks, library books, computer software, word and math games, science equipment, physical education equipment and industrial arts materials that have been screened and deemed nonreligious. Continuing education services for religious school teachers would still be permitted. Products presumably "divertible" to religious uses such as photocopiers, public address systems, unmodified computer equipment, videocassette recorders, overhead projectors and phonographs would be barred. The state education commissioner will settle disputes about the divertibility of specific items sought through Chapter 2.

The settlement does not affect equipment and materials already provided over the past five years and it allows a one year grace period during which religious schools may use computer equipment bought for the 1986-87 academic year provided the equipment is converted by August 15, 1987.

The case reflects the dilemma of public school officials who are uncertain about constitutional ways of administering federal aid to private schools following the U.S. Supreme Court's decision last year in *Aguilar v. Felton*. A case similar to the Rhode Island suit, *Helms v. Clausen*, is pending in a U.S. district court in Louisiana. That suit goes beyond Chapter 2 and challenges state subsidies for special education, transportation, books and personnel in parochial schools. The

issue will likely receive serious consideration by Congress next year, as it works on reauthorization of the Chapter 1 and 2 programs.

Ad Campaign Planned to Promote Teaching

Responding to concern about the impending national teacher shortage from the Directors of the National Association of Independent Schools (NAIS), NAIS president John C. Esty, Jr. concluded that if persuasion were needed to attract young people to teaching, perhaps a major public service advertising campaign could help. He developed a proposal to be submitted to the Advertising Council of New York City which was accepted in June of this year.

The Advertising Council is the public service arm of the advertising industry. Each year it cosponsors and develops a few advertising campaigns to focus national attention on important problems facing the country. OUTLOOK's readers are probably familiar with earlier campaigns for causes dedicated to the public good such as the long-running "Smokey the Bear" fire prevention ads, the United Negro College Fund "A mind is a terrible thing to waste" and the Peace Corps, "The toughest job you'll ever love."

In developing the concept, Mr. Esty formed a new non-profit corporation, Recruiting Young Teachers (RYT), to manage the ad campaign and has built support for the idea within the broad education community. Last year he persuaded the Education Leaders Consortium, a group comprising the leaders of 18 public and private education associations, to support the proposal. In addition, Mr. Esty organized a "national advisory committee" of prominent citizens to serve as cosponsors with the consortium.

David Rockefeller, Jr. and J. Richard Munro, president of Time, Inc. are chair and vice chair of the Board of Directors of RYT, respectively. To date, RYT has raised nearly \$250,000 to sustain the initial phase of the campaign. The ads should begin appearing nationwide in newspapers, magazines and airing on television and radio stations early next year.

CAPE applauds Mr. Esty for his idea and work to renew the interest and involvement of young Americans in the teaching profession. NAIS is a member association of CAPE and Mr. Esty is currently serving on CAPE's Board of Directors as vice president.

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

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Congress Moves to Control Hazardous Asbestos in Schools

In the last days of the 99th Congress a bill was cleared by both houses which would mandate the removal or control of hazardous asbestos in the nation's public and private schools. The legislation, known as "The Asbestos Hazard Emergency Response Act," would require the Environmental Protection Agency (EPA) for the first time, to adopt standards requiring public and private schools to remove or contain "friable" asbestos, a cancer causing agent, wherever it is found in school buildings. The bill also requires either states or the EPA to establish a program to accredit the asbestos abatement contractors and inspection laboratories hired by schools and it reduces the fine for schools that fail to comply with the law from \$25,000 a day to \$5,000.

Schools will have 990 days, or nearly three years, from the date the law is enacted to begin implementation of an abatement plan. There is no date for completing abatement. The bill states that it must be completed "in a timely fashion."

Since 1982 schools have been required only to inspect for asbestos and to notify parents and employees if it is found. According to Susan Vogt, director of the agency's Asbestos Action Program, EPA estimates that roughly 50% of all schools have not complied with the inspection rule. A 1984 EPA study estimated that 15 million school students and 1.4 million school employees in 31,000 buildings are potentially at risk from exposure to hazardous asbestos.

In place of a provision that would have established limits on liability, the final bill, worked out in recent weeks by Congressional staff, requires the EPA to conduct a study on the availability and cost of asbestos-related liability insurance for schools and contractors. An interim report would be due in April, 1988 and the final report in October, 1990.

The legislation also will create a \$100 million trust fund to provide low-interest loans to schools by recycling repayments from loans made to schools through the Asbestos School Hazard Abatement Act of 1984 (ASHAA).

The compromise asbestos bill, H.R. 5073, unanimously passed the House on October 1 and the Senate on October 3. The President has threatened to veto the bill and it is possible that Reagan could evoke the pocket veto, in which he would leave the bill unsigned until after the adjournment of Congress.

In a related development, Congress has agreed to fund the ASHAA loan and grant program at \$50 million for FY '87, the same level at which the program has been funded for the last 2 years. Private and public schools are eligible for these loans and grants based on the degree of hazard and financial need.

tuition, is written into law for the Pell grant program, along with a statutory federal standard for computing family contributions for campus-based programs and the Guaranteed Student Loan Program. The educational expense allowance is equal to the unreimbursed tuition and fees paid by the student's parents for each dependent child, other than the student, enrolled in an elementary or secondary school, not to exceed for each such child the average per pupil instructional cost as published by the National Center for Education Statistics. CAPE and representatives of its member associations have been strongly urging Congress for the past three years to state clearly and unequivocally that the needs analysis process should reflect the inclusion of elementary and secondary school expenses in order to stop a longterm misinterpretation in the post-secondary financial aid community. Thus, the reauthorization of the Higher Education Act includes some very important and significant victories for private schools families and teachers.

Legislative Update

Lawmakers in the 99th Congress had been aiming for final adjournment by October 3, but the struggle to resolve differences in key legislation blocked members from heading home for congressional campaigns until October 18. In the last hours of this session, Congress gave final passage to a landmark immigration bill, the product of a decade's work; the largest-ever funding bill, a "continuing resolution" (CR) of \$576 billion to fund all government programs this year; bills raising the debt ceiling and reducing the projected deficit; and an election year comprehensive anti-drug bill.

Some of the education-related measures acted on by Congress are listed below and elsewhere in this issue. Because OUTLOOK went to press just as Congress adjourned we will provide a more complete legislative report next month.

Tax Reform - The President is expected to sign the Tax Reform Act of 1986 before the end of October. Under the new law, private schools and universities may be negatively affected by changes in the charitable contributions provisions in tax law. Refer to the September, 1986 issue of OUTLOOK for CAPE's comments.

Child Nutrition, H.R. 7 - The bill reauthorizes 5 child nutrition programs including the National School Lunch and Breakfast programs. It had been stalled in conference since February. However, in August an amendment which mirrors H.R. 7 was attached to a defense authorization bill which was cleared for presidential approval on October 15. The measure includes an increase in the private school tuition ceiling for participation in the school lunch program to \$2,000 (indexed for inflation) from the \$1,500 cap adopted in the 1981 Omnibus Budget Reconciliation Act. The compromise level of \$2,000 is considered a practical temporary solution for those schools that have not already been forced out of the program.

In Education He Who Pays the Piper Can Ruin the Tune

Those who have long held that the way schools are organized, controlled and financially supported hold the key to school improvement will find well-documented evidence for this view in a forthcoming Brookings Institute book, *Politics, Markets and School Performance* by John Chubb and Terry Moe.

Contending that schools "are largely the products of their environments, ... and that the fundamental determinants of schools effectiveness are to be found in the larger setting or systems in which the school operates," the authors directly challenge current thinking that effective schools are the inevitable concomitant of good leadership, clear goals, high expectations, parental involvement and other factors given attention by effective schools research.

Because "current evidence suggests that private schools are more effective than public schools at educating comparable students, it is reasonable to expect ... that private schools tend to be characterized by precisely those organizational features that reformers have been urging on public schools.... It is the environmental differences between the two sectors that largely account for the organizational and performance differences."

Ironically the study concludes that it is the democratic control of public schools that is their Achilles heel. Because democracy in school governance means that nearly everyone has a say - e.g. citizens, parents, local and state boards of education, local and state politicians, the agents of teachers and any group having a constituency interest, "schools are administration subordinates in a very complex system of political authority and control. About this they have no choice."

Private schools, on the other hand, invariably have self-contained, size effective, oversight arrangements. They are quite literally responsible for their own destinies. Their usually self-selected Boards choose the principal. Faculty members and other administrators are chosen because of their fit to their schools. Parents select private schools they think are right for their children. The bulk of operational funds come from tuition payments, thus directly equating school fiscal well-being and performance.

To repeat, the key differences between public and private schools "are anchored in their characteristic methods of social control." "Public schools are captives of democratic politics....Private schools are controlled by society but there are few, if any, political or administrative mechanisms to ensure that they respond as they *should*."

The study concludes with the heretical judgment that "the key to public school improvement may well be to break the bonds of democratic politics."

That good education and political democracy are not compatible seems completely foreign to our most strongly held ideas about how America should manage its most basic affairs. The central, but clearly the toughest, issue for educational reformers is the separation of the political from the educational system. The former is about control and power, exactly those things schools themselves must possess. Good schools need autonomy and freedom to give well-trained, committed teachers and administrators scope to exercise their best efforts within a collegial community of purpose.

All this has gone on for over 200 years in private education. Now, with the powerfully beneficent blessing of research, perhaps the time has finally come for these ideas to get a much wider, desperately needed hearing.

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