

cape Council for American Private Education outlook

"Voice of the Nation's Private Schools"

November 1995 Number 214

Council Members: American Montessori Society • Association of American Military Colleges and Schools of the U.S. • Christian Schools International • Evangelical Lutheran Church in America • 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 • **Affiliated state organizations in:** Arizona, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, North Dakota, Oregon, Puerto Rico, Rhode Island, South Dakota, Tennessee, Texas, Virginia, Washington, and Wisconsin

SECRETARY RILEY SUPPORTS RECONSIDERATION OF FELTON

In a statement released October 25, 1995, Education Secretary Richard Riley said he would support reconsideration of the Supreme Court's 1985 decision in *Aguilar v. Felton* (473 U.S. 402). The Supreme Court held in this case that it is unconstitutional for public school personnel to provide instruction in religiously-affiliated private schools under Title I of the Elementary and Secondary Education Act. The decision has caused continuing problems for both public and private school children who need extra help. Riley says, "In my opinion, *Felton* does not advance the progress of education or pass the test of good common sense. At a time when school budgets are under increased scrutiny, *Felton* places an additional undue burden on them."

The costs of compliance with *Felton* are taken off the top of the school districts' total Title I allocation, prior to providing funds for comparable instructional services for public and private school children. The amount of funds available, therefore, for all children is dramatically reduced. Riley's statement goes on to explain that, "We believe that Title I services can be provided in private schools without aiding religion or creating excessive entanglement between government and religion.....I support efforts to have the *Felton* decision reconsidered in an appropriate case."

Five current Supreme Court Justices have indicated an interest in re-evaluating

the *Felton* ruling. They are Chief Justice Rehnquist and Associate Justices Thomas, Scalia, O'Connor and Kennedy. *Felton* is "hostile to our national tradition of accommodations" for religious beliefs, Justice Antonin Scalia wrote in a dissent joined by two others in *Board of Education of the Kiryas Joel School district v.*

Grumet.

The Chancellor of the Board of Education of New York City recently filed a motion in the original *Aguilar v. Felton* case arguing that there has been significant change in the law since the 1985 decision and seeking prospective relief from the injunction in the case.

ELCA Schools Part of 25th Anniversary

In honor of CAPE's 25th anniversary year, Members of the CAPE board of directors have been asked to select from among their writings an article of interest for *Outlook*. An introduction to each will provide information about the current mission and interests of the organization.

The Evangelical Lutheran Church in America is one of the CAPE member organizations. They are committed to quality education for all children in the United States and they have a strong commitment to public education as well as private schools. The 2,500 congregations of the ELCA support and operate more than 2,000 ELCA schools from early childhood education centers through secondary schools and 28 colleges and universities. The schools operate in a variety of settings. Rural, suburban and inner-city urban Lutheran schools serve their neighborhoods and constituencies with integrity.

John Scibilia, ELCA Director for Schools, said at a recent educators' confer-

ence, "Public education is at the foundation of a free society. It is that free society which permits, which encourages, and which celebrates the existence and operation of private and religious schools. It is this diversity which creates educational opportunities for children of every learning style and offers parents options to fulfill their role as each child's primary teacher."

The mission of the ELCA in education is to advance excellence which embraces every field and level of learning, and to build community. The ELCA Department for Schools offers programs, leadership, support, advocacy and counsel to early childhood centers and schools to assist them in nurturing members of their communities for service to God, to church and to the world.



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WE'LL WORK IT OUT

By John Scibilia

Every year when I served as an urban school principal, a number of families would come to me saying, "I want my child in this school, but we just can't afford it." And every year my response to those families remained the same, "We'll work it out."

Private schools serve inner city urban communities with distinction. At a time when some of these neighborhoods are in serious crisis, private schools contribute to the community offering places for family empowerment of choice and involvement. Tuition is still the primary source of income available to inner city private schools. Special tuition assistance funds in the cities focus attention on Catholic and Lutheran school, (such as Big Shoulders Fund for Catholic schools in Chicago and the Make a Difference Fund in the Evangelical Lutheran Church of America). Often tuition assistance is based primarily on need and not on a child's academic aptitude. These schools have focused on serving all children in a school environment of educational excellence without necessarily mandating high academic entrance level proficiency. As one school principal said to me recently, "We define excellence by how we facilitate and nurture the growth of the whole child. We don't seek guaranteed success by virtue of entrance tests, but rather work for that success with the families who come to us."

Special education programs are on the increase in private schools. Many private schools are seeking to internally augment programs available to their students through the local public schools as well as provide programs now being cut elsewhere. For example, Lutheran Special Education Ministries of Detroit provides special education programs in such cities as New York, Detroit, Milwaukee and Chicago. Students with special needs in these schools are not turned away, or "dumped" as some put it. Rather, they receive excellent services focused on their unique learning styles.

Some inner city private schools place a financial burden on themselves for reasons beyond maintaining affordable tuition and liberal tuition assistance programs when possible. Adhering to an economy of scale model would require larger schools and class

sizes. But there has been a high priority placed on smallness. Interestingly, much of the recent research now validates this model. All but a small handful of private schools have enrollments below 1,000 students. The economic viability of large schools is actually a high price to pay in relation to excellence and quality. Keeping these schools small has not been a statement of exclusivity, but rather one of caring. Private urban schools serving the poor continue to seek ways to fund this caring size.

Many private schools in our cities are part of the mainstream of the community. They seek to stay in that flow by operating schools with children who reflect the economic, ethnic and racial components of the neighborhoods. This commitment comes at a price being paid primarily by parents through tuition and dedicated teachers by virtue of their willingness to accept lower salaries in exchange for their strong belief in the school's mission and purpose.

Whether it's offering affordable tuition, providing for special learning needs or maintaining quality class size, private schools continue to respond to the families who come to their doors by saying, "We'll work it out."

School Choice in D.C.?

The House of Representatives has approved a school choice demonstration program for Washington, D.C. which would set aside up to \$5 million in fiscal 1996 and authorizes \$37 million more over the next four years. The amendment would also allow the city's universities to establish charter schools. The proposal would pay up to \$3,000 for low-income students to attend Washington, D.C. area private schools or suburban public schools. The plan would offer full tuition or scholarships of \$3,000, which ever is less, to students whose family income is below the poverty level. Students whose family income is less than 185 percent of the poverty level could receive up to \$1,500. Students could use the money to pay for their education at private schools, either religious or nonreligious, or the public schools in Washington's surrounding counties. All students eligible for tuition credit could get \$500 to pay for transportation costs and extracurricular fees.

The "scholarship program" would be

run by a nonprofit corporation. Six directors would be appointed by the President and one by Washington, D.C.'s Mayor and they would make tuition grants based on students' applications.

The Congressional Research Service attorneys say the plan would comply with the U.S. Constitution's requirement that government not support or endorse churches since the money would flow through a private corporation. Voucher opponents say the scholarships would directly support schools' religious activities.

The plan was offered by Rep. Steve Gunderson (R-WI) as an amendment to the annual D.C. appropriations bill. The Gunderson proposal passed 241-177. The House later approved the whole bill, H.R. 2546, by a vote of 244-191. The Senate version of fiscal 1996 DC appropriations has no school choice measure.

If H.R. 2546 becomes law, it is likely to end up in court. The House bill anticipates this and would instruct the U.S. District Court for the District of Columbia to decide the case quickly.

The CAPE position on school choice states. "As the nation becomes more focused on education reform, private schools provide significant models of success. They are ultimately accountable to the parents who continue to choose them. In 1925, the landmark Supreme Court decision, *Pierce v. Society of Sisters* guaranteed the right of existence to non-public schools and therefore the right of parents to choose a school which reflects their values. The Council for American Private Education affirms this right and further urges national and state legislation which will provide all parents the opportunity to exercise fully their right to choose their child's school, religious, private or public."

LEGISLATIVE UPDATE

Continuing Resolution

On Wednesday, November 8, 1996, the House of Representatives passed a bill (HJ Res 115) which would keep the government running through December 1. The vote was 230-197. The resolution would provide funding for the



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programs covered by the 11 appropriations bills not yet signed into law. Currently, funding is set to expire at midnight Monday, November 13. Programs would be funded at the lowest of three levels: the House-passed fiscal 1996 bill, the Senate-passed bill, or the fiscal 1995 level. Programs that either chamber had voted to kill would be funded at 60 percent of their fiscal 1995 levels.

The Istook amendment (James Istook, Jr., R-OK), which would severely restrict the ability of non-profit groups that get federal grants to lobby or engage in "political advocacy", was added to the House Continuing Resolution. Republican moderates tried to get a separate vote on the amendment but they were blocked, 216-210.

A second short term bill would boost the debt ceiling to avert a default by the Treasury on interest to holders of U.S. Treasury bonds. The House voted 227-194 to approve the short-term increase in the debt ceiling. A provision to eliminate the Commerce Department was part of this bill.

The Senate voted 50 to 46 to approve its version of the interim spending bill and also approved 49-47 the debt ceiling legislation. However, the Senate dropped the provision eliminating the Commerce Department and the Senate insisted on watering down the lobbying restrictions.

Final congressional action on a temporary spending bill to prevent a shutdown of the U.S. government has been delayed until Monday, November 13 at 5:30 P.M. EST, a few hours before the government would close.

President Clinton has said he will veto the continuing resolution as well as the debt ceiling extension. Clinton said the temporary spending bill before Congress is loaded down with Republican proposals for budget cuts. "We cannot cut Medicare, education, and the environment as a condition of keeping the government open," he said.

► Fiscal 1996 Appropriations

H.R. 2127, the House version of the appropriations bill would cut money Congress appropriates for Education Department programs by \$3.6 billion from last year's funding. The bill would reduce Title I school district grants by \$1.1 billion and Safe and Drug-Free Schools grants by \$282 million. The House passed its bill on August 4. The Senate failed to win enough votes on

September 28 to begin debate. There has been no new action.

► Budget Reconciliation

The House FY1996 Budget Reconciliation Act, H.R. 2491, passed on Thursday, October 26 by a vote of 227-203. The House plan contains over \$10 billion in cuts to student loans including the elimination of the Direct Student Loan program, increasing the interest rate on PLUS loans and the elimination of the grace period for interest on student loans for new borrowers. H.R. 2491 also eliminates the entitlement for school lunch and creates a Medicaid block grant to the states that eliminates reimbursements to schools for children with disabilities.

The Senate passed its reconciliation bill, S. 1357, by a vote of 52-47 on Saturday, October 28. The Senate bill restores the six month grace period on interest for student loans and freezes PLUS loan interest rates. The Senate package retains the school lunch entitlement but reduces reimbursements and mandates that states provide Medicaid for children under 13. Next action is a conference to reconcile the differences.

Editor's comment: *It is clear that the children of America will be affected by legislation far beyond just the education bills.*

Search For New Executive Director

At the October meeting, the CAPE board of directors accepted the resignation of executive director, Joyce McCray, effective June 30, 1996.

CAPE invites applications for the position. The executive director serves as the chief spokesperson and provides the direction and leadership that enables CAPE to fulfill its mission. Candidates should have extensive experience in private education as well as demonstrated interest and ability in government affairs.

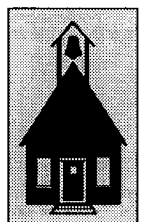
A letter of interest and resume should be postmarked no later than January 15, 1996 and sent to Sheri D. Haan, Chair, CAPE Search Committee, 3350 East Paris Avenue S.E., Grand Rapids, MI 49512, 616-957-1070, X222. A position profile and additional information are available upon request.

CAPENOTES

► The Council for Basic Education has announced fellowship programs for 1996. The two national, competitive fellowship programs are the **Independent Study in Humanities Fellowship** program and the **Arts Education Fellowship** program. The programs are open to K-12 teachers for independent study in the summer. The purpose of these fellowships is to provide teachers and principals with the time to pursue their scholarly interests. The program awards up to \$2500. The deadline for the humanities application is January 16, 1996 and for the arts application, January 19, 1996. Applications are available by mail from P.O. Box 135, Ashton, Maryland 20861 or by fax from (301) 570-8655.

► CAPE congratulates three private elementary school principals who were recently honored as **National Distinguished Principals** by the National Association of Elementary School Principals: Helen J. Petropoulos from Ste. Genevieve du Bois School in St. Louis, Missouri; Charles A. Winterstein, Trinity Lutheran School, Toledo, Ohio, and Sister Gabriel M. Hession from Our Mother of Mercy School in Fort Worth, Texas. CAPE works with NAESP in this program. Applications for this year's program are available through your national association office. We encourage your participation.

► The **Public Agenda Foundation** has released a new study, *Assignment Incomplete: The Unfinished Business of Education Reform*, prepared in collaboration with the **Institute for Educational Leadership**. Americans surveyed in the study think private schools do a better job than public schools in areas they are most concerned with — school safety, higher standards, order, and smaller classes. "When almost six in ten parents with children in public school say they would send their children to private schools if they could afford to do so, it's time for reformers to take heed of citizens' concerns with the public school



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system," said Public Agenda's Executive Director Deborah Wadsworth. Among those who say private schools provide the better education, 57% of the public and 74% of leaders say it is because "their approach to educating students is more effective," not because private schools are choosier about which students they admit. "Findings from *Assignment Incomplete* show a public dissatisfied with public school policies and practices, but a public still desirous of fixing the schools. For the reform movement to be successful, the public's remaining support cannot be squandered. Public priorities must be addressed and soon," said Michael Usdan, President of the Institute for Educational Leadership. For more information contact Margaret Suzor Dunning, 212-686-6610.

◆ Celinda Lake from Lake Research reported findings of recent research at a meeting convened by Secretary Richard Riley. The research on **American voters' issue priorities**, including research specific to education issues was conducted for the **American Association of University Women** in August 1995. Five focus groups were conducted on education among registered voters with no strong partisans and at least three participants who voted in 1992 but not

1994. One purpose of the study was to identify the most effective ways to talk about cuts in the federal budget for women voters. "In other words, how can we maximize the impact of a national (federal) dialogue about an issue with such a strong local and state content?" A major finding of the study is that a national education message is both possible and strong when it is framed in broad economic terms. The women in the study did not need to be persuaded that education matters. "They are already persuaded. They already see education as critical to the future of their children and to the future of the country, and it is a very high priority." Although education is primarily a local issue for these voters, they believe it is important to have high national standards, and this is an area where they support a federal role.

◆ The National Governors' Association and the Education Commission of the States and IBM Chief Executive Officer Louis V. Gerstner, Jr. have announced they will co-host an **education summit for the nation's governors and business leaders** March 26-27, 1996. The summit will focus on the need for world-class academic standards and real accountability to measure student and sys-

tem performance. Participants will have an opportunity to understand and experience how emerging technologies can be incorporated into school restructuring. It will also help all governors to focus on education as a priority.

◆ The **National Education Goals Panel** has released their report for 1995. This year marks the half way point between 1990, the year that President Bush and the nation's Governors established the National Education Goals and the target date for achieving the goals, the year 2000. There are 18 members of this bi-partisan panel including Governors, Members of the Administration, Members of Congress and State Legislators.

The report shows that the country is falling behind in seven key areas, including 12th grade reading, teacher preparation and curbing drug abuse. There are advances in five major areas, including reducing school violence and lifting mathematics achievement at grades four and eight. In many other areas, such as graduation rates, the panel shows the nation at a standstill. The report is free from The National Education Goals Panel, 1255 22nd St. NW, Suite 502, Washington, D.C. 20037, 202-632-0952. A 20-page executive summary is also free.

COUNCIL FOR AMERICAN PRIVATE EDUCATION 1726 M Street, NW, Suite 703, Washington, DC 20036-4502
(202) 659-0016, fax (202) 659-0018, CONNECT™: cape, Internet: cape@connectinc.com

a coalition of 14 national associations serving private schools K-12
Executive Director: Joyce G. McCray
[ISSN 0271-1451]

Outlook is published monthly (September to June) by the Council for American Private Education. Annual Subscription is \$15.

cape outlook

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1726 M Street, NW, Suite 1102
Washington, DC 20036



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