

**The Private Elementary
and Secondary Education**

OUTLOOK

A report from the Council for American Private Education, Washington, D.C.

May, 1976

BUCKLEY, DELANEY BILLS
PROVIDE TAX DEDUCTIONS
FOR EDUCATIONAL OUTLAYS

"If the individual rights we celebrate in the Bicentennial year still mean anything, they must mean that Americans have the right to their own religious, educational, and cultural institutions," says Sen. James

Buckley (C-R, N.Y.), speaking for his bill (S. 2356). "Members of every minority have the right to hand over to their children their own values and beliefs, their own religious traditions, ethnic identity, and racial pride. Once these rights are swallowed up by publicly-funded monopolies, then little is left of the boasted freedoms to which our Bicentennial is dedicated." The bill, introduced in the House of Representatives by Congressman James Delaney (D-N.Y.) as H.R. 9865, would allow taxpayers up to a \$1,000 maximum Federal tax deduction for themselves and each of their dependents for tuitions paid to any elementary, secondary, or post-secondary private or public school.

If public education didn't have the stimulus of private education, we would have an educational monopoly, bringing "arrogance and abuse," discouraging innovative criticism, and becoming "complacently contented with itself," says Buckley. Many private schools and colleges are in financial trouble, made worse by a Supreme Court which is, in the area of private education, "perversely unconcerned about the rights of parents, the preservation of individual liberty, the protection of personal conscience, and the continuance of pluralism in American society," Buckley asserts. He says, further, that there is much talk in Congress about the need to protect consumers, yet there are no more "dissatisfied and frustrated consumers" than those who must pay for public education and often find it "faulty and occasionally shoddy." George J. Will, syndicated columnist, calls Buckley's bill "the most important consumer legislation on the national agenda." It would strengthen competition "in the most important sphere of community life--schooling," he says.

Those concerned with the bill's viability see four problems: (1) the Supreme Court could carve elementary and secondary schooling out of the benefits, maintaining that since 90% of the Nation's children in grades 1-12 attend public schools where no tuition is involved, the bill's actual applicability on that level would be directed toward "too narrow a class"; (2) the affluent would benefit more than the poor because of the progressive nature of income tax (based on the maximum deduction of \$1,000, those in the 70% tax bracket would deduct \$700; those in the 14% tax bracket would deduct \$140); (3) the program would cost the Federal government at least \$2 billion; and (4) the bill would tend to be inflationary, encouraging institutions to raise tuition rates and thereby offset the tax relief provided.

The bill's thrust is supported on many levels--from the grass roots to the Presidency. Parents are pressing for alternative methods of education which "fit" the special needs of their children. In the most recent Gallup poll on the subject, a majority of the Nation's adults (52%) favored a constitutional amendment to permit the government to provide financial aid to church-related private schools. President Ford has said he hopes a constitutional way can be found to help nonpublic schools compete effectively with the public school system. Buckley says his bill is "obviously constitutional" because the Supreme Court has never found fault with tax deductions, as opposed to tax credits. His office has been "swamped with correspondence" recently, most of it favorable to S. 2356. "We are deadly serious about this bill," a spokesman said. "We will be devoting a major part of our time to it."

COMMISSIONER BELL RESIGNS
AMIDST PRAISE FROM FORD,
PUBLIC, PRIVATE EDUCATION

With praise from all sides for his leadership, U.S. Education Commissioner Terrel H. Bell has resigned. He will leave the post he held for a little over two years August 1 to become Utah's Commissioner of Higher Education and chief executive officer of the State's Board of Regents. In his letter of resignation to HEW Secretary Mathews, Bell said his new position would provide an opportunity to "gain administrative experience in higher education."

Accepting the Commissioner's resignation, President Ford said he has done an outstanding job, "providing distinguished national leadership in American education." Secretary Mathews wrote Bell, "I cannot tell you what a blow your loss is to me here. I have come to count on you both professionally and personally." The Chief State School Officers report they had "one of their kind" in the Commissioner's job for the first time in years. "He has made a valiant effort to bring leadership to education at a time when the country is losing confidence in our institutions," said Ohio State Superintendent Martin Essex.

Bell has consistently spoken out on the need for educational variety, diversity, and contrast, calling for a strengthening of parental leadership in matters of discipline and a rebirth of moral and spiritual values in the Nation's schools. Al Senske, President of the Council for American Private Education (CAPE) and Secretary of Elementary and Secondary Schools, Board of Parish Education, Lutheran Church--Missouri Synod, considers Bell one of the "strongest Commissioners of Education" and the "most supportive" of children enrolled in private schools.

SUPREME COURT HEARS
DISCRIMINATION CASE,
DECISION BY SUMMER

A lawyer representing the Southern Independent School Association (SISA), a group of 375 private schools, told the U.S. Supreme Court recently that member schools "discriminate against blacks because of color," that there is discrimination in "every element of life," and that it is not necessarily "a horrible thing." Lawyers representing two Virginia schools, Bobbe's School and the Fairfax-Brewster School, presented arguments upholding an individual's right "to be left alone" and "to be free," maintaining that if parents have a right to choose a school, schools have a corresponding right to choose their students. The schools refused admission to two black children but denied they did so because of race. They contend, however, that they should have the right to exclude them if they wish.

The question at issue in the case is whether the 1866 civil rights law granting blacks the same rights "to make and enforce contracts" as whites was violated by the two Virginia schools when they refused to admit the two black applicants, Michael McCrary and Colin M. Gonzales. The lower Federal courts that ruled on the case found that denial of admissions to a private school on the grounds of race is a violation of the 1866 law.

CAPE, the National Association of Independent Schools, and the Southern Association of Independent Schools (SAIS), representing about 13,500 private schools with nearly 4.2 million students--roughly 90% of U.S. private school children, responded vigorously in an amicus curiae brief that they are "unalterably opposed to the practice of racial discrimination against black persons in private education."

During the hearing the lawyers representing the two schools and SISA were closely and sometimes angrily questioned by some of the Justices, including Chief Justice Warren E. Burger and Justice William H. Rehnquist. Justice Thurgood Marshall, the only black member of the Court, after a heated discussion with the SISA lawyer on whether or not any black schools discriminate against whites, ended the exchange abruptly: "All I'm objecting to, sir, is your comparing your schools to the average Negro school. There's no comparison."

A decision in the case is expected by this summer.

TWO GRANTS TO LUTHERANS
UNDERWRITING PREPARATION
OF FEASIBILITY MATERIALS

Financed by two grants totaling \$47,000, the Association of Lutheran Secondary Schools (ALSS) is developing tools and training consultants to conduct Lutheran high school feasibility studies. Approximately 30 communities have expressed interest recently in beginning new Lutheran junior, junior-senior, or senior high schools, according to Dr. Al H. Senske, Secretary of Elementary and Secondary Schools for the Missouri Lutherans. There are now 59. The ALSS project, funded by the Aid Association for Lutherans (AAL), is an outgrowth of this current interest.

Detailed instruments and materials for conducting such studies have never been available, Senske says, nor have individuals been trained to serve such communities as consultants and resource persons. Dr. Martin Wessler, ALSS president, reports the study will design the necessary materials for local community use, develop detailed guidelines, and train community consultants. Existing elementary, middle, and high schools, as well as communities planning a new school, will benefit from the project, he believes.

Our members, says Fred Pahl of AAL, a fraternal benefit society, are "genuinely excited" about partnership with ALSS on this project and believe they are demonstrating support for the work of the Lutheran Church in a tangible and constructive way.

SCHOLARS AT AERA MEETING
PUT HIGH VALUE ON PRIVATE
SCHOOL EXPERIENTIAL DATA

"The Nation's private schools constitute an important and largely untapped data source for educational research," Donald A. Erickson, Professor of Education at Simon Fraser University, British Columbia, told those attending a symposium at the annual conference of the American Educational Research Association (AERA) held recently in San Francisco. "Much of value to public education can be learned from these schools concerning the impact upon school effectiveness of unconventional approaches to school organization, management, and programs," Erickson said, urging increased research activity utilizing data drawn from the experience of private schools.

The symposium, addressing the theme "Private Schools and Public Education: Reconsideration of Theory and Practice," was the first such program sponsored by AERA. It represented one outcome of the activities of the Scholars Advisory Committee to CAPE, a group formed under Erickson's chairmanship early last fall. The program included the presentations of relevant papers by Leonard Baird, Richard Nault, and Thomas Vitullo-Martin of, respectively, Educational Testing Service, Washington University, and Columbia University. Bruce Cooper of Dartmouth and Robert Lamborn, CAPE Executive Director, were discussants. Erickson, Cooper, Nault, and Vitullo-Martin comprise the CAPE advisory panel.

IOWA NONPUBLIC EDUCATORS
CONVENTION ATTRACTS 1800

The Iowa Association of Nonpublic Schools drew 1800 elementary and secondary school teachers, administrators, and board members for its April 9 nonpublic educator's convention. Marilyn Van Derbur "held the group spellbound," according to Lewis Arkema, the Association's president, as she spoke on "Motivating Youth to Service." She focused attention on ways to help students who once "thought of themselves as failures" become more successful.

The assembled private school educators--representatives of Christian, Lutheran, Catholic, and Mennonite schools, among others--were welcomed by Iowa Governor Robert Ray and by Robert Benton, State Superintendent of Schools. Dr. Joel Nederhood, Radio Minister of the Christian Reformed Church and Director of the "Back to God Hour," stressed the church school educators' responsibility to teach the body of truth, in terms of a scriptural commitment, along with the body of knowledge. Dr. Al Senske, CAPE President, reported on relevant national developments.

UNIVERSITY, ARCHDIOCESE OF
SAN FRANCISCO ESTABLISHING
INSTITUTE FOR LEADERSHIP

The Institute for Catholic Educational Leadership, opening this summer in San Francisco, will have an ecumenical thrust, according to Msgr. Pierre DuMaine, Superintendent of Schools, Archdiocese of San Francisco. "Other private schools, both church-related and nondenominational, face the same basic problems we do. We hope many other private school leaders will take part in Institute programs," he said.

The Institute is being established as a cooperative project of the University of San Francisco and the Archdiocese of San Francisco, in collaboration with other California Catholic colleges, dioceses, and religious communities. It will be under the direction of Rev. Michael O'Neill, currently Superintendent of Education in the Catholic Diocese of Spokane, Washington. A Master's degree in Catholic education will be offered; research and development projects dealing with private education are planned; and a variety of workshops and study days on Catholic school issues will be held.

NHF INVOLVES HUMANITIES
PROFESSORS AND SCHOOLS
IN VARIETY OF PROGRAMS

"Three times as many students signed up as we expected," said John Edie, Director of Instruction at The Blake Schools, discussing their new interdisciplinary course offerings in the humanities. Chosen in national competition, Blake, an independent school in the Minneapolis area, is one of 25 elementary and secondary schools taking part in the Humanities Enrichment Program (HEP) of the National Humanities Faculty (NHF). Funded by the National Endowment for the Humanities, and serving both public and private schools, the program seeks to "strengthen teaching and learning in humanities disciplines," according to NHF Director Arleigh D. Richardson III.

Each school in the HEP program receives 15 days of resident assistance from NHF professors chosen from a master list of some 2,000 distinguished humanities educators, and continuing supervision by one NHF faculty advisor. A symposium is held toward the end of each school's assistance period to share experiences with teachers in neighboring schools.

NHF programs are varied. In one three-week summer workshop, teachers from 20 public and private schools from all over the country met with NHF professors to better understand "The Question of Authority." In Concord, Mass., an in-service training program for teachers in the humanities brought NHF professors together with 5 schools--2 Catholic, 2 independent, and 1 public--which had been almost totally "out of communication" before. By the end of the year-long seminar, teachers and students were "moving back and forth" in exchange programs not only in the humanities, but also in other fields.

Most college professors involved in NHF programs are "tremendously excited" about them, and some come away with a "whole new slant on their educational philosophies." Responses from teachers in the participating schools are equally enthusiastic. Being involved in the programs gives them an "intellectual shot in the arm," Richardson reported.

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