

OUTLOOK

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

Number 28 • February, 1977

NEW BILLS WOULD PROVIDE
TAX RELIEF FOR PUBLIC,
PRIVATE TUITION EXPENSES

Interest in legislation allowing taxpayers to deduct, or to claim a credit for, tuitions is active in both the House and Senate. Rep. James J. Delaney, Chairman of the Rules Committee, introduced a bill (H.R. 3403) in the House which would allow a tax deduction of up to \$1,000 for tuitions paid to elementary, secondary, or postsecondary institutions for a taxpayer, his spouse, or his dependents. Taxpayers might choose, instead, a tax credit of no more than \$250 per person.

Senator John Tower, Chairman of the Republican Policy Committee, plans to introduce a similar bill. While affluent Americans can exercise their parental right to guide the education of their children, Tower says, poor and middle-income families have only a "hollow right" on the precollegiate level where, in contrast to the situation in higher education, no financial assistance has been provided. There should be help for "millions of families" who keep alive the independent schools "which provide diversity to this country's education," Tower says. His bill allows deductions and credits to the same dollar limits as Delaney's for tuitions the taxpayer pays for himself "or for another person."

CAPE OUTLINES INTERESTS,
CONCERNS, AND ASPIRATIONS
TO CALIFANO, BERRY, BOYER

Directors of the Council for American Private Education (CAPE) contacted HEW Secretary Joseph A. Califano, Jr.; Assistant Secretary for Education Mary F. Berry; and U.S. Commissioner of Education Ernest L. Boyer, welcoming them to office, outlining items of concern, and offering to meet with them "to help achieve the President's announced intention to support America's private schools."

CAPE sees private schools as complementary to public schools, providing "value-oriented alternative opportunities" for parents and children. The Council requests of Califano that representatives of these schools be involved "in the undertakings of all government agencies and commissions" under his direction. The Council's Directors offer cooperation in implementing the President's intention to find "constitutionally acceptable methods" of providing aid to parents whose children attend private schools and to see that children attending private schools benefit fully from Federal education programs.

Commenting to Dr. Berry that "promising advances" have been made recently in three areas of major concern, CAPE requests that she "consolidate and build upon these advances." The areas: (1) regular collection of adequate data concerning private precollegiate education; (2) involvement of private school representatives in planning, implementing, and monitoring activities within the Office of Education; and (3) private school participation in research and dissemination activities of the National Institute of Education.

CAPE represents nearly 4.2 million children, more than all but one chief state school officer--nearly as many as are represented by the chiefs of the 20 least populous states combined. Given these numbers, CAPE asks Dr. Boyer that private schools be as automatically and routinely considered in the deliberations of the Office of Education as are public schools and that CAPE be involved in OE matters much as the Council of Chief State School Officers is involved.

NAIS MEMBER GROUPS DISCUSS
REGULATIONS ON LOBBYING BY
NONPROFIT ORGANIZATIONS

The permissible extent of legislative activities by non-profit organizations may now be measured against a percentage of their budget, instead of against a vagary which states they may not engage in "substantial" lobbying.

Barbara Washburn, representative of Washington law firm Pepper, Hamilton & Sheetz, spoke recently in Washington at a meeting of member associations of the National Association of Independent Schools (NAIS). Washburn worked with the draft legislation for two years as counsel to the Coalition of Concerned Charities, a group of about 80 organizations which sought to clarify and liberalize lobbying restrictions on charities.

Washburn told the NAIS group that the new Tax Reform Act (P.L. 94-455) allows nonprofit organizations classified by the government as 501(c)(3), to elect to come under its provisions, or not. If they choose to "elect" they will be limited in their legislative activities to those requiring no more than a fixed percentage of their exempt purpose expenditures. Such expenditures are defined in Section 4911(d) of the Act as those made to advance the exempt purpose or to influence legislation. Larger organizations are limited to a smaller percentage of their budgets than their smaller counterparts. For example, organizations with exempt purpose expenditures of up to \$500,000 may expend 20 percent of those expenditures on lobbying; those with exempt purpose expenditures of over \$1,500,000 may expend \$225,000 plus 5 percent of any excess over \$1,500,000.

One of the most significant features of the new legislation, says Washburn, is that organizations will be subject to a 25 percent tax if they spend more than allowed, rather than be subject to loss of 501(c)(3) status, as they were under the prior law. "The death penalty," or loss of 501(c)(3), will occur only after repeated excesses.

NAPSEC JOINS CAPE, SPEAKS
FOR PRIVATE SCHOOLS WHICH
SERVE EXCEPTIONAL CHILDREN

Bringing 69 schools and 6,500 students, the National Association of Private Schools for Exceptional Children (NAPSEC) joins CAPE, raising the Council's membership of national private school organizations to 12. Some NAPSEC

schools serve the bright and gifted; most serve the learning disabled, emotionally disturbed, and mentally retarded. Individual schools in the group enroll as many as 1,000; most are much smaller. The greatest concentration of member schools is on the East Coast.

NAPSEC schools share their expertise in meeting the needs of exceptional children. The organization keeps its members informed of legislation which could affect their schools, distributes a membership directory, and publishes a newsletter. A major current association objective is to encourage the establishment of national accrediting standards for schools serving the learning disabled child. There are now no such criteria, reports Jane Kramer, Executive Secretary. The annual NAPSEC meeting is open to the public. Newcomb Rice, Director of the Brush Ranch School in Santa Fe, is president.

"INSPIRATION AND ENERGY"--
OUTCOMES OF ORME SCHOOL'S
ARTISTS-IN-RESIDENCE WEEK

Classes were suspended for a week recently while 15 artists--among them a poet, a dancer, a sculptor, a "creator of special effects" (environment and light phenomenon as art), and a jewelry maker--conducted workshops and

lived on campus at The Orme School in Mayer, Arizona. The school was "injected with inspiration and energy" during the annual Fine Arts Festival, says Headmaster Charles Orme.

Students in the independent boarding school attended the workshop of their choice every day. Fifteen were offered. Emphasis was placed on cultural exposure and development of lifelong recreational forms, rather than on artistic production and career development. At the end of the week, guests were invited for art exhibits and student programs in dance, music, drama, and interpretive reading. This year's festival was the ninth.

BUCKLEY PROVISIONS HAMPER
EDUCATION RESEARCH EFFORT
SCHOLARS' REPORT MAINTAINS

The Buckley Amendment, while protecting the privacy of students' educational records, hampers research by putting the initiative for maintaining the confidentiality of sensitive research areas in the hands of the government instead of with the research community. "The entire life cycle of a research project has become subject to federal strictures," write educational researchers Jo Ann Weinberger and John A. Michael in Educational Researcher, a publication of the American Educational Research Association. The authors, here expressing their personal views, are associated, respectively, with Research for Better Schools, Inc., and the National Center for Education Statistics.

Legislation relating to individual privacy, Weinberger and Michael maintain, has an impact upon the administration of research, funding procedures, and "the very substance and techniques of research." It affects sampling, instrumentation, research design, data processing, data dissemination, and the retention of data. The key provisions of the Buckley Amendment, formally known as The Family Educational Rights and Privacy Act of 1974 (P.L. 93-380), which present research difficulties are those requiring that personally identifiable school records be made available only with written parental consent. Exceptions are made for restricted school and government agency use.

Weinberger and Michael believe the law raises a "specter of restrictions" upon the research community, biasing sampling techniques, prejudicing research participants, and causing departure from scientifically acceptable procedures and conditions, as well as increasing administrative burdens and resulting research costs.

FEDERAL FUNDS AID MISSION
SCHOOL TO PRESERVE INDIAN
CULTURE, VITALIZE PROGRAM

Frances Setting Eagle was the first student to enter Wyoming's St. Stephen's Catholic School in 1884. When he died recently at 98, fellow Arapahoe tribesmen feared much of their culture died with him, unrecorded. Sister Joyce Duroska, Superintendent-Principal at St. Stephens, and others meet once a month with Arapahoe elders, The Keepers of Tradition, to discuss how the school can help maintain and record the tribe's culture.

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Title IV monies, in addition to other Federal funds, help. Tribespeople teach children in home economics classes to make traditional Indian foods, such as choke cherry gravy. They demonstrate drying, stringing, and polishing seeds for necklaces. They share old Indian stories and songs. One teacher is in charge of Indian culture and values. There is career education, beginning in the lower grades; an in-service training program for paraprofessionals; an activities center for youth and adults.

Two hundred nine Arapahoes attend St. Stephens, 15 Shoshones, and 8 who are not Indian. Although the school is Indian controlled, religion is still being taught, by request. The mission works in an advisory capacity. "My job is to replace myself," says Superintendent Duroska, because the mission's goal is to turn the school over to the Indians completely.

SUPREME COURT ACCEPTS CASE
TESTING OHIO BENEFITS FOR
PRIVATE SCHOOL STUDENTS

The U.S. Supreme Court will decide whether children attending private schools in Ohio will continue to receive auxiliary services through public financing. The 1975 Ohio law, ruled constitutional earlier by a three-judge Federal panel and now challenged by the American Civil Liberties Union, allows private school children the use of non-divertable textbooks and instructional materials, health services, therapeutic and remedial services, testing and scoring services, and field trip transportation. The two-year appropriation was \$88 million. Ruling on the case, Wolman v. Essex, is expected in July.

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NLRB ASSERTS JURISDICTION
IN PARISH SCHOOL DISPUTE

The National Labor Relations Board (NLRB) has ruled Philadelphia's Catholic parish elementary schools are not religious enough to escape governmental jurisdiction; the U.S. Supreme Court holds Catholic schools too religious to receive public funds. The government "can't have it both ways," says Catholic schools Supt. Msgr. Francis B. Schulte.

Philadelphia's Association of Catholic Teachers, an AFT affiliate, petitioned NLRB to extend jurisdiction over the schools and conduct an election for a single bargaining unit. The archdiocese contends teachers in each school should bargain with their parish. NLRB upheld the petition and ordered a February 20 election. A Pastors Committee, representing 269 pastors, maintains the NLRB decision "ignores the individual parish's role and voice" in labor matters and has urged parish communities to use "every legal means" to overturn the decision. Some 2,000 teachers in 273 schools are involved. Archdiocesan high school teachers are already represented by AFT.

The NLRB found that "the major part of the Catholic elementary school curriculum is devoted to the same kinds of nonreligious subjects as are taught in public schools and that the subject of religion accounts for less than 15 percent of the schools' weekly schedule." It found, further, that because the schools comply with the city's requirements concerning curriculum and number of school days and offer sports and field trips "similar" to those in public schools, these "religiously associated" schools are "not completely religious," and are of the type over which the board has "asserted jurisdiction."

AMERICAN LUTHERAN SCHOOL
ENROLLMENTS GAIN SHARPLY

Enrollment jumped 57 percent in American Lutheran Church (ALC) preschools this year, 22 percent in elementary. While the number of elementary schools did not increase, 180 preschools opened, bringing the total of ALC preschools to 300. There are 54 elementary schools. One of the reasons for burgeoning preschool interest, says Donald Vetter, ALC Director of Christian Day Schools, is increased accent in government, in educational institutions, and in society on the importance of preschool education. The major increase in preschools is in California, Ohio, and the Northwest, Vetter says.

U.S.-CANADIAN RECIPROCAL
TAX CONVENTION ENCOURAGES
GIFTS TO SCHOOLS, COLLEGES

Canadian residents wishing to make "across the border" donations to American private nonprofit schools may do so and take the same tax deductions as they would for gifts to Canadian schools. The reverse is also true. The supplementary income tax convention, in effect between the U.S. and Canada since 1957, makes this provision. The reciprocity question was raised by the Thacher School in Ojai, California, when a "Canadian gentleman" wished to make a gift to the school. A number of North American private school organizations have both U.S. and Canadian members.

OUTLOOK is published monthly (September through June) by the Council for American Private Education. Annual subscription \$6.

Application to mail at second-class postage rates is pending at Washington, D.C.

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