

# OUTLOOK

FEDERAL EDUCATION FINANCE  
STUDY ADDRESSING PRIVATE  
SCHOOL SIGNIFICANCE, NEEDS

The significance of private schools in American education finance is to be assessed in a three-year, \$10 million study mandated by the Education Amendments of 1978. The legislation (P.L. 95-961) calls for an analysis of current and future federal assistance for private education, including the extent of student participation in federal programs, trends in private school enrollments and costs, and the impact of private schools on public school enrollments and financial support. It will consider alternative federal policies for support of private education through the 1980s. The private school study is one aspect of an overall investigation of school finance and the problems of adequate school funding.

HEW has held a series of hearings on the draft study plan. In his testimony at one such hearing, Robert L. Lamborn, Executive Director of the Council for American Private Education (CAPE), said, "For many years leaders in private education have urged the federal government to collect adequate demographic, descriptive, and more complex research data on the character, condition, and contribution of American private schools." He noted that over 10 percent of the funds which support the nation's elementary and secondary schools are generated by the private sector through tuitions and charitable contributions, and that these funds--approximately \$9 billion annually--amount to more than twice that the federal government provides for school support. "We see these investigations as vital to the creation of wise public policy in the field of education." said Lamborn.

SUPREME COURT RULES NLRB  
HAS NO JURISDICTION OVER  
CATHOLIC SCHOOL TEACHERS

The Supreme Court has ruled that the National Labor Relations Act does not apply to parochial schools and therefore church school officials are not required to bargain with unions that represent their lay teachers. The 5-4 decision in National Labor Relations Board v. Catholic Bishop of Chicago, et al. held that the 7th U.S. Circuit Court of Appeals was right to say that the National Labor Relations Board (NLRB) does not have jurisdiction over the lay faculty members of two groups of Roman Catholic high schools, one operated by the Catholic Bishop of Chicago, and the other by the Diocese of Fort Wayne-South Bend, Indiana.

In the majority opinion, Chief Justice Warren E. Burger avoided the "difficult and sensitive questions" involving First Amendment rights and concentrated on Congressional intent. Congress never clearly expressed, he said, an "affirmative intention" to have the law extend to lay teachers in church-operated schools and the NLRB's "very process of inquiry" might create a "significant risk that the First Amendment will be infringed." In the minority opinion, Justice William J. Brennan, Jr., held it was "irresponsible" to sidestep the constitutional freedom of religion issues.

Bishop Thomas C. Kelly, General Secretary of the United States Catholic Conference, maintains the decision "reaffirms the right of church-related institutions to manage their own affairs." Albert Shanker, President of the American Federation of Teachers, says he will seek legislation to overcome the "narrow" decision.

HOUSE COMMITTEE CONSIDERS  
FAIR USE OF TV AND RADIO  
FOR EDUCATIONAL PURPOSES

What constitutes "fair use" of off-the-air taping of copyrighted materials was the subject of a recent all-day hearing before the House Judiciary Subcommittee on Courts, Civil Liberties and the Administration of Justice. The

Ad Hoc Committee on Copyright Law, a coalition of school, college, and library groups, testified that fair use should be construed so that teachers could make reasonable use of television and radio programs with a minimum of delays and without additional payment.

August W. Steinhilber, Associate Executive Director of Federal Relations for the National School Boards Association and committee chairman, listed five educational needs that should be taken into account in defining fair use: (1) the need to provide the broadest possible range of worthwhile educational experiences to students, (2) the need to preview programs in order to determine their worth, (3) the need to incorporate the material effectively into instructional activities, (4) the need to present the program under the best psychological and environmental circumstances, and (5) the need to re-show the program on occasion in whole or in part to obtain the maximum educational benefit. "This kind of copying," said Steinhilber, "is as fair to copyright proprietors as it is essential to users."

As a result of the hearing, the Copyright Office and the Subcommittee will appoint a negotiating team to come up with guidelines. If they are unable to agree, Chairman Robert Kastenmeier (D-Wis.) will consider corrective legislation.

PENDING REVISIONS OF DAY  
CARE CENTER REGULATIONS  
CONCERN PRIVATE PRESCHOOLS

HEW is revising standards which regulate federally funded day care centers. The standards are important to those conducting private preschool programs because, according to Bretta Weiss, National Director of the American Montessori Society, they are adopted by many state agencies and then applied whether or not the day care facilities receive federal funds. Many private preschools are associated with day care centers, some of which receive federal support.

The Federal Interagency Day Care Requirements (FIDCR) regulations cover health and safety requirements, education requirements, parent involvement, and child-staff ratios for center and home-based care. The standards for education requirements and staff-pupil ratio have been of particular concern to private day care centers. In New York, for instance, any facility which keeps children for more than three hours, including the Montessori schools, must be licensed by the State Department of Social Services, which uses the federal standards for staff-pupil ratio and group size. The present requirements for children from three to six range from a maximum group size of 15 for the younger children to 20 for the older and from a maximum child-adult ratio of 5 to 1 to one of 7 to 1.

The standards have been a source of controversy since they were promulgated in 1968. Critics say they are too stringent, costly, or unenforceable; supporters say they insure quality day care. The proposed new requirements should be issued in early May, 1979.

PENNSYLVANIA COURT UPHOLDS  
BUSING TO PRIVATE SCHOOLS  
ACROSS DISTRICT BOUNDARIES

The constitutionality of a Pennsylvania statute (Act 372) which mandates school districts to bus private school students outside the district in which they reside has been upheld by the Pennsylvania Supreme Court. The law re-

quires that private and public school students be afforded "identical" transportation opportunities, although the district is not forced to provide transportation beyond a 10-mile limit. The court ruled, "School districts are not sacrosanct; they are only flexible, political lines drawn to accommodate the efficient administration of the educational system of this commonwealth." The court held it was of no consequence that the private schools are predominantly church-related. An appeal is being considered.

HEBREW DAY SCHOOLS GROWING  
IN NUMBERS AND ENROLLMENTS  
THROUGHOUT U.S. AND CANADA

The Hebrew Day School movement is spreading rapidly across the country and into Canada. Once predominantly Orthodox, it now includes a rapidly growing number of Conservative schools and the beginnings of a Reformed sector. Most of this expansion has occurred since World War II and outside of New York City, where the Hebrew Day Schools were clustered before 1944.

Then there were 39 Torah Umesorah (Orthodox) schools in three states. Today there are 509 in 37 states and five Canadian provinces, according to Rabbi Bernard Goldenberg, CAPE President and Chairman of The Executive Committee of the National Society for Hebrew Day Schools. The same trend is evident in the Conservative schools--the Solomon Schechter Day School Association (SSDSA) was formed in 1964 with 21 schools and 3,600 students. It now has 55 schools and 9,000 students. Most are on the East Coast; three are in Canada. Reformed Jews have been least active in opening schools, but several have been established.

"Younger Jewish parents," says SSDSA Day School Coordinator Chanoch Shudofsky, who is also a CAPE Director, "feel secure within the American mainstream and don't see the Hebrew Day School as unAmerican." While most still educate their children in public schools and send them to afternoon school three times a week for religious instruction, Shudofsky says increasing numbers are attracted to "an intensive Jewish education."

LUTHERAN EDUCATOR PROVIDES  
ADMINISTRATIVE ASSISTANCE  
TO 12 POVERTY-AREA SCHOOLS

Harold Kieschnik, educator-consultant-minister, is a regular visitor at 12 Lutheran schools in the poverty-riddled areas of central and southern Alabama. His two-year-old Teaching Assistance Project (TAP) was designed by the Southern District of the Lutheran Church--Missouri Synod to upgrade these all-black schools. Kieschnik, formerly a Lutheran school principal in Louisiana, Illinois, and Texas, operates out of Montgomery, traveling hundreds of miles a week in his red Datsun.

A typical two-day circuit includes: a discussion of educational materials at two-room Immanuel Lutheran Church and School in Vredenburgh; suggestions on the administration of building funds at even smaller Messiah School in Thomasville; a talk with the minister of Holy Cross Lutheran Church in Camden on a pending grant from the Lutheran Church U.S.A.; advice on eliminating overcrowding at Bessemer; and an appeal from the staff at Ephihany School in Thomasville for help in repairing their school bus. Dr. Willis L. Wright, president of Alabama Junior College/Academy in Selma, which has accepted many graduates from TAP schools, succinctly sums up the reaction to Kieschnik: "He has been invaluable."

STATE-LEVEL ACTIONS RELATE  
TO UNEMPLOYMENT INSURANCE  
TAXES ON PAROCHIAL SCHOOLS

Recent rulings in Michigan and Oregon relate to the issue of whether or not employees of parochial schools are church employees and need or need not be covered in state unemployment compensation programs. In Michigan, the Attorney General's Office held that employees of church-related elementary and secondary schools are employees of the religious organization rather than the school and thereby are excluded from coverage under the Michigan Employment Security Act. In Oregon an administrative referee ruled that services performed for the schools of the Diocese of Portland were essentially work done for the church. The referee wrote, "Clearly plaintiff is a church...and it cannot be found that its parochial schools are any less so." Meanwhile, the Archdiocese of New Orleans and a number of Catholic schools have petitioned the state court for a declaratory relief action against the State Office of Employment Security. The suit contends that claims will inevitably be brought against schools for unemployment compensation and in considering their validity the state will involve itself in the schools' religious and moral policies. The plaintiffs argue that such scrutiny would constitute "excessive entanglement" of the state in the religious affairs of schools.

SEED ENERGY AUDIT HELPS  
BALTIMORE FRIENDS SCHOOL  
REDUCE ENERGY EXPENDITURES

Friends School in Baltimore, Maryland, has completed an energy audit that could cut its energy bills by a third, resulting in a net savings of over \$25,000 a year. The school is one of 19 which were selected for intensive, two-day energy audits by Tenneco, Inc. of Houston, Texas, as part of the Schoolhouse Energy Efficiency Demonstration (SEED). Equipped with thermometers and anemometers that measure the speed and direction of hot air, the energy engineers, assisted by students, plotted heat loss throughout the school. They also studied lighting, paint colors, insulation, and maintenance practices. Afterwards, they suggested a variety of energy conservation measures.

Among the most important recommendations: altering the ventilation system to reduce circulation of air within buildings, switching from incandescent lights to mercury vapor fixtures in the gym, purchasing an industrial hot water heater which is more energy efficient than the existing boilers, altering switches on banks of lights so they can be turned on and off selectively, relocating thermostats to more accurately reflect temperatures of the areas they are to measure, and weatherstripping windows and doors. These conservation measures can be expected to pay for themselves in one to three years.

The SEED studies, coordinated by Shirley Hansen of the American Association of School Administrators and supported by other leading national educational organizations, including CAPE, have shown that most schools benefit substantially from investment in a few simple and relatively inexpensive conservation devices and by improved maintenance practices. "Most schools are energy sieves," said a Tenneco spokesman. John Carnell, Friends Business Manager, is convinced the school will be able to make significant savings without any major capital outlay.

EPA LAUNCHES PROGRAM TO  
REDUCE ASBESTOS HAZARDS  
TO NATION'S SCHOOLCHILDREN

The U.S. Environmental Protection Agency (EPA) is launching a national campaign to help state and local officials prevent children from being exposed to cancer-causing asbestos in schools. The danger lies especially in damaged or deteriorating friable asbestos materials which release asbestos fibers into the air, where they may be inhaled. Sprayed asbestos, used extensively in school construction between World War II and 1973 for insulation, fireproofing, and decoration, was banned for nearly all uses by 1978.

In April, as part of its Voluntary Asbestos Abatement Program, EPA will distribute information packets, which will help school personnel determine whether schools contain asbestos in a dangerous form and what corrective action can be taken. Packets will go to all local education agencies in the country and to every private school. Future information will be provided routinely to offices of all national private school organizations.

EPA Administrator Douglas Costle says the health risk is "so compelling" that states, local school districts, and private schools should conduct detection and correction programs "as expeditiously as possible." Corrective options available to schools include sealing the material, creating a barrier between the material and people, and removing it.

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