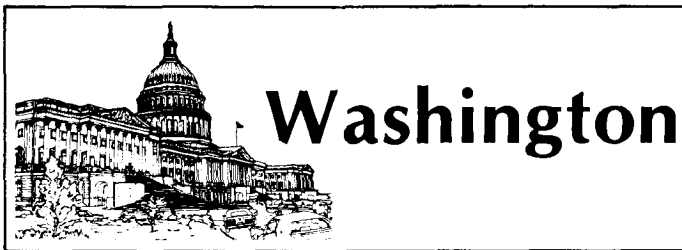


CAPE OUTLOOK



House Holds Private School Hearings

True to its word, the House Subcommittee on Elementary, Secondary and Vocational Education reconvened the oversight hearings on private education it had begun last May (June *Outlook*, page 2). Meeting on September 16, 23 and 24, the Subcommittee heard testimony on the Coleman report, tuition tax credits and education vouchers.

The session devoted to tuition tax credits not only provided a forum for airing the now familiar arguments on both sides of the debate, but also gave the Reagan administration an opportunity to make public its position on the credit proposal.

John E. Chapoton, Assistant Secretary for Tax Policy, testified as follows:

"Tuition tax credits are a matter of considerable personal concern to the President. This administration is determined to work as closely as possible with Congress in constructing a tuition tax credit bill which provides substantive tax relief to the families of nonpublic school students, and which broadens and enriches educational opportunities and promotes excellence in our schools We believe that parents have a fundamental right, and responsibility, to direct the education of their children in a way which best serves their individual needs and aspirations. Moreover, we believe that parental involvement in the decision-making process enhances the quality of education provided and that healthy competition among schools enhances the quality of education in all schools, both public and private.

"Enactment of tuition tax credits will recognize the value of our private schools, will assist families in meeting the increasing costs of education and, most importantly, will strengthen the right of parents to decide the education of their children A tuition tax credit working group has been created by the Cabinet Council on Human Resources. This group brings together staff members of . . . Justice, Education, OMB, Treasury and the White House

Office of Policy Development. This working group has been charged with developing options for the Cabinet Council aimed at moving a tuition tax credit proposal forward. We are most eager to work with the Congress on it at the appropriate time."

Chapoton went on to invite Congressional consideration of several areas of tax policy related to the credit plan:

"First, tuition tax credits have a significant revenue impact, and therefore they must be considered together with other budget matters Once enacted, there may be additional pressure to increase the amount of the credits. Thus, Congress may wish to consider any tax credit in the context of direct education expenditures, so that the two types of programs complement one another and so that the total budgetary cost is at a desirable level



"Second, the question of making the credit available regardless of tax liability must be considered. We believe that refundability would provide assistance to needy families who are not now taxpayers. However, we think that this feature is not desirable from the standpoint of tax policy and administration

"Third, whether the credit should be "phased-out" based on the income level of the family needs to be addressed

"In addition, safeguards need to be considered to prevent unintended "double-dipping" with regard to other tax benefits

"Finally, any new provision adds some complexity to the tax law We must work hard to simplify any provision as much as possible."

Responding to a question from Rep. Lawrence DeNardis (R-CT) about the relationship between tuition tax credits and the budget deficit, Chapoton replied, "This is the most significant matter about tuition tax credits but government cannot stop advancing programs that are needed and cannot stop business even in the context of budget cutting."

Nebraska Private School Control Stands

The Supreme Court has "dismissed for want of a substantial federal question" the appeal of Faith Baptist Church to review the Nebraska Supreme Court's decision allowing the state to regulate private schools (*March Outlook*, page 3).

In that decision, rendered last January 30, the state court had ruled that private schools must conform to state requirements for minimum standards, compulsory attendance and teacher certification.

The school had contended that such control was inimical to parents' rights of religious freedom and child rearing, saying, "The state interest in education is fully satisfied if the students attending Christian schools learn to read, write, work with numbers and understand the American form of government."

The state, however, told the Supreme Court that its regulatory requirements were "reasonable, minimal and necessary" and that they did not impinge on parental rights either to rear their children or to exercise their religious beliefs.

The October 5 disposition of the appeal was made by a panel of eight justices, Justice Sandra O'Connor abstaining.

Legislative Update

Tax-Exempt Status of Private Schools

House approved Ashbrook amendment July 30. Senate Treasury Appropriations bill, from which amendment was dropped in subcommittee markup, is awaiting floor consideration.

Block Grants

Part of P.L.97-35.

Tuition Tax Credits

S.550 (Packwood, R-OR; Moynihan, D-NY; Roth, R-DE).

Pending in Senate Finance Committee.

H.R.380 (Luken, D-OH) and others.

Pending before Ways and Means Committee.

Permanent Authorization of Handicapped Education

H.R.4410 (Smith, R-NJ).

Pending before Select Education Subcommittee.

Guidance for Elementary School Children

S.928 (Stafford, R-VT).

Pending before Subcommittee on Education, Arts and Humanities.

H.R.1598 (Perkins, D-KY).

Pending before Subcommittee on Elementary, Secondary and Vocational Education.

Foreign Language Training

H.R.3231 (Simon, D-IL).

Passed with minor amendments in Postsecondary Education Subcommittee markup October 7.

Awaiting full committee markup.

Testing

H.R.1662 (Weiss, D-NY).

Subcommittees on Postsecondary Education and Elementary, Secondary and Vocational Education have hearings tentatively scheduled for November 3-4.

Youth Wage Differential

S.348 (Hatch, R-UT); S.430 (Percy, R-IL);

S.658 (Nickles, R-OK).

Pending before Labor Subcommittee.

H.R.157 (Campbell, R-SC); H.R.2001 (Simon, D-IL).

Pending before Subcommittee on Labor Standards.

National Service System

S.1052 (Tsongas, D-MA; Cranston, D-CA).

Pending before Committee on Governmental Affairs.

H.R.2500 (Panetta, D-CA).

Select Education Subcommittee cancelled fall hearings; now plans hearings next year.

National Commission on the Educational Problems of America's Linguistic Minority Children

H.J.Res.219 (Roybal, D-CA).

Pending before Subcommittee on Elementary, Secondary and Vocational Education.

White House Conference on Education

S.J.Res.83 (Chafee, R-RI).

Pending before Subcommittee on Education, Arts and Humanities.

Ban on Taxation of Fringe Benefits

Extended by P.L.97-34.

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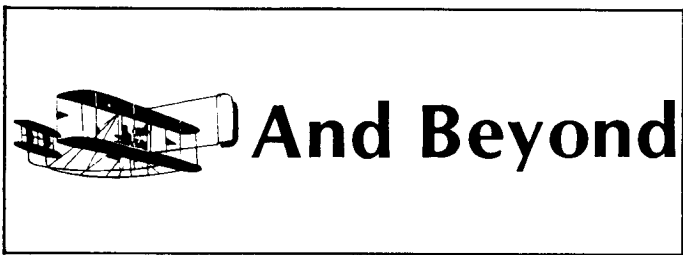
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Capenotes

...The Geraldine R. Dodge Foundation has recently renewed a grant made last year to CAPE to help support its development efforts. CAPE's fall appeal to friends of private education has just been sent out.

...The 50th anniversary of the Friends Council on Education was recently celebrated by a dinner at the 177-year-old Philadelphia Meetinghouse.

...Joseph R. Vopelak, responsible for the Office of Private Education since the departure of Al Senske, has moved to a new position involving Title I administration. Robert Sweitzer, who joined the staff of OPRE with Al Senske, will be in charge of OPRE until the new Executive Assistant for Private Education is named.



Text Loans Banned in California

Private school students in California may no longer borrow textbooks from the state. In *California Teachers Association et al., v. Wilson Riles et al.*, the state supreme court ruled on August 27 that the loan plan violated the California constitution. Article IX, section 8, of that document prohibits "the appropriation of public money for the support of sectarian schools or schools not under the jurisdiction of the officers of the public schools," while Article XVI, section 5, of the law forbids the legislature from granting "anything to or in aid of any church or religious sect, or helping 'to support' any school controlled by a church or a sectarian denomination."

The court noted that in 1975, 87 per cent of the schools participating in the program were religious institutions, and that 72 per cent of these were operated by the Catholic Church.

The justices declined to apply the 12-year-old "child benefit" theory enunciated by the Supreme Court in *Board of Education v. Allen*, which holds that financial benefits going to children, rather than schools, are permissible because the institutions themselves receive benefits only indirectly, remotely, or incidentally. Saying that the doctrine "leads to results which are logically indefensible," the court pointed to the United States Supreme Court's history of "dissonant decisions" which have flowed from the application of the "child benefit"

principle. (The Court has held, for example, that textbook loans to students are allowable but loans of instructional materials are not.)

"In any event," wrote Justice Stanley Mosk, "the concept is not relevant in this case, for in our view the textbook loan program... does not qualify under the... theory because it cannot be characterized as providing sectarian schools with only indirect, remote, and incidental benefits."

Mosk pointed to the "inseparability of the benefit to the pupil and the school, and the impossibility of characterizing the advantage to one as remote and to the other as direct. The books are supplied for use in the school, and we are unable to perceive any significant distinction from a constitutional standpoint whether they are loaned to the students for use in the school, or to the school for use by the students. In either circumstance, both the child and the school benefit."

Moreover, since textbooks are central to education, their provision to parochial schools at public expense "... appropriates money to advance the educational function of the school" and thus provides benefits which violate the California constitutional prohibition against "the support of sectarian schools."

Holocaust: Living With Ambiguity

"Facing history is a struggle and so is facing ourselves. But I believe kids want to engage in that struggle, want to be authentic, want to be trusted with reality as well as with some of the responsibility for shaping it," said Lisa Colt, a teacher of the innovative, and sometimes controversial, program *Facing History and Ourselves: The Holocaust and Human Behavior*.

Written by Margot Stern Strom and William S. Parsons, *Facing History* is aimed at complicating students' thinking, using the vehicle of the Holocaust. A 12th-grader commented, "Every time I think I've got something figured out or when I have an opinion, I begin to understand the other side more clearly. Nothing is quite as easy to explain as it first appears."

Students are forced to go beyond their initial reaction of simple revulsion to the historical event and grapple with the meaning of law, citizenship, morality and human dignity. They are asked to remove their "rose-colored glasses... to recognize injustice and our capacity for it, to ask questions and learn to live with ambiguity." In the eyes of an eighth-grader, "This would be much easier to learn if it weren't true."

Funded since 1977 by ESEA Title IV, Part C, *Facing History* was originated by two public school teachers in Brookline, Mass., and has been adopted by public and private schools in five states. It is currently being used by Catholic, Hebrew Day, Independent and Episcopal schools.



Capeline

● **NEH 1982 Youth Projects:** December 1 is the deadline for submission of preliminary proposals for the National Endowment for the Humanities Youth Project grants. For application guidelines, write NEH; Youth Project Guidelines; Public Affairs Office, Mail Stop 351; 806 15th St., N.W., Washington, D.C. 20506.

● **NASA's Space Shuttle Student Involvement:** The deadline is February 1 for science teachers to submit projects. Write Space Shuttle Student Involvement Project, National Science Teachers Ass'n, 1742 Conn. Ave., N.W., Washington, D.C. 20009.



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