

# CAPE OUTLOOK



## Supreme Court Hears Discriminatory School Case

The controversial matter of giving tax exemptions to racially discriminatory private schools finally got its day in court: the day was October 12, and the court was the Supreme Court, the nation's highest tribunal. In *Goldsboro Christian Schools v. U.S.* and *Bob Jones University v. U.S.* the issues centered on two basic questions:

Does the Internal Revenue Service have the authority, under section 501(c)(3) of the Internal Revenue Code of 1954, to deny tax-exempt status to private schools maintaining racially discriminatory policies? And does the denial of such status to schools whose discriminatory policies are based on "sincere religious belief" constitute a violation of the First Amendment's guarantees of freedom of religion?

To the first question, the government and the schools answered an unequivocal "No." The IRS does not have the authority to withhold tax-exempt status under the current wording of the statute, they said, because in enumerating the classes of organizations which are eligible for exemptions, the language requires only that an institution be *either* "educational" or "charitable" (construing "charitable" to mean simply "relief of the poor"). On the other hand, court-appointed attorney William T. Coleman Jr. argued that an exempt school must be both educational and charitable; that is, it must make a contribution to the public welfare and be consistent with fundamental national policy. In this instance, the principle in question is the "crystal clear" policy against racial discrimination in education.

On the second question of First Amendment protection, both the government and Mr. Coleman had argued in their briefs that placing some burdens on the free exercise of religion is justified when a government interest compels it. The schools disagreed, maintaining that the IRS policy was not

warranted, and that it imposed an intolerable burden on the practice of their religion.

Questions addressed by the Justices to the attorneys dealt not only with historical matters of Congressional intent and legislative history of the relevant Code sections, but also with philosophical issues relating to the locus of policy-making power in the government. For example, they wondered, "Who is to draw the line between a primary and ancillary purpose of an institution, and then to decide how well its primary purpose accords with public policy? Is there a 'limiting principle' to the power of the IRS? Did Congress give the IRS power to choose among public policies which must be followed by institutions eligible to receive tax exemptions? Could the IRS decide to deny tax-exempt status to pacifist or socialist organizations, or those which practice sex discrimination?"

For the answers to these and other issues raised by this disputatious civil rights case, the nation will have to await the decision of the Court, due any time before July 1983.

## Women in Private Education

The oft-quoted advice tendered by Lord Chesterfield to his young son in the 1740's, including some admonitions about the role and treatment of women, has been updated by suggestions offered to women educators at CAPE's recent two-day conference on Women in Private Education.

Lord Chesterfield had written, "...I would not recommend to you, to go into women's company in search of solid knowledge, or judgment..." and added, "Women have...but one object, which is their beauty; upon which, scarce any flattery is too gross for them to swallow."

More than 200 years later, women are being advised: "Think of yourself as a role model. Learn to delegate authority. Develop mechanisms for coping with job-related stress."

CAPE's September 20-21 conference, held under contract with the Department of Education, began at the White House and moved to the Department and Capitol Hill. The 14 participants had been nominated by CAPE's Board of Directors to constitute a group of women who had achieved notable success in private education. Hailing from all sections of the country, they included teachers,

(continued from page 1)

superintendents, writers, heads of schools and scholars.

Among themselves, and with invited speakers, conference participants discussed issues related to the advancement of women in private education. They considered such barriers to women's progress as negative employer attitudes, the insufficient number of women's professional groups and the lack of mentors to advise young women early in their careers. Recognizing the necessity for both men and women to alter traditional expectations about life patterns in the 21st century, conferees looked to the educational system as the agent of change: only education, they agreed, could alter the conditioning process which at present leads girls to think of themselves as less able than boys and to lower their aspirations accordingly. Moreover, they said, schools must make logistical accommodations both to the "parenting needs" of teachers and the professional demands made on parents' time.



Asking themselves how to educate women for leadership, how to empower women in male-dominated schools, how to create a climate of professionalism among women in private education, and how to teach board members and school parents to deal fairly with women, conference participants suggested some techniques to be brought to bear on these problems:

1. Establish and support systems of "mentoring" (care and concern of women for one another) and "networking" (sharing of ideas, encouragement and job information among women).

2. Insist on discussion of women's issues at school and association workshops, conferences and meetings.

3. Convince school boards of directors that they must make it worthwhile for bright young women to enter the profession.

4. Acclimatize schools through curriculum studies.

5. Assess the environment which currently pervades private schools on issues affecting women.

A full conference report is available from CAPE.

## Math and Science in the Congress

25 years after the launching of Sputnik and the subsequent enactment of the National Defense Education Act, Congress has again turned its attention to what it sees as a national deficiency in pre-college math and science education.

Opening three days of hearings on various bills designed to remedy this deficiency, Chairman Carl Perkins (D-KY) of the House Subcommittee on Elementary, Secondary and Vocational Education said:

"Our schools presently face a crisis in the areas of mathematics and science education. This crisis is evidenced by declines in standardized achievement test scores, by a drop in the number of students studying advanced mathematics and sciences, and by a shortage of teachers in these areas. The situation is especially critical in light of the demands of new technology and our declining status in the international marketplace."

The bills, in general, are designed to promote math and science education by increasing the number of teachers in the field, providing training for existing teachers and encouraging the education of students in high technology skills. Some of the measures specifically call for the involvement of private schools and their teachers; some intentionally omit them; and some make no distinction between public and private school participants.

Listed below are the major bills under consideration, followed by Congressional staff opinion given *Outlook* on the subject of private school participation:

**S.2953**, Pell (D-RI): financial assistance to states to strengthen instruction in math, science, computer education, foreign languages, vocational

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education: "States determine private school eligibility. Wording of bill was left purposely vague."

**H.R.7130**, Fuqua (D-FL): includes science and math improvement program providing stipends to pre-college science and math teachers: Staff foresees "no difficulty" with participation of private school teachers.

**S.2663**, Hart (D-CO) and **H.R.6674**, Perkins (D-KY): national program of improving quality of education: House bill has section on participation of children enrolled in private schools; Senate bill does not. This was "purposely omitted, given Sen. Hart's strong commitment to supporting public education with federal money."

**S.2738**, Glenn (D-OH) and **H.R.6774**, McCurdy (D-OK): allows credits to employers for compensation paid to employees with precollege math or science teaching certificates who are employed during summer or who are "released" from regular employment to teach during school year: Private school teachers may participate in summertime employment provision, but not in "released time" provision. Sen. Glenn reasons that "employers should not be allowed to grant such released time to teachers who would teach in a religious school."

**S.2909**, Dodd (D-CT) and **H.R.7100**, Dymally (D-CA) and Moffett (D-CT): financial assistance for continuing education program for secondary school science and math teachers: Private school teachers may apply.

**H.R.6656**, Winn (R-KS): precollege science and math inservice teaching program: Private school teachers may participate.

**S.2809**, Schmitt (R-NM) and **H.R.6930**, Heckler (R-MA): includes program of stipends for precollege science and math teachers: House staff believes private school teachers may participate but Senate staff not yet certain.

**H.R.7135**, Perkins (D-KY): federal assistance for improved student opportunities in math, science, technology and foreign language: Bill allows for participation of children in private schools.

## Coffee and Conversation at ED

When Chuck O'Malley says "Let's get together for coffee," he means business. To date, the Executive Assistant to the Secretary for Private Education has hosted three "Koffee Klatches" at the Department of Education, bringing together leaders of national public and private education groups and representatives of local, state and national educational agencies.

The notion of calling members of such disparate groups together grew out of recommendations made at last May's National Private-Public School Leadership Conference (*Outlook*, June 1982) and puts into practice O'Malley's theory of the desirability of "getting them all in the same room at the same time." The same search for cooperation was evidenced in Education Secretary's Terrel H. Bell's

invitation to the first Koffee Klatch in which he said, "I believe that it is essential for us educators to work together, harmoniously, on those issues about which we differ—to disagree without being disagreeable."

The sessions have been devoted to discussions of the conflicts and commonalities between public and private education; public policy questions raised by the tuition tax credit issue; teacher certification requirements; and the appropriate relationship of the state to private schools. Attention has also been given to sharing of public and private expertise in fund-raising; harnessing private school resources to assist public education; and finding ways to improve *all* education.

Reflecting on the meetings already held and those to come, O'Malley told *Outlook*, "The reactions of the participants have been extremely positive, so much so that they wish to continue the dialogues and address some specific agenda items. One of these will be the identification of states in which the public and private school leadership enjoy positive relationships and the exploration of the factors that make these relationships possible. Some of the regional offices of the Department, as well as several of the conference participants, have expressed interest in conducting similar types of meetings on a state or regional basis."

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Among its recent activities on behalf of its constituency, CAPE:

...met with Congressional staff to maximize private school involvement in a series of math-science education improvement bills recently submitted in Congress.

...wrote testimony for the House Committee on Education and Labor on math-science legislation as well as on the American Defense Education Act, a broader approach to the improvement of teaching and learning of core school subjects.

...conferred with the Acting Director of the National Institute of Education to discuss CAPE's possible role in better organizing and focusing research on private school matters.

...attended the Federal Assistance Advisory Commission meeting of the Chief Administrators of Catholic Education in Hyannis, Mass. The meeting dealt with legislation of interest to the private school community.

...received commendation from Senator Robert Dole for its help in getting the tuition tax credit bill through the Senate Finance Committee.

...arranged for its Board of Directors, during its October meeting, to have conferences with Education Secretary Terrel Bell, National Commission on Education Statistics Administrator Marie Eldridge, and National Endowment for the Humanities Chairman William Bennett.

## Legislative Update

Congress adjourned on October 1 and will return to Washington for a "lame duck" session beginning November 29. Recent activity on bills of interest to private education include:

- passage of the Citizenship Education Act, providing grants to aid elementary and secondary schools in teaching citizenship principles.
- full House and Senate Finance Committee approval of the "Apple Computer Bill" which grants tax relief to computer manufacturers donating technological equipment to schools.
- markup by the House Education and Labor Committee of the National Service System Bill which would appoint a commission on voluntary service to examine the issues associated with such service.

## Foreign Language Programs Sought in Private Schools

Acceding to a request from the National Center for Education Statistics, *CAPE Outlook* is asking private school administrators to respond to the following appeal:

"The Washington International School, seeking to identify strong language programs throughout the country, is looking for elementary schools which teach any second language to English-speaking children and secondary schools which teach a "less commonly taught language" or which offer a very strong program of Advanced Placement courses in the commonly taught languages.

"If you know of any such programs, please contact Mrs. Elizabeth Williams at the Washington International School, 3100 Macomb St., N.W., Washington, D.C. 20008."



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