

CAPE OUTLOOK



CAPE and Handicapped Regulations

During its recent annual fall meeting, the CAPE Board of Directors was briefed on the current status of the proposed Department of Education regulations regarding the education of handicapped children. CAPE thereafter made known to Education Secretary Terrel H. Bell its "strong reaffirmation of support" both for the basic intentions of P.L.94-142 and the position on regulatory changes taken by one of its member organizations, the National Association of Private Schools for Exceptional Children (NAPSEC).

Excerpts from that position statement follow:

"NAPSEC. . .has come to the conclusion that the proposed regulations for P.L.94-142 fail to meet the very goals set by the Department of Education to reduce fiscal and administrative burdens and provide clearer, more understandable regulations. The proposed regulations allow such flexibility and discretion to local and state educational agencies that the very intent of the law could rather easily be circumvented.

"The major concern of the Association is that the cumulative effect of the proposed changes would result in failure to provide a free, appropriate public education for the nation's handicapped students, as well as depriving them of the other basic rights Congress intended to establish. . . .

"The major areas of concern involve the true substance of the law and regulations including due process, the individualized education program, reduction of parent notice and consent, definition of related services, and reduction of regulations regarding private schools. . . .

"Our Association applauds the outstanding progress that has been made in establishing the educational rights of our nation's handicapped children. This progress is due, in great part, to the enactment of P.L.94-142 and the implementation of the current regulations. NAPSEC's membership is concerned that the collective impact of the proposed

changes will be to undermine, in some states severely, much of this progress. Federal protection of the handicapped is essential; the Administration's policy of 'new federalism' as applied to the handicapped is inimical to such protection. . . ."

The Humanities and the High Schools

Affirming the importance of studying the humanities at the pre-college level, National Endowment for the Humanities Chairman William Bennett told the CAPE Board on October 26, "We reject the assumption that the further you go along the educational continuum, you must naturally see fewer pupils, teach narrower topics, and have a diminishing impact on students."

Rejecting that assumption has led NEH in a new direction of reaching out to the nation's secondary schools, both public and private. It believes that in so doing it is taking a significant step toward fulfilling its legislative mandate "to initiate and support. . .programs to strengthen. . .the teaching potential of the United States in the Humanities. . . ."

This it has done by three means: it has extended its program of summer seminars for college teachers to private and public secondary school teachers; it has begun a program of summer study stipends for outstanding high school teachers of English, foreign languages and history from both the public and private sectors; and it has contracted with the Educational Excellence Network to examine the quality of high school humanities teaching.

The Summer Seminar for Secondary School Teachers will be held on 15 college campuses this year and will allow 15 teachers in each seminar to work with a master teacher and distinguished scholar in exploring significant primary texts in the humanities. Topics vary from Chaucer's *Canterbury Tales* to Plato's *Republic* and campus sites range from California to New York. The application deadline is February 1, 1983, and program information may be obtained from the directors of the seminars listed in a brochure sent to all schools during the week of October 5.

The summer study stipend program, funded by NEH and administered by the Council for Basic Education, will award up to 100 stipends of \$3,000 each this year. According to the Council, the new

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fellowship program will not only "recognize and reward" outstanding high school teachers in the humanities, but will also "encourage serious study by individual teachers and thereby strengthen the intellectual life of the schools." Eligibility criteria include a master's degree or its equivalent; high school teaching experience of at least five years; a teaching schedule which devotes three-fifths of classroom time to the three designated subjects; and a "worthy plan of summer study." Applications are available after December 1, 1982, and must be filed by February 15, 1983. They may be obtained from Independent Study in the Humanities, Box 2915, Princeton, New Jersey 08541.

The study of humanities teaching project at Vanderbilt University's Educational Excellence Network involves a pair of conferences to be held in the spring of 1983 and the commission of papers on secondary school humanities teaching. Dr. Robert Fancher serves as the project coordinator at the University in Nashville, Tennessee 37212.

Bell and the Board: A Conversation

Beginning with its expression of gratitude for Education Secretary Terrel H. Bell's accessibility and humanity, and ending with a word of encouragement to "hang in there," the CAPE Board of Directors spent a lively and profitable hour with the Secretary on October 26, the second day of its annual fall meeting.

In response to CAPE's misgivings about P.L.94-142 regulations (*Outlook*, page 1), the Secretary expressed his own concern that the education of handicapped children had become "federalized," i.e., that the Department had gone beyond the law that Congress had written. "We manufactured it out of whole cloth," he said, "and we laid it on all of you out there."

On the issue of tuition tax credits, the Secretary noted that "the President is absolutely committed to getting it passed." He further observed that the issue did not lend itself to a liberal/conservative schism, and thus would not be affected by the outcome of the recent elections.

Questioned about the Administration's support for the many pieces of math, science and computer legislation now pending in Congress (*Outlook*, November/December, pp. 2-3), the Secretary

said that the Cabinet Council had not yet taken a position of support or opposition.

With respect to plans to abolish the Department, Bell reminded the CAPE Board that such action requires an act of Congress and added, "We intend to push our proposal after the first of the year."

The Secretary reviewed the work of his Commission on Excellence, reiterating his belief that the country's rejuvenation will come through learning, and his hope that the Commission's efforts will enable "the vigor of higher education to come into the elementary and secondary schools."

Educational research constituted the meeting's final agenda item. On this topic, the Secretary voiced the opinion that "there is a federal role and a federal responsibility for research in education, public and private."

Capelog

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

... has initiated work on a study design base for a proposed major research inquiry into the involvement of minority students and faculty in private schools. This phase of the inquiry will be completed by mid-February under a contract with the Department of Education's Office of Private Education.

... has just sent out its annual appeal for individual and organizational gifts. Many readers will recall that last year we received a generous challenge gift grant from Mr. and Mrs. George D. O'Neill under which all gifts to CAPE are matched dollar for dollar. Because the dues paid by our member organizations do not nearly cover all the costs of representing the many needs of private education in Washington, we strongly encourage our readers to contribute as generously as they can. Gifts are tax deductible and checks should be made payable to CAPE.

... attended an "Associations Meeting" convened by the Department of Energy to acquaint nonprofit organizations with its Institutional Conservation Programs. Information about these programs will appear in a forthcoming issue of *CAPE Outlook*.

... participated in a forum on public issues with other Washington-based members of the education community.

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Tuition Tax Credits: Two Scripts, One Result

Following are two "scenarios" which attempt to describe the effect upon private education of the passage, or lack of passage, of federal tuition tax credit legislation. The first was presented by Arizona School Superintendent Carolyn Warner at a meeting of the College Board on October 26, and is reprinted here with by permission of *Education Daily*, which ran the scenario in its October 28 edition. The second was constructed by CAPE Executive Director Robert L. Smith in response to Ms. Warner's speech.

Carolyn Warner

First would come an incredible proliferation of nonpublic schools, the bulk of which would be "the type of schools heretofore on the fringes: those that specialize in allowing parents to withdraw their children from something—or someone."

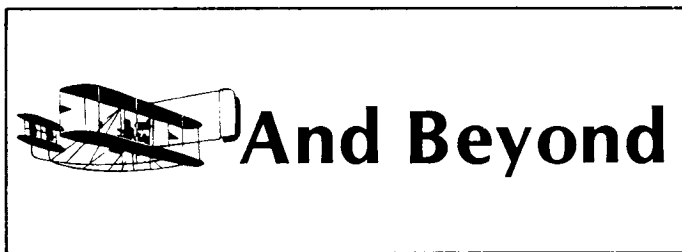
Then several years later, after the Internal Revenue Service had been investigating suspect schools, Congress would order the Education Department to set some uniform standards of instruction "so consumers would be protected."

Next, aggrieved parents, say of handicapped students who they claim aren't being adequately served by their private schools, would sue the federal government since the federal government would be paying for tuition tax credits. Then would come the kicker: a national minimum core curriculum.

Finally would come the ultimate irony. "Those who originally supported tuition tax credits. . . will recognize they've created a dual system of education in America. . . . Then we'll have one set of schools pauperized by a withdrawal of federal assistance and the other set pauperized by an infusion of federal assistance."

Assessing the outcome of his scenario as compared with hers, Smith wrote Warner, "Result: same as yours! — 'a dual system of education' in this country — one for the rich and one for everyone else. A great majority of 'everyone else' is unhappy."

He continued, "I don't know what either scenario has to do with the American dream of equal educational opportunity and the American ideal that each child, our most precious asset, deserves the best possible education."



Private School Amendments Lose

Private schoolchildren did not fare well on Election Day in California and Massachusetts.

Out West, the California Children's Equal Textbook Rights Amendment met a resounding defeat. The change in the state constitution would have permitted the state legislature to re-establish a

Robert L. Smith

Congress declines to pass any kind of legislation to assist parents with tuition at private schools.

Private school families, starting with the poorest who live in cities where living costs are highest, gradually exit to the suburbs.

Private schools, starting with those in the major cities, gradually close.

Poor and middle income private school families who want private schools but can't afford them and the significant number of public school families who'd opt for private schools if cost weren't a factor become the unhappy mainstream of public school parents.

Private schools which continue to exist are forced to charge higher and higher tuitions. Competition for the philanthropic dollars, which help keep costs down, becomes cut-throat in a period of decreasing resources.

Private schools can admit only the children of the rich.

program of textbook loans to nonpublic elementary and secondary school students. It specified that the loans involved textbooks only (as opposed to "other instructional materials"), that books could not be loaned to students who "attend schools which exclude pupils from enrollment because of their race or color," and that the program could not be paid for "from funds budgeted for the support of public schools."

Back East, Massachusetts voters said "No" to a proposed amendment to their state constitution which would have removed its present prohibition against the use of public money ". . . for the purpose of founding, maintaining or aiding any. . . primary or secondary school. . . not publicly owned and under the exclusive control. . . of public officers. . . ."

The propositions were downed by 61% of the electorate in California and 63% in Massachusetts.

School Teams in Wolverine Territory

Now that the furor over the eligibility of four of their players has been settled by a court injunction, the Greenhills Gryphons can settle down to the business of kicking and running.

The legal contest was over the equitable application of the Michigan High School Athletic Association's new rule requiring students transferring from one high school to another to sit out a semester's worth of interscholastic athletic competition.

After promulgating the rule last January, the Association's Executive Committee waived it in August for 10th grade students leaving the private Greenhills High School and transferring to Ann Arbor public schools in the fall of 1982. However, the committee declined to dismiss the regulation for students entering Greenhills. Its rationale was based on the premise that students going into the public schools were entering a fresh, three-year high school system whereas those transferring to Greenhills were coming into the second year of a four-year high school program.

Greenhills headmaster James W. Gramentine brought suit in the U.S. District Court for the Eastern District of Michigan, calling the decision "discriminatory and capricious." An editorial in *The Ann Arbor News* characterized the rule as "...a classic case of good intentions gone astray."

District Judge Charles W. Joiner, issuing a preliminary injunction, ordered that the waiver of the transfer regulation "be equally applied...within the Ann Arbor service area, meaning that students transferring into Greenhills School from the Ninth...grade of a three-year middle school and entering the tenth...grade at Greenhills School shall be immediately eligible to participate in interscholastic high school athletic contests."

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