

CAPE OUTLOOK

Number 116

December, 1985



Chapter 1 Voucher Reaches All Private Schools

On November 13th the Department of Education released the Administration's long awaited Chapter I voucher plan, "The Equity and Choice Act of 1985 (TEACH)". It differs from the Chapter I voucher initiative of 1983 in a major and surprising way — it gives a voucher to every Chapter I family equal in value to the per pupil cost of Chapter I services in the home school district. It may be redeemed in any public or private school to which the child can gain admission. Previous Chapter I voucher legislation gave the control of the decision to use educational vouchers to Local Education Agencies.

Secretary Bennett, in introducing the plan, stressed its purpose of increasing educational choice and opportunity for disadvantaged families. He spoke of the unfairness of our present system which gives only to the wealthy the luxury of school selections, either through the choice of living in a particular school district or through the payment of private school tuitions.

He went on to state that parental choice carries decided educational dividends. It creates a new, higher level of parental involvement in a child's progress and school. And it increases competition among schools for Chapter I students which tends to enhance the quality of competing schools as well as give local visibility to the improvement of all schools.

The Secretary decried the notion that the program benefits private schools at the expense of public schools. He said it merely makes possible providing better compensatory services for all students eligible in both public and private schools. The ensuing competition will serve well all schools.

Using a voucher for compensatory education for the disadvantaged has struck an unusually receptive national chord. Even the *The Washington Post*, though against the plan, noted the compelling need to enlarge educational opportunity and quality for poor families.

Opposition centers on the plan's potential for unravelling what is widely felt to be the federal government's most successful and largest educational program (though the *Aguilar v. Felton* decision has recently created major implementation difficulties in many locales, particularly major cities).

Others who see the camel's foot in the door, view this as the initial step in giving direct federal subsidies for enrollment at private schools. Finally, the plan's central object, to provide a voucher redeemable only to pay school tuition, is seen as a major First Amendment issue.

Many private school organizations have expressed keen interest in the Chapter I voucher. Some have endorsed the concept. A few have endorsed the legislation. The organization with the largest number of schools affected, the US Catholic Conference, will hold meetings in mid-December in Washington, to make a decision on its position. Immediately after the plan was announced, CAPE circulated a brief questionnaire to its Directors seeking information to assist the Board in reaching a CAPE position.

Because the legislation involves any private school available to a Chapter I family, the entire private school community is operationally affected.

It is likely the legislation will be part of the Chapter I reauthorization bill which is scheduled to be considered seriously by Congress next fall and which is due for passage by September, 1987.

Senate Acts on Child Nutrition

The Senate late last month passed a child nutrition bill which, for the first time since 1978, was not part of budget cutting legislation, paving the way for a House/Senate conference on H.R. 7, the Child Nutrition Act Amendments of 1985. The Senate version, reauthorizing five child nutrition programs including the school lunch and breakfast programs at current spending levels and allowing for inflation for the next four years, is a compromise between the \$400 million in cuts requested by the Administration in the programs' \$5.3 million budget and the \$121 million in additional funding included in the House bill.

Both the Senate and House bills include important provisions related to private school participation in the programs. The House bill, passed in September, increases the private school tuition ceiling for participation in the national school lunch program to \$2500

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What Are Private Schools Saying About AIDS?

It should come as no surprise to those familiar with the independence of private schools that there is no private school "position" on the subject of AIDS. From a recent informal survey OUTLOOK found that a great many individual schools and their Boards are considering and keeping a close touch with the complex and sensitive questions involved. A few organizations of schools, including the Dioceses of Los Angeles and Chicago have developed position statements. The National Association of Independent Schools (NAIS) has approved a set of guidelines for its membership.

The Archdiocese of Los Angeles, in an *Interim AIDS Guideline* to its elementary schools in September, included in its statement that "the school has an obligation to the common as well as to the individual welfare of its pupils", that students and others can't always control the circumstances of their contact with others, that young students can't be expected to make informal decisions about risks of contact and that all aspects of the communicability of AIDS, a fatal disease, "are not as yet known with certainty." It went on to say "... until such time as experience has established with reasonable certitude accepted within the medical profession that there is not risk of communicating the disease either through accidental exchange of bodily fluid or casual contact, pupils and personnel known to have contracted the disease should not be admitted to the elementary schools or employed by them."

In the same statement it advised that presently enrolled pupils and employed personnel "should be suspended from employment" until "generally accepted medical opinion establishes the non-communicability of AIDS...."

The Archdiocese of Chicago, in a memo of October 21, to Pastors and Principals urged that decisions about the type of "educational and care setting" of an AIDS infected child be made on an individual basis using a team approach. The team includes the child's physician, public health representatives, parents and school personnel. "In each case risks and benefits to both the child and others in the setting should be

weighed...." "For most infected school-aged children, the benefits of an unrestricted setting would outweigh the risks of their acquiring potentially harmful infections in the setting and the apparent nonexistent risk of transmission of HTLV-III (AIDS) in the school setting. These children should be allowed to attend school in an unrestricted setting."

"For the infected preschool-aged child and for some neurologically handicapped children who lack control of their bodily secretions or who display abnormal behavior, such as biting, and those children who have uncoverable, oozing lesions, a more restricted environment is advisable until more is known about transmission in these settings."

The National Association of Independent Schools statement circulated on November 4 to its school heads, Board Chairs and Business Managers covers four points: 1) The need to provide accurate information about AIDS in any health, drug or sex education course; 2) The need for schools to establish policies and procedures to deal with the victims of AIDS in a case by case basis *before* such action is necessary. The decisions to develop these policies and procedures should involve "public and school health officials, parents, faculty, trustees, administration and legal counsel." "A school's response to AIDS should reflect consideration of the needs of its families and students as well as the needs and purpose of the school." ; 3) "If a student or a faculty member with AIDS continues to participate in the school, the school must provide the necessary support. Similarly, the school should consider how best to demonstrate its continuing concern for students, faculty, or staff members with AIDS who must be excluded from the school." ; 4) "In all respects, as a school responds to AIDS and its victims it has a responsibility to combat hysteria, fear, prejudice, and misinformation."

The NAIS guideline statement included the guidelines of the Center for Disease Control which concludes that "casual contact with AIDS patients or persons who might be at risk for the illness does not place others at risk for getting the illness."

It's guidelines are as follows:

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A coalition of 15 national organizations serving private schools (K-12)

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[ISSN 0271-1451]

OUTLOOK is published monthly (September through June) by the Council for American Private Education. Annual subscription \$8. Council members: The American Lutheran Church ◊ American Montessori Society ◊ The Association of Evangelical Lutheran Churches ◊ Association of Military Colleges and Schools of the U.S.A. ◊ Christian Schools International - Friends Council on Education ◊ Lutheran Church - Missouri Synod ◊ National Association of Episcopal Schools ◊ National Association of Independent Schools ◊ National Association of Private Schools for Exceptional Children ◊ National Catholic Educational Association ◊ National Society for Hebrew Day Schools ◊ Seventh-day Adventist Board of Education, K-12 ◊ Solomon Schecter Day School Association ◊ U.S. Catholic Conference ◊ Associated state organizations in Arizona, California, Connecticut, District of Columbia, Florida, Georgia, Indiana, Kansas, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oregon, Puerto Rico, Rhode Island, Tennessee, Texas, Virginia, Washington and Wisconsin.

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* That most children with AIDS be educated in an unrestricted environment. Preschool children and the neurologically handicapped should be placed in a "more restricted environment" because they are more likely to bite or lose control of bodily functions, but cases should be treated on an individual basis.

* That education and health personnel inform parents, children, and educators on AIDS and its modes of transmission.

* That school officials ensure each child's privacy, keep records confidential and the number of persons aware of the condition to a minimum.

* That blood tests to screen for AIDS not be required for school entry.

* That all schools and daycare centers adopt routine procedures for handling blood and body fluid spills, including using disposable towels and disinfecting soiled surfaces.

* That those caring for children with AIDS wash hands thoroughly after exposure to body fluids and before touching other children, and that anyone with an open cut or wound wear gloves.

Although there are undoubtedly a very large number of other guideline statements to help schools and school associations wrestling with this tragic and difficult situation, we think those above do cover a range of view and approach commensurate with the thinking and procedures of a number of CAPE member organization schools.

Legislative Update

Following the Thanksgiving recess Congress returned to complete action on several major bills before the first session of the 99th Congress is adjourned on or near the target date of December 13. Included on the agenda are tax reform in the House, balanced budget and deficit reduction plans, and FY'86 appropriation measures. Congress is scheduled to return on January 21

Recent Action...

Debt Ceiling/Gramm-Rudman Amendment - Observers predict that some version of the debt limit/ balanced budget bill will be accepted and sent to the President. Without the increase in the debt limit to \$2.079 trillion, Treasury officials say the government faces a default. The balanced budget legislation under negotiations for the last two months would require automatic across-the-board cuts in most programs if Congress fails to meet fixed targets to eliminate the \$200 billion federal deficit by 1991. The plan could result in serious reductions in funding for education programs.

Tax Reform - The House Ways and Means Committee on December 3 finished drafting its revision of the tax code, which lowers tax rates and eliminates many deductions. The House leadership hopes to pass the bill on the floor during the second or third week of December, throwing the ball in the Senate's court. The House plan does not include the President's proposal to eliminate state and local tax deductions from federal income tax, a key concern of the education community. Among other provisions adopted affecting education is the agreement to make permanent the nonitemizer deduction for charitable giving and allow nonitemizers to deduct from their income taxes any charitable contribution over \$100. Nonprofit

groups are opposed to any floor on charitable giving but are relieved that the Committee made the charitable deduction permanent.

In a provision which has serious implications for private education, the Committee accepted the Administration's recommendation to change current law on the appreciated value of charitable contributions and treat them as a "tax preference", meaning that they have to be considered as income in determining a person's taxable income. Current rules allow contributors to deduct the appreciated value of all gifts. Elementary, secondary and postsecondary private institutions opposed this new provision, because many major donations are in the form of real estate, securities or other properties that appreciate in value. Analysts are still studying the bill and its implications to understand how giving will be affected.

Just Introduced...

Chapter I Vouchers, H.R.3821; S.1876 - The bills would give vouchers to parents equal in value to the Chapter I remedial services received by their child. The voucher must be used to pay for tuition or remediation at a public or private school of their choice. Introduced on November 21 by Senator O. Hatch (R-VT) and Rep. P. Swindall (R-GA) and referred to the Senate Labor and Human Resources and the House Education and Labor Committees.

Copyright Update

The education community has been working together for a number of years on copyright questions involving schools and colleges. The "Educators Ad Hoc Committee on Copyright Law", of which CAPE is a member, is advising its members that they should report any contact with the copyright industry with respect to the use of computer software and videotapes. Copyright questions involving computer usage in schools and colleges are increasing. Readers who have had experience with this matter which could be useful to the Committee are asked to communicate it, preferably in writing, to CAPE (1625 Eye St., NW, Washington, D.C. 20006), or to August W. Steinhilber, Chairman of the Educators Ad Hoc Committee on Copyright Law at 1680 Duke St., Alexandria, VA 22314.

Capenotes

On behalf of its constituency CAPE

...notes that Sister Carleen Reck, Executive Director of the Elementary Schools Department of NCEA for the past nine years, will be leaving her post at the end of June. Her many friends throughout Catholic and private education wish her well as she moves to new and as yet undetermined duties. A Search Committee is currently seeking her replacement.

Apartheid: Now a Private School Focus

Apartheid and institutional investment in firms involved in business in South Africa are issues of concern to a number of private elementary and secondary schools and their Boards, particularly those which have sizeable endowments. A recent CAPE survey and several newspaper stories confirm that individual schools are devoting much Board time to the issues. Students have not, on the whole, been actively involved. The vast majority of private schools have no or little invested funds. Those that do have an estimated \$2 billion in endowments.

At its last Board Meeting in mid-November, the National Association of Independent Schools (NAIS) approved the following statement on Apartheid in South Africa.

The Board of Directors of NAIS, recognizing human rights to be fundamental to all education, condemns the system of apartheid in South Africa and supports constructive national and international initiatives to end it.

The directors encourage trustees, heads, faculties, and students in member schools to declare their opposition to apartheid as part of their educational responsibility.

We recommend that member schools seek out ways to give substance to their declarations. Lectures and study projects at school, petitions to the President and the Congress, letters of support to South African black and minority students and financial assistance to them for study at home or in this country are some of the actions already taken by educational institutions. NAIS will assist member schools seeking to find and share information and activities.

NAIS is undertaking a review of its investments in light of the above statement. Since the directors are aware that several NAIS member schools also have been and are considering the question of divestment, and since the issue is a difficult and complex one, we enclose a list of organizations and publications which may assist deliberations.

The US Catholic Conference is considering diocesan investment policies in relation to South Africa in meetings going on at this writing. Friends secondary school heads discussed the matter at a fall meeting and it is the focus of attention of many of their Boards and investment committees. Other CAPE member organizations cite the relative absence of endowed funds as the reason why little attention has been given to the subject.

Child Nutrition (continued from page 1)

from the \$1500 cap adopted in the 1981 Omnibus Budget Reconciliation Act. The 1981 budget legislation changed the focus of assistance from students to institutions by basing a private schools' participation on its tuition charges and ignoring the child benefit theory which has been the guide for the child nutrition programs since they were established in 1946. In 1981 CAPE member schools opposed the introduction of tuition as a limiting factor and now view the \$2500 ceiling as a practical temporary solution for those schools that have not already been forced out of the program.

The Senate's bill provides that in states where the Agriculture Department (USDA) operates school lunch or breakfast programs and child care and summer food programs (because states 'turned back' the administration of these programs) USDA will be required to contract with another organization to act as a state agency for the administration of such programs or to distribute program funds directly to such private schools. According to USDA officials, the agency operates private school programs in 9 states - CO, DE, GA, MO, NE, SC, TN, VA, WA.

Authorization for the programs technically expired September 30 and continuing resolutions currently are funding them. The conference committee which may meet before the target adjournment of December 13 in the House includes members of the Senate Agriculture Committee and the House Education and Labor Committee.

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