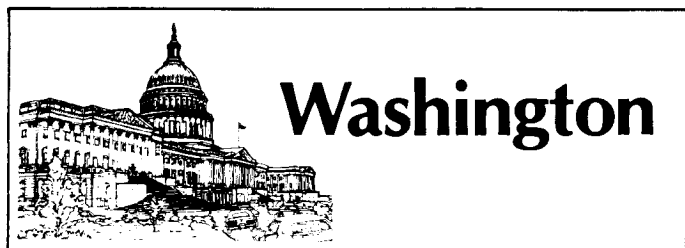


CAPE OUTLOOK



CAPE Endorses Chapter I Voucher

CAPE's Board of Directors gave its approval to the Administration's Chapter I voucher plan at its annual spring meeting in mid-March. In its statement the Board said that "this plan has the potential for broadening educational access and opportunity among those who need it most." It went on to laud the plan for its ability to stimulate improvement in remedial education by creating competing school opportunities and its capacity to correct the current serious Chapter I service delivery problems for students attending religious schools. Finally, the CAPE statement observed that the plan will "bring into high public visibility two central educational issues of our time — how to enhance parent choice in schooling and how to give the poor the same chances for a good education that the rich can get for themselves."

The position taken by the CAPE Board accords with previous positions it has held on legislation to enhance educational opportunity for low-income parents such as tuition tax credits and pre-college basic educational opportunity grants. These policy initiatives are seen by the Board as aimed at improving education for all students and as good for all parts of our pluralistic educational system. Not surprisingly, because of the diversity of its 15 member associations, CAPE's Board is not entirely unanimous in its support of the voucher plan.

Last year about 180,000 private school students received services under Chapter I among the 4.8 million students nationwide served by the program. Under the proposed legislation, all students under Chapter I would be eligible to use a voucher in a public school other than the one they attend or in any private school to which they gain admission. The value of the voucher will vary in accord with the per capita expenditure for Chapter I services in each educational district but the average is estimated nationwide at about \$630. This voucher legislation offers the prospect of creating

more substantial individual private school involvement than any other federal educational program to date.

The Administration's Chapter I voucher bill, The Equity and Choice Act (TEACH), was introduced in Congress in November by Senator Orrin Hatch (R-UT) Chairman of the Labor and Human Resources Committee and Representative Pat Swindall (R-GA). The House Education and Labor Committee invited the Department of Education to present its case at a hearing on Rep. Swindall's bill, H.R. 3821, on February 28. During a four hour session in a packed hearing room, Secretary Bennett and a small team of aides debated the merits of the legislation and encountered strong bipartisan skepticism about the proposal primarily because the bill does not require schools that accept vouchers to offer Chapter I programs. Secretary Bennett, suggesting that he would be interested in some refinements to the bill, said a voucher "limited to compensatory education services would be an improvement over what we have now." In addition, members questioned whether the proposal was administratively feasible and criticized the civil rights provisions which exempt participating private schools from the range of federal civil rights laws and regulations.

CAPE's formal statement on the proposal is as follows:

The Council for American Private Education (CAPE) announced at its spring Board meeting that it and a majority of its member associations are in support of the Chapter I voucher proposal. An organization of 15 national elementary and secondary school associations, CAPE's membership enrolls about 75% of all private school students.

CAPE believes that this plan has the potential for broadening educational access and opportunity among those who need it most, the poor and the educationally deprived. It can stimulate school improvement by creating competition among schools which offer programs of remediation in basic subjects. It opens the way for the effective delivery of Chapter I services to students deprived of them by the Aguilar v. Felton decision. It gets parents directly involved in their children's education by allowing them to choose among schools giving Chapter I services. And it brings into high public visibility two central educational issues of our time - how to enhance parent choice in schooling and how to help give the poor the same chances for good education as the rich can get for themselves.

At a time when the federal government is trying to put its fiscal house in order, this plan uses existing funding. At a time when we are trying to improve schools, this plan offers a means to do it.

As parents increasingly concern themselves with the quality of their children's education and as schools continue to diversify to meet student needs, the voucher becomes a valuable assist in the effort to make the best possible connection between families and the schools of their choice. We welcome this voucher plan and its focus on those whose quality education is one of the most difficult and the most important challenges facing our society.

CAPE Board Meets in Washington

The CAPE Board, in its spring meeting on March 17-18, met with Dr. Chester Finn, Assistant Education Secretary for Research and Improvement. Dr. Finn spoke in detail about the Department's research priorities and the extensive reorganization associated with them. He cited the recent publication, "What Works", as a good example of Secretary Bennett's interest in sharing research findings with more than the educational establishment. The practical suggestions and simplicity of the report make it readily available to different readers — the general public. Dr. Finn noted that the importance of this type of activity is underlined by the fact that educational research and dissemination are the oldest functions of the Department of Education.

Ken Terrell, from the Department's Office of Private Education, complemented Checker Finn's comments by reporting on the Department's on-going monitoring of the effect of the *Aguilar v. Felton* case on Chapter I services to private school students. He noted that an informal study conducted by the Chapter I office found a drop-off rate of 40% in private school participation since the *Felton* decision. Although the Department had been aware of problems in some states (Minnesota, Kansas, Georgia, Nebraska, Wisconsin and California) it had not anticipated such extensive failure to comply with Chapter I's provision that private school students be served equitably. The Department has written to the 10 states with the worst records asking for explanations.

Mr. Terrell also summarized the status of court cases still pending which could further affect Chapter I implementation. He noted that the most crucial issue at this time is whether the new administrative costs of Chapter I programs for private school children will be taken out of a district's total Chapter I allocation or out of the private school portion of it.

Among CAPE's other guests at the Board meeting were Susan Fuhrman of the Center for Policy Research in Education, Jack Sanders of NAIS, Frank Monahan of the USCC Office of Government Relations and staff from the House and Senate education committees.

Is There A Private School Teacher Shortage?

Private schools will be seriously affected by the prospective teacher shortage. That was the conclusion of CAPE's Board of Directors at their annual spring meeting in Washington in mid-March.

In a wide-ranging discussion of the issue, CAPE's Directors agreed that attracting more able people into teaching careers should be a major national priority and one which each organization should pursue in its own best way.

The facts are stark. By 1993 we will need 40% more teachers than we have now. Add to this the results of a recent survey showing that only 4% of college freshmen would consider a career in teaching, and the dimensions of the growing crisis become evident.

This shortage is exacerbated for some religiously affiliated schools who face the additional problem of finding teachers who share the school's philosophy and possess the requisite religious training. These schools often rely on their denomination's colleges as the chief source of teachers. One of CAPE's member associations has already asked its college presidents to consider the teacher shortage as its main priority over the next few years. Secular colleges are also focusing on the issue of teacher recruitment. According to a report from a National Advisory Board member, 15 northeastern liberal arts colleges are currently working together to maintain and upgrade their Education Departments. Five of these colleges now offer free courses to graduates who return to prepare for teaching careers.

Discussion then turned to other ways of coping with the projected teacher shortage. Many Board members spoke of the need to improve the quality of in-service training and to reorganize teacher clubs as a means of retaining teachers and of attracting new ones to the field.

Board members agreed that private schools may have to expand their recruitment efforts to include long-range planning. For example, human development courses in secondary schools have proven quite effective in capturing the interest of students in teaching as a career.

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

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The problem of minority recruitment, while not a new one, continues to be a major concern for many of CAPE's associations.

In summary, while not reflecting a sense of crisis, Board members are highly concerned and are working with educators everywhere on ways to try to respond to this growing problem.

DE Hosts Private/Public School Conference in Washington

On April 29 the U.S. Department of Education's Office of Private Education is sponsoring a national conference "Cooperative Relationships Between Public and Private Schools". The invitation to the one day meeting in Washington lists as the conference themes "Public and Private School Cooperative Relations, Update on Felton decision, Home Schooling and Private School Research and Data Surveys". State department of education liaison officers for private education, representatives of state-level private school groups, and national public and private school leaders will attend the conference. CAPE's executive director is on the agenda along with representatives of the National Association of State Boards of Education, the National Conference of State Legislators, Education Commission of The States and the Washington Federation of Non Public Schools among others. For information about the conference contact Dr. Charles O'Malley Executive Assistant for Private Education, U.S. Department of Education, 400 Maryland Avenue, SW Washington, D.C. 20202.

Legislative Update

The House and Senate were adjourned for spring recess from March 26 to April 8. Budget and foreign policy issues have been occupying the lawmakers' time. The House rejected the President's budget for fiscal year 1987 12 to 312. House leaders are waiting for the Senate to act on new revenues before drafting its plan — but they are holding to their vow of not going along with new taxes unless the President asks for it. That indicates that there will have to be a "grand compromise", or the budget process will break down and Gramm-Rudman cuts will be triggered.

On March 19, the Senate Budget Committee agreed to a plan proposed by its chairman and ranking minority member but indications are that the President considers it unacceptable because it raises taxes, cuts defense and does not cut domestic programs as much as Reagan proposed in his FY 87 budget plan. Under the Senate budget, all elementary and secondary education programs would be frozen at this year's level following the 4.3% Gramm-Rudman cuts, except Chapter 2 which would take a \$100 million cut. The

committee also voted, however, a \$400 million increase in budget authority for programs which include education, training and social services programs. The funds would likely be used to increase funding for Chapter 1, education of the handicapped and Head Start.

Tax Reform - The Senate Finance Committee markup of its version of the tax reform bill resumes April 8. On March 13 Finance Committee Chairman Robert Packwood (R-OR) unveiled his plan that would eliminate the total deduction for itemizers of state and local sales and personal property taxes, but allow a full deduction for real property taxes. The House bill passed last December retains the full deduction for the payment of state and local taxes. The Senate plan also would make charitable deductions for nonitemizers permanent with no floors for either itemizers or nonitemizers and retain current law for gifts of appreciated property instead of including such gifts in the proposed alternative minimum tax and the plan protects several other provisions important to non-profit organizations.

Senator Packwood wants the committee to finish mark-up on the bill by early May, so it can move to the floor in June and go to the President by August 15.

Liability Insurance - On March 27 the Senate Commerce Committee approved legislation (S.2129) that would make it easier for organizations and professionals to join together to purchase liability insurance collectively or individually. Schools, day care centers and local governments are being faced with increasingly higher premiums — if insurance is available at all. The bill would preempt state laws that make it difficult for businesses to buy insurance as a group. The measure would also facilitate the formation of self-insurance or "risk retention groups" in which organizations put funds in reserve instead of obtaining coverage from insurance companies.

A number of bills dealing with the liability insurance issue have been introduced in this Congress but most committees are still in the investigative stages. Since it is unclear what steps the federal government can take because tort law and insurance regulations generally are within the jurisdiction of the states it is unlikely that a comprehensive bill will pass this year. But bills such as S. 2129 dealing with only parts of the problem are thought to have a greater chance of passage.

On March 19 the Justice Department issued a report recommending several changes in tort law, including restrictions on damages for pain and suffering and limits on attorney fees. Observers report that the President plans to propose legislation that would implement some of the task force's recommendations. Copies of the task force's "Report of the Working Group on the Causes, Extent and Policy Implications of the Current Crisis in Insurance Availability and Affordability" are available for \$3.25 from the Superintendent of Documents, GPO, Washington, D.C. 20402; Stock no. 027-000-01251-5.

House Committee Issues Report on Findings After Felton

Concerned about the status of Chapter 1 programs in private schools following the Supreme Court's July 1, 1985 decision in *Aguilar v. Felton*, Rep. Augustus Hawkins (D-CA), Chairman of the House Education and Labor Committee, released a report in March providing additional information on the issues surrounding private school participation in the Chapter 1 program. The first part of the report provides additional legal information and constitutional guidelines through an analysis prepared by the Congressional Research Service (CRS) of the Library of Congress. In addition the committee asked the Departments of Justice and Education to comment on the CRS legal analysis so that school administrators would have the "benefit of a set of opinions that have the agreement of these Departments."

The second part of the report describes what various school districts have done to meet the new requirements, focusing on districts which worked out favorable arrangements. These model case studies were based on a telephone survey conducted during January and February by the Subcommittee on Elementary, Secondary and Vocational Education of local educational agencies and private school officials around the country. Its findings are a useful aid to educators involved in working out new systems to reach Chapter 1 students in private schools.

The document is available from the House Elementary, Secondary and Vocational Education Subcommittee, B 345 C Rayburn House Office Building, Washington, D.C. 20510.

High Court Opens Debate on Ohio Discrimination Case

On March 26 the Supreme Court opened debate in the case surrounding the conflict in Ohio between a religious school's beliefs and state civil rights laws. The case, *Ohio Civil Rights Commission v. Dayton Christian Schools*, involves the regulation of the Dayton Christian Schools by the Ohio Civil Rights Commission. The underlying dispute involved the refusal to rehire and subsequent discharge of a teacher, a pregnant woman, by the Christian school following her notice to them of her intention to contest the school's decisions. The school's actions were based exclusively on application of its religious precepts that a mother should be at home to rear her young children and that Christians should settle disputes among themselves. The teacher was fired when she sought outside legal help to enforce her rights under Ohio civil rights laws. The school said she was discharged because under the terms of the employment contract which included references to several passages of the Bible, Christians must settle their disputes with each other rather than through the courts or administrative agencies. The Ohio Civil Rights Commission decided that the Dayton Christian Schools violated the state sex discrimination laws by retaliating against the teacher for exercise of her rights under Ohio law. Unlike federal civil rights law, the Ohio statute does not exempt religious institutions for religiously based discrimination.

The case is being followed closely by denominational school organizations because of its bearing on operational decisions and practices in schools based on religious belief.

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