

CAPE OUTLOOK

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EPA Issuing Proposed Rule on Asbestos in Schools

In late April, the Environmental Protection Agency (EPA) is scheduled to publish its proposed rule to implement the Asbestos Hazard Emergency Response Act (AHERA). The law, enacted last December, requires the nation's private and public schools to visually inspect school buildings for friable and non-friable asbestos and to sample and analyze friable materials. The next step requires schools to develop management plans to deal with the asbestos materials and to submit the plan to the Governor of their state by October 12, 1988. Implementation of the plan must begin by July 9, 1989 and be completed in a "timely fashion." In addition, schools are required to use persons who have been accredited to conduct inspections, develop management plans, or perform response actions. Schools will be encouraged to consult with EPA Regional Asbestos Coordinators for assistance in compliance with this rule.

To develop the proposed rule, EPA used a process called regulatory negotiation. In that process, EPA put together a committee of interested parties with an outside negotiating team to work out the key parts of the regulations and to reach a consensus agreement. Private schools were represented on the committee by CAPE.

The preamble to the proposed rule includes, in many cases, areas of controversy on which consensus could not be reached by the participants of the negotiating committee. Besides the issues highlighted in the preamble, areas of key concern to private schools include the following sections of the proposed rule:

- * Inspections and reinspections and exclusions;
- * Response actions;
- * Operations and maintenance, including cleaning and periodic surveillance;

- * Required training of custodial personnel to do small and large scale asbestos abatement projects;
- * Management plans.

Because the law and regulations will govern how schools deal with asbestos in their schools, CAPE is strongly urging its member organizations and the private school community to respond to EPA's request for comments on the proposed rule. While many parts of the rule are technical, school officials need to be aware of its contents to assess its economic and administrative impacts. The comment period is open for sixty days from the date of publication in the *Federal Register*. (The EPA Administrator will sign the proposed rule on April 20; it will appear in the *Federal Register* possibly as early as April 23 or 24 and no later than May 1.) The final rule is expected to be published in November, 1987. To receive copies of the *Federal Register* notice, write: Edward A. Klein, Director of TSCA Assistance Office, TS-799, U.S. Environmental Protection Agency, Room E 543, 401 M St., SW, Washington, D.C. 20460.

While the EPA proposal is technical and very complex, the CAPE staff is happy to respond to questions related to the impact of the proposed rule on nonpublic schools.

Private Schools and the Carnegie Board on Teaching Standards

Are good teachers born or are they made? Are there important differences between the ways good history and good math teachers teach? If so, how do you measure these so the results can be helpful to other teachers? Or is teaching so substantially based on human nature as to make it nigh impossible to measure commonalities of effectiveness?

These and a host of other of the most important questions about teaching are currently under study by a Stanford University research team under a grant from the Carnegie Corporation of New York. The research is an important step in preparing the way for the establishment of a National Board for Professional Teaching Standards, a key recommendation of *A Nation Prepared, A Report of the Carnegie Task Force on Teaching as a Profession*. CAPE has been reliably informed that the National Conference Board, which will govern the national teacher certification process, will be composed of private as well as public school teachers. Teachers will predominate in its membership.

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Carnegie Board on Teaching Standards (continued from page 1)

The fifteen month research effort now underway will try to answer the first major question facing the National Board — how do you measure a teacher's knowledge and ability? The research work will develop sample exercises to measure the complexities of teaching by focusing on two commonly taught subject areas — fractions in elementary school and the American Revolution in high school. In the view of those doing the research, if assessments of successful teaching of these two limited areas of teaching cannot be adequately designed, then the entire process is off the track. Possible subject areas for the next step in creating teacher assessments are elementary school reading and high school biology. It is estimated that it will be another four years before any teacher will take a Board exam.



Those doing the planning hope that national teacher certification will ultimately upgrade the standards of the profession and challenge many new and able recruits to become teachers. If the testing process leading to national certification functions as envisioned by the Planning Group, not as the giving of a standardized test but as the measuring of a range of effective skills, styles and approaches found among good teachers, it could appeal to many private school teachers and administrators as another means to strengthen their work and their schools.

New Insurance Company for Schools Established

Has your school had difficulty in finding adequate insurance coverage at reasonable cost? If so, you will be interested in the efforts of CAPE's member organization, the National Association of Independent Schools (NAIS), to help form a new insurance company owned by educational institutions. The new company, *School, College and University Underwriters, Ltd. (SCUUL)*, began operations in Bermuda in January.

The new company was formed by Marsh and McLennan, Inc. and Morgan Guaranty Trust Co. at the direction of the Insurance Task Force. Educational institutions invested \$40 million in SCUUL in exchange for stock and stock options. Eight NAIS member schools are sponsors in addition to thirty-seven colleges and universities. The Board of Directors of SCUUL was selected from the sponsoring institutions. The company will be managed professionally under contract with Marsh and McLennan (Bermuda), Ltd., whose president will also serve as president of SCUUL. Underwriting and claims management will be done by Victor O. Schinnerer & Co. (Bermuda), Ltd. SCUUL is an open market brokerage facility available outside the U.S. through any broker or agent.

In writing policies designed to protect schools and colleges rather than insurance companies, SCUUL will provide two types of insurance that schools, colleges and universities recently have had difficulty obtaining in desired amounts and/or under acceptable terms and conditions: excess liability (umbrella insurance) and directors' and officers' liability.

All policy holders must contribute to the company's capital, either by purchasing stock in the company or by making a one time contribution to capital equal to one year's premium. Each institution will be individually underwritten by the contract underwriters, and its premium will be based on various underwriting criteria, such as location, number of students, the level of risk associated with the programs and activities, past claims experience, as well as its underlying coverages.

Inquiries and questions should be directed to the office of Mr. Andrew D. Carr, President of SCUUL, Marsh and McLennan (Bermuda), Ltd., Craig Appin House, Wesley Road, Hamilton, Bermuda; (809) 295-3278.

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

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Legislative Update

On April 10, the House passed the Democratic version of the fiscal 1988 budget by a vote of 230-192, generally along party lines. The measure calls for \$21.8 billion in new revenues and a reduction of \$8.7 billion in domestic spending compared to current levels. The plan recommends inflation increases for all education programs and funding hikes beyond that level for some, including Chapter 1 and programs for the handicapped.

On April 8, the Senate Budget committee reported its fiscal year 1988 budget plan by a vote of 13-11. While the package includes some increases for current education programs it also contains unspecified cuts to balance the increases. Believing that their committee plan is not adequate to maintain education as a national priority, Budget Committee members Senators Hollings (D-SC) and Danforth (R-MO) intend to offer an amendment when the budget goes to the Senate floor later this month to increase education programs for inflation and target additional increases in Chapter 1, Handicapped Education, Pell Grants, Supplemental Educational Opportunity Grants (SEOG), College Work-Study and a new drop-out program.

Congress will be in recess for the Passover/Easter Holiday from April 9 - April 21.

Recent Action...

Reauthorization of ECIA - On April 7 and 8, the House Subcommittee on Elementary, Secondary and Vocational Education marked up the reauthorization of the Education Consolidation and Improvement Act (ECIA) which includes the Chapter 1 and Chapter 2 programs and 14 other education programs. The full committee will consider the omnibus reauthorization bill, H.R. 5, on April 21 and 22. Chairman Hawkins expects the bill to be considered on the House floor in May.

The Chapter 1 bill, H.R. 950, would extend services to preschool and high school children, direct more aid to schools with heavy concentrations of poor students, strengthen parental participation, bolster innovation and accountability, and help defray the cost of serving nonpublic school children through a \$30 million capital fund in response to the delivery problems created by the 1985 Supreme Court decision in *Aguilar v. Felton*. An amendment authorizing a General Accounting Office study to assess the impact of the *Felton* ruling on nonpublic school children's participation in Chapter 1 and to outline effective programs was accepted during subcommittee consideration.

It is likely that other amendments affecting nonpublic schools will be proposed during full committee consideration.

Education and Training for American Competitiveness Act, H.R. 90 - On April 1, the House Education and Labor Committee approved H.R. 90 which would provide \$1.4 billion for new education and job training initiatives. \$3.25 million of that authorization would be

used for the creation of business and education partnerships and a series of literacy, science and math, foreign language and technical education programs in the nation's elementary and secondary schools. H.R. 90 becomes the education component of the House trade reform bill.

Voluntary National Service and Education Demonstration Act, S. 762 (Pell, D-RI) - The bill would provide two years of education benefits to those who volunteer for community service work or join the military. The benefits for military service would be slightly higher than those for community service work and would be in addition to any other education benefits the individual acquired through military duty. S. 762 would authorize \$30 million a year for five years for grants to state higher education authorities, which in turn would use the funds to set up programs of civilian community service. Funding could be used to pay for the postsecondary education benefits of participants. Another part of the bill would authorize \$5 million annually for five years to enable the Peace Corps to test a program of educational training that would lead to service as a Peace Corps volunteer.

Senator Pell's bill is joined by other proposals offered by Senator Bumpers (D-AR) and Rep. McCurdy (D-OK) that would, to varying degrees, encourage youth service participants to seek further education.

Private School Accreditation - Trust in Tennessee

CAPE OUTLOOK has reported from time to time on the school improvement effort and its sometimes harmful effects on private schools. (cf February, 1987 story on New York situation)

We have just been informed that the State of Tennessee, whose former Governor, Lamar Alexander, helped lead the charge for school reform, has worked out arrangements with the private school community which make intelligent accommodation for the essential differences between private and public schools and among different kinds of private schools as part of the new state accreditation system. A recently formed private school Advisory Commission worked out with the State Department of Education a draft of appropriate procedures for private school accreditation.

One of the most creative elements in the proposed procedures is the development of a sensible range of accreditation options for private schools. The end result appears to be that no school will lose its integrity in the process of meeting state standards nor will the state abdicate its responsibility for ensuring that all schools are good schools. Although this kind of settlement may not sit well with everyone in either the private or public school communities, one of its principal architects, Nashville's Diocesan Superintendent Steve Hammond, describes the change as "a significant step toward bettering relationships between public and non-public schools. There is an implicit trust built into this model which, I think, will bear good fruit in the years to come."

Capenotes...

On behalf of its constituency, CAPE...

...is pleased to report that more than 1,900 elementary schools - representing every sector of private education - have participated in the Department of Education's U.S. Constitution Essay Project to commemorate the Bicentennial of the Constitution. In January, students in grades 1-8 were invited to submit essays entitled "What the Constitution Means to Me and to Our Country." The project was designed to "encourage our nation's school children to learn more about America's early history and basic founding principles while simultaneously promoting good writing skills."

In the role of private school coordinator, CAPE invited its member associations to select by April 17, 260 private school essays for consideration in the Department of Education's final review by a committee of distinguished citizens. This committee will select 150 essays from nonpublic and public school finalists which they judge to be good, representative essays. The authors of these essays will be brought to Washington, D.C. for an awards ceremony. The 150 essays will be printed in a book along with the names and schools of all of the essayists whose writings were reviewed by the national selection committee.

...participated in a closed circuit teleconference at Public Broadcasting Service (PBS) to learn about a new PBS program designed to encourage America's young people to participate in events and activities related to the 1988 Presidential elections. The program, Voices of Tomorrow's Electorate (VOTE) will involve schools, national educational organizations, public television stations, the nation's youth and the Instructional TV

community. Curriculum materials and outreach activities are being developed with input from the education community. CAPE looks forward to working with PBS as it puts together the VOTE program. OUTLOOK will keep its readers updated on developments. For further information, contact William T. Reed, Senior Vice President, PBS Educational Services, 1320 Braddock Place, Alexandria, VA 22314.

...OUTLOOK will report in an upcoming issue, on the latest report (released as OUTLOOK went to press) from the Department of Education Center for Statistics on *Private Schools and Private School Teachers: Final Report of the 1985-86 Private School Study*. The goal of the study was to update information on private schools and to obtain nationally representative data on private school teachers. Data was collected from a sample of private elementary and secondary schools and teachers in those schools surveyed in the spring of 1986.

...has been asked by the U.S. Information Agency to publicize opportunities for the 1988-89 Fulbright Teacher Exchange Programs in order to reach as many elementary and secondary school educators as possible. The program involves *teachers* at the elementary, secondary, and postsecondary levels in a one-on-one exchange with suitable teachers overseas. The countries involved in 1988-89 include: Argentina, Australia, Belgium, Luxembourg, Brazil, Canada, Columbia, Denmark, the Federal Republic of Germany, France, Iceland, the Netherlands, Norway, Panama, South Africa, Switzerland, and the United Kingdom. Applications should be requested in the summer. Completed applications for the 1988-89 Teacher Exchange Program must be submitted to USIA no later than October 15, 1987. For further information write: Fulbright Teacher Exchange Program, E/ASX, United States Information Agency, 301 Fourth St., S.W., Washington, D.C. 20547; 202-485-2555.

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