

# CAPE OUTLOOK

March, 1988

Number 139



## Asbestos Update

Removal of the asbestos from private schools, which was mandated by the Asbestos Hazard Emergency Response Act of 1986 (AHERA) and has been regulated by the Environmental Protection Agency, has become a complex, costly, burdensome issue at every level. Schools nationwide are increasingly less confident they can meet the October 12, 1988 deadline for completed certified inspections and the submission of a management plan to their governor, and thus they risk \$5,000 to \$25,000 a day fines.

The nature of the many difficulties with compliance was laid out in detail at a recent meeting of several national school associations attended by CAPE. Certified inspectors are scarce because the three-day EPA-approved courses which certify them are often unavailable. When certified inspectors are found, they frequently are not insured or bonded, and consequently schools themselves become liable for the work which they have contracted. Too many laboratories are overburdened with test samples. And, the EPA management planning courses are also unavailable. Several states do not yet even have a governor-designee to handle asbestos abatement plans. These obstacles together with the high cost in schools' personnel time and funds make the existing regulations nearly impossible to follow in many cases. The early deadlines, given the shortage of courses and facilities to meet them, could result in faulty inspection and abatement plans, and therefore defeat the intent, that of ridding the schools of cancer-causing asbestos fibers.

Three bills have been introduced to extend the AHERA deadlines. The House bill, H.R. 3839, sponsored by Representative Michael G. Oxley (R-OH), delays the deadlines by a year, and has the longest list of cosponsors. Senator Max Baucus (D-MT) sponsored S. 2024 to extend deadlines for a year, and Senator John Melcher (D-MT) introduced S. 2025 for an 18-month extension, and for authorization of additional funds for the EPA loan and grant program.

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## Civil Rights Restoration Revisited

A civil rights bill important to private schools, which reverses the effects of the Supreme Court's 1984 Grove City decision and brings civil rights law back to where it had been prior to the decision, was passed overwhelmingly 315-98 in the House during the first week in March. It is identical to the Senate's Civil Rights Restoration Act (S. 557) which passed 75-14. The legislation has been germinating for four years.

The Grove City decision limited the reach of civil rights law to specific programs receiving federal funds in an institution. The legislation passed quickly in the Senate after a major issue which had long divided its supporters, the right to an abortion, was solved through an amendment offered by Senator John Danforth (R-MO) stipulating that the bill did not require any institution to perform or fund an abortion.

Another amendment, sponsored by the National Association of Independent Colleges and Universities and introduced by James Sensenbrenner (R-Wis.), would have allowed an institution to gain exemption from the law if it were closely identified with "the tenets of a religious organization." The bill as passed allows exemption only for institutions controlled by a religious organization.

At a recent White House meeting to which CAPE and other organizations were invited to hear the Administration's views on the legislation, in anticipation of the president's certain veto, administration spokesmen from the White House and the Department of Justice said that under this legislation civil rights laws could reach far beyond their pre-Grove City status and that federal judges would be given "unprecedented power to control American lives."

Federal civil rights law which involves federal funding is extremely complex (there are now 166 relevant statutes) and, according to one of the Department of Justice briefers, 122 of these would be affected by this bill.

Many education supporters of the bill, including the National Association of Independent Colleges and Universities and the the U.S. Catholic Conference, a CAPE member organization, are confident that the religious control provision will protect church schools and colleges and their activities and that institutions which are operating according to pre-Grove City civil rights laws have nothing to fear.

Although there seems to be general agreement that a bill of this scope may have consequences which could be litigiously difficult, its overarching purpose

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## Asbestos

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The school community is of two minds on postponing the deadlines. Some unions and school organizations favor postponement; some oppose it. In mid-February the Asbestos-In-Schools Coalition, an organization in which CAPE has been active, and which worked with EPA to draft the existing regulations, met to discuss the outlook for federal funding for asbestos abatement, and to respond to the recent legislation for postponement. The Coalition is requesting a meeting with EPA to address its concerns. Though the various members of the Coalition are divided on the deadlines, all parties seek increased funding for asbestos removal from Congress.

The October 12, 1988 and July 30, 1989 deadlines are legally binding and thus we urge schools to do their utmost to meet them. CAPE is aware of the problems private schools are having in meeting the deadlines and bearing the expense. We will continue to work with EPA and with Congress. We also encourage school heads and others to write congressmen on the Committee on Energy and Commerce, and senators on the Committee on Environment and Public Works to inform them about your experiences in trying to comply with the regulations. Your on-site description of the realities involved will be helpful to them. Please send CAPE a copy of your letters.



Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515; (202) 225-2927

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Senate Committee on Environment and Public Works, SD-458 Dirksen Senate Office Building, Washington, DC 20510; (202) 224-6176

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Larry Pressler, S.D.

**Civil Rights Restoration Act** continued from page 1 to give legal grounding for the national commitment to civil rights, weighed most heavily in the final balance for supporters.

Because CAPE member organizations, which are all deeply committed to civil rights, are divided over the merits of the bill, CAPE has not taken a position. At this writing it would appear the the president's intended veto will not be sustained, although the vote will be closer than the one-sided Senate and House bill passage votes.

**COUNCIL FOR AMERICAN PRIVATE EDUCATION/1625 Eye Street, N.W., Washington, D.C. 20006**

A coalition of 14 national organizations serving private schools (K-12)

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## Notes from the Private Facilitator Project

The Private Schools Facilitator Project has already begun to bring the exemplary programs of the National Diffusion Network (NDN) to individual private schools.

The Project is helping to fund "High Scope" for four schools in the Miami Archdiocese. This funding will enable the Archdiocese to reach out to a greater number of disadvantaged preschoolers.

Project W.R.I.T.E., an NDN writing program for grades K-12, has offered to include a limited number of private schools without charge in regularly scheduled training workshops as a sign of their commitment to non-public schools. Initial beneficiaries will be some private schools in New Jersey and Iowa.

The Private School Project is helping to pay the costs of sending two independent school teachers from Providence, Rhode Island to a workshop at Johns Hopkins University in Baltimore, where they will be certified as trainers for the "Team Accelerated Instruction: Mathematics" program. These teachers will not only implement the program at their own schools, but will also be a resource for teacher training in private schools throughout New England.

The Project has developed a plan with the Evangelical Lutheran Church in America to reach all schools within that organization. Presentations and strategy sessions have taken place with private school groups in Missouri, Virginia, Illinois, New Jersey and Florida. The project director has visited the Archdiocese of Chicago, Miami and Los Angeles, the Diocese of Arlington and the Day School Coordinator of the Central Agency for Jewish Education. The Tennessee state CAPE representative has arranged for the NDN State Facilitator to meet with the private school leadership there.

The private school facilitator is frequently asked to describe other schools' experience with NDN programs. The Project has hired a part-time assistant to help compile a data base on private school participation in the NDN.

Travel and consultation has led to the identification of a math program developed at the Archdiocese of Chicago, a leadership program at the Archdiocese of Miami and a health program at an Evangelical Lutheran Church in America elementary school, each of which might be appropriate for validation by the NDN at some future date or otherwise be of interest to other private schools.

The Project staff will attempt to bring the Project's message in person to as many states and to as many private school administrators and teachers as possible during the four year term of the Project. But don't wait for us! If you have questions about the NDN or the Private School Facilitator Project's activities and services, please contact Frank Delany or Lydia McShane at CAPE, (202) 659-0177.

## Capenotes

\*EPA will conduct a National AHERA Teleconference for school officials in mid-April. EPA officials will explain the regulations and answer questions on asbestos abatement. Further details will be mailed to all schools. Local PBS stations will air the teleconference in May.

\*The American Association of School Administrators in cooperation with Control Data Corporation has developed a videotape and teaching materials to meet the two-hour training requirement for building custodians for compliance with AHERA. This tape must be shown by a certified inspector.

\*The Office of Educational Research and Improvement, OERI, of the U.S. Department of Education has published a one-page brief listing "Five Tips to Improve Teaching" found by researchers at the Institute for Research on Teaching. They are: 1. Set Goals, 2. Communicate Expectations, 3. Understand Content, 4. Closely follow Instructional Materials and 5. Accept Responsibility. For a copy of this fact sheet contact Information Services, OERI, 555 New Jersey Ave., N.W., Washington, DC 20208; (800) 424-1616; 626-1616 in Washington.

OERI also encourages those looking for educational information of a statistical nature to use this toll-free number.

\*According to the Children's Defense Fund, cuts since 1981 in the Title XX Social Services Block Grant, the largest direct source of federal support for child care, have resulted in a 1987 appropriation about half the level of 1977. For copies of the Children's Defense Fund study on the current condition of child care services and their recommendations for improvements send \$7.45 the *State Child Care Fact Book 1987* to CDF Publications, 122 C St., N.W., Washington, DC 20001; (202) 628-8787.

\*The National Foundation for Advancement in the Arts awards grants of up to \$3,000 to 17 and 18-year olds gifted in dance, music, theater, visual arts and writing to pursue their art. The foundation's Arts Recognition and Talent Search offers more than \$400,000 annually to youngsters interested in artistic careers. Contact NFAA, 1500 Broadway, Ste. 808, New York, NY 10036; (212) 719-3500 or NFAA, 100 N. Biscayne Blvd., Miami, FL 33132; (305) 371-9470.

\*The National Endowment for the Humanities will grant teachers and administrators awards to conduct intensive, four-week institutes and one-year follow-up activities focusing on important texts and ideas in the humanities and the most effective ways of teaching them in elementary and secondary schools. NEH will also fund collaborative projects, ordinarily three years in length, designed to improve teaching in a specific humanities area such as expository-writing or literature. Schools and school systems are among those who may apply if they have the endorsement and commitment of a participating institution. Contact Jayme Sokolow, Division of Education H, 1100 Pennsylvania Ave., N.W. Washington, DC 20506; (202)786-0377.

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## Legislative Update

Civil Rights Restoration Act (S. 557)—would reverse the U.S. Supreme Court's 1984 ruling in *Grove City v. Bell*. President Reagan is expected to veto the measure.

AHERA Oversight Hearing—The Subcommittee on Hazardous Wastes and Toxic Substances and the Subcommittee on Superfund and Environmental Oversight of the Senate Committee on Environment and Public Works held hearings on March 15 to consider legislation for postponing the asbestos inspection and removal deadlines.

Education Department FY 1989 Budget and Appropriations—The House Budget Committee is marking up its 1989 budget resolution at this writing. The House Labor, Health and Human Services and Education Appropriations Subcommittee plans hearings for early April. The Appropriations Committee indicated that it will try to avoid cuts proposed by the Department of Education. The Senate Labor, Health and Human Services and Education Appropriations Subcommittee has scheduled hearings for May 10 with Secretary Bennett and for May 11 with elementary and secondary education officials.

ECIA Reauthorization (H.R. 5)—House and Senate conferees met on March 15 and will meet again the week of March 21 to reauthorize elementary and secondary education programs through 1993.

Tax Incentives for Higher Education Costs—The Senate Finance Committee held a hearing on March 15 to consider proposals to help parents and students finance higher education. Included were college savings bond and savings account plans.

Act for Better Child Care (S. 1885)—The Senate Subcommittee on Children, Family, Drugs and Alcoholism held hearings on this bill, which would provide a federal program to assist states in providing more available, affordable licensed day care services.

## Capenotes

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\*EPA announces the president's 1988 Environmental Youth Awards to individual students from kindergarten through twelfth grade, classes, schools and youth organizations. Projects such as adopt-a-beach, river clean-ups, public awareness campaigns and science projects to study environmental problems have been awarded in the past. The 10 most outstanding projects will be recognized at a National Awards Ceremony in Washington. To receive application materials write EPA, Public Information Center, PM211B, 401 M St., S.W., Washington, DC 20460.

\*The Taft Institute for Two-Party Government will sponsor two-week seminars for teachers, administrators and librarians this summer. On 32 campuses across the country participants will explore American politics with practicing politicians and political scientists. Taft seminars offer graduate credits, paid tuition, texts, meals and other allowances for participants. Most are residence programs. For information on the nearest seminar contact The Taft Institute for Two-Party Government, 420 Lexington Ave., New York, NY 10170; (212) 682-1530.

\**Art to Zoo* is a quarterly published by the Smithsonian Institution's Office of Elementary and Secondary Education for teachers of grades four through eight. Each issue treats a theme and is designed to help teachers incorporate objects from art or nature, and community resources into their curricula. Included is a pull-out page of activities in English and Spanish. To receive up to four free copies write Art to Zoo, Office of Elementary and Secondary Education, Arts and Industries Building, Room 1163, Smithsonian Institution, Washington, DC 20560.

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