

cape outlook

COUNCIL FOR AMERICAN PRIVATE EDUCATION

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CONGRESS MEASURES EFFECTS OF FELTON

A new report on the participation of private sectarian school students in Chapter 1 programs was just published by the U.S. General Accounting Office (GAO), updating the report of 1987. (GAO provides Congress with a review of the various government departments' spending patterns to assure Congress that the intent of legislation is carried out. It also settles claims against the departments.) Both education committees—the Senate Labor and Human Resources and the House Education and Labor—requested the information.

Chapter 1 is a federally-funded remedial program for educationally and economically disadvantaged students in both public and private schools. For 20 years public school teachers provided remedial teaching to the sectarian private school students who were entitled to the services, on the private school premises. In 1985 this practice was ruled unconstitutional by the Supreme Court in *Aguilar v. Felton* on the grounds that it violated the establishment of religion clause of the First Amendment. School districts were forced to find alternative, "neutral" means of delivering Chapter 1 services.

The alternative delivery systems proved expensive to public school districts who are charged with providing Chapter 1 services to both public and private school students in their districts. Consequently, in 1988 Congress amended the Elementary and Secondary Education Act of 1965 with the Hawkins/Stafford School Improvement Amendments (PL 100-297). The new law authorized appropriations over six years to pay public school districts for the expenses incurred in delivering Chapter 1 services to sectarian private school students on neutral sites.

These "capital expenses" are allocated to states in proportion to the number of non-public school pupils they served under the Chapter 1 basic grant program in the 1984-85 school year, before

the Felton decision. The funds may be used for rental of classrooms on neutral sites, rental of mobile vans, or transportation of students to the sites or to public schools. Capital expenses do not include educational materials or instruction including computers, but these can be purchased with other Chapter 1 funds.

GAO surveyed the 52 Chapter 1 coordinators in the 50 states and the District of Columbia and Puerto Rico, and visited 12 school districts to gather their data. They found that private school participation since the Felton decision had dropped by about a third, but was climbing back up. Before Felton, 185,000 private school students had been served. Immediately after the decision the number dropped to 123,000. Last year the number reached 151,000.

The factors accounting for increased private school student participation include: greater efforts exerted on the part of public school districts to include private school students, greater acceptance on the part of private schools and parents of computer-aided instruction, and clarification from the Department of Education on permissible use of funds.

After the Department announced that portable classrooms and mobile vans could be used on publicly leased areas of private school property, for example, and that computer-aided instruction was permitted, many more private school students began to participate. Computer-aided Chapter 1 instruction has become very popular. Public school districts can install terminals in private schools and connect them to a central programming unit. Public school districts even lend parents computers and software for their children to use at home. Again, computers are purchased from Chapter 1 funds but are not a "capital expense."

Mobile vans are popular neutral sites. They are parked either on land leased from the private school, making that land "neutral," or they are parked off

the premises. They must be hooked up to a power source. Portable classrooms on the private school grounds and public schools are also eligible places.

School districts paid out far more in capital expenses since 1985 than will be covered by the 1989-90 appropriation (\$19.8 million) and the 1990-91 appropriation (\$26 million) from Congress. GAO estimates that the five states with the highest expenses incurred, Illinois, Louisiana, New Jersey, New York and Pennsylvania, will recover only 20 percent of expenses with the 1989 appropriation—money just now becoming available from the states. The Department of Education notes that some states like New Jersey and New York have state appropriations for capital expenses. And it is likely that expenses will decrease after some of the necessary purchases are made, although recurring expenses such as leases may increase.

Based on GAO's report it appears that school districts **Generally** are making good progress in recovering the number of private school students cut out of Chapter 1 services because of the Felton decision. This is due in part to the increased attention public school districts are giving private school students as a result of Felton. Some districts promote and encourage participation by seeking out private school principals and parents. However a note of caution about the progress was issued from Deborah Jacobs of the education office of Agudath Israel, which represents the Hebrew Day Schools. She said that some of the New York schools have not resumed their participation in Chapter 1 since 1985. And Richard Duffy of the education office of the United States Catholic Conference commented that small rural school districts have lost out both because of the inefficiency of purchasing expensive equipment for so few students and because of parent opposition to busing students for Chapter 1 instruction, which causes loss of instruction time.

LEGISLATIVE UPDATE

Congress and the President are, at this mid-October writing, caught up in the budget reconciliation bill. At issue and holding up the process are the capital gains tax cut sought by the Administration, changes in the catastrophic health care program just passed last year, and child care, all included in the House version, H.R. 3299. Dozens of unrelated bills have become part of this "omnibus" package, and Senate Majority leader George Mitchell was hoping to strip those in order to meet the October 16 deadline and avoid Gramm-Rudman-Hollings across-the-board-budget cuts. Although Congress is about to work through a second weekend to reach the deadline, at this point it seems doubtful that an agreement will be reached. Thus Congress can blame the Administration and the Administration can blame Congress for a \$16 billion cut in programs.

H.R. 3299—The House passed its deficit reduction bill on October 5, which would cut \$10.97 billion from the federal deficit in 1990. Included were measures described above, and a repeal of Section 89. The House-passed measure would meet the deficit reduction Gramm-Rudman-Hollings target.

H.R. 3—**The Child Development and Education Act**—passed the House on October 5 and included both the Education and Labor and the Ways and Means Committees' proposals. As the combined piece would be somewhat contradictory, the differences will have to be resolved in conference with the Senate-passed S. 5.

Defeated on the House floor were two amendments which would have acted as substitutes to H.R. 3: Congressman Mickey Edwards' (R-Okla) plan to expand tax credits but add no new program funds, and Congressman Charles Stenholm's plan. Stenholm's substitute, introduced on September 22, would have retained the Education and Labor/Ways and Means combination plan for Head Start expansion and increased Earned Income (EITC) and Dependent Care tax

credits. It would have deleted the title funding school-based pre-school and before- and after-school programs and the title funding child care centers and family and group home child care providers. Stenholm's substitute, like the Ways and Means proposal which passed the House, would have substituted an expansion of the existing block grant program of the Social Security Act, Title XX for the two above-described titles. Title XX provides funds to states for child care, and consequently no new programs would be created. Title XX, EITC and the dependent care tax credit are entitlements, and therefore not dependent on annual appropriations from Congress.

The new program pieces in H.R. 3 include language which would prohibit funding for sectarian programs. Title XX contains no such prohibitions. The Senate-passed S. 5 would fund child care certificates for parents to choose their care provider, and religious programs would be included in the choice.

H.R. 2990—The bill appropriating FY 1990 funds for the Departments of Labor, Health and Human Services, and Education was agreed upon by Senate and House conferees on October 5. (The Senate passed its version on September 26; the House, on August 2.) The conference report now goes to both chambers for a vote. Chapter 1 received an increase of \$850 million, raising the program to \$4.83 billion for FY 1990. Private school capital expenses for Chapter 1 delivery received \$26 million, an increase of 30 percent over FY 1989. Head Start also received a significant increase.

H.R. 3045 and S. 497—**the Copyright Remedy Clarification Act**—would require state governments and entities including public schools to abide by copyright laws or risk suit. The House bill was approved by the Judiciary Committee on October 3. The Senate bill was approved in subcommittee and is scheduled for committee markup.

H.R. 2916—The Senate passed the bill appropriating FY 1990 funds for VA, HUD and independent agencies including EPA on September 28. The bill includes \$52 million for ASHAA, with an earmark of \$2.6 million for worker and contractor training and certification compared to the House's \$47.5 million with an earmark for \$2 million. The House passed its version, which included \$1 million for radon surveys in schools, on July 20. The bill is in conference.

H.J. Res. 407—the "continuing resolution," which is funding the federal government and its programs from October 1 to 25 was signed by the President on September 29. Fiscal year ends on September 30, 1989, and since most of the FY 1990 appropriation bills did not pass before the end of the fiscal year, the government is funded under this interim measure.

Section 89—The House voted to repeal the section on the 1986 income tax law which was to make employee benefits to lower-paid workers more comparable to those of higher-paid employees. Many businesses found the law unworkable. The repeal was passed as an amendment to the budget reconciliation bill, H.R. 3299, which has become the vehicle for a number of bills including child care. The Senate passed repeal of Section 89 on its child care bill, S. 5, in June. The measure awaits conference.

H.R. 3370—**and S. 1697**—**Radon Testing for Safe Schools Act**—a bill which would require schools to test for radon contamination was introduced by Congressman Bart Gordon (D-TN) with 15 cosponsors on September 28 as a revision of his May bill, H.R. 2210. Senator Frank Lautenberg (D-NJ) sponsored a similar measure with eight cosponsors. All schools in EPA-designated areas of high radon concentrations would be required to test with approved persons by 1993. Loans and grants would be authorized, and civil penalties imposed for non-compliance.

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

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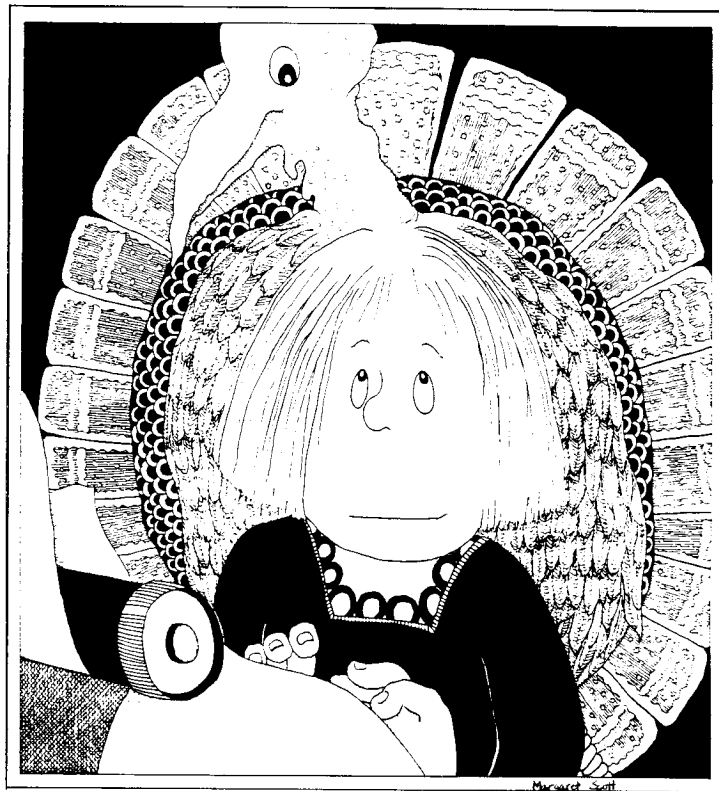
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S. 1675—The Excellence in Teaching Act—was introduced by Senator Edward Kennedy on September 26. Its purpose is to reduce teacher shortages, increase the number of qualified teachers and enhance the status of the teaching profession through grants to the states from the U.S. Department of Education. It would create (recreate) a Teacher Corps of college students, graduate students and degreed individuals interested in teaching in subject or geographical area shortages, inner cities, preschools or teaching handicapped children. They would receive a scholarship of up to \$8,000 a year for two years in exchange for four years of inner-city or math and science or five years of geographic area shortage teaching. It would create a Senior Teacher Corps for teachers with eight or more years experience to take a six-month paid sabbatical with special consideration given to skills improvement in the above-described areas. It would create Professional Development Academies partnering school districts with higher education institutions for teacher development, recruitment and other purposes. It would encourage and support recruitment of minorities into the profession; amend the Bilingual Education Act to expand it; make grants available to colleges and universities with Master's degrees in early childhood to expand their programs; provide funds to prepare teachers for mainstreaming handicapped students; fund the National Science Foundation to expand teacher training in math and science and provide incentives for school districts to experiment with school-based management.

H.R. 1676—the National Teacher Act of 1989—was introduced by Senator Claiborne Pell (D-RI) on September 26. It would offer partial loan forgiveness of Stafford college loans in exchange for each year of full-time teaching in a Chapter 1 public or private school. It would make grants available for demonstration programs in class size reduction. S. 1676 would make grants to colleges, universities, schools, state education departments and professional organizations for model programs in teacher preparation and would make grants available for the purpose of attracting minorities into teaching. It would create national teacher academies in various disciplines and staff them with scholars and fund them on the basis of competitive grants.



NOVEMBER

CAPENOTES

**Award-Winning Community Service Programs in Independent Schools, 1987-89* is available from the Council for Religion in Independent Schools (CRIS). The booklet describes 22 award-winning community service programs and contains student and faculty essays on the subject. Non-members send \$5 to CRIS, P.O. Box 40613, Washington, DC 20016.

*The ERIC Clearinghouse on Urban Education announces **Urban-School Community Alliances**, (\$3) describing collaborations between urban schools, businesses and cultural institutions on a wide range of special projects. They also announce **Youth Mentoring: Programs and Practices**, (\$3) describing a way to help disadvantaged youth stay in school and succeed, and **School College Collaborations: A Strategy for Helping Low-Income Minorities**, (\$8). Send a check to ERIC Clearinghouse on Urban Education, Box 40, Teachers College, Columbia University, New York, NY 10027.

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*The Young Writers' Contest is open to students in grades 1-8. Twelve submissions per school of works of fewer than 500 words each including poems, short stories or essays school will be accepted. There is a \$15 registration fee. All entries are awarded certificates, and winning entries are made into a book and published. Contact the Young Writers Contest Foundation, P.O. Box 6092, Dept. 200, McLean, VA 22106; 703-893-6097.

CAPENOTES (continued from p.3)

*The General Accounting Office's (GAO) new report describing the effects of the *Aguilar v. Felton* decision on Chapter 1 delivery services to religious school students is available from GAO, Box 6015, Gaithersburg, MD 20877; 202-275-6241.

*Secretary of Education Cavazos is scheduling five town meetings on education in conjunction with his working sessions on parental choice. The intention is to give parents a chance to speak directly with the Secretary. Two of the meetings took place in October and the remaining three are scheduled at 7 p.m. on November 13 in Charlotte, NC, November 16 in Denver and November 28 in Richmond, CA.

**Education Daily* reports that the Education Summit produced the following set of goals: raise student performance on international achievement tests, reduce dropout rate, raise literacy, ensure the nation of a well-trained workforce, ensure an adequate number of teachers, guarantee that schools are safe and drug-free and increase funding for early childhood education. Governors sought less federal regulation to accompany federal funds and promised improvement in exchange. The President asked for public reports from the states on the progress of public school restructuring. "Annual report cards" were promised on the progress of students, schools, the states and the federal government. Bush commented on the agreement, "From this day forward, let us be an America of tougher standards, an America of higher goals and land of bigger dreams."

*Under the leadership of Secretary James Watkins, the U.S. Department of Energy vows to "improve the scientific literacy of the American people so that we can lead the world into the 21st century." Energy plans to work closely with the Department of Education. Scientists will use Department of Energy labs and funds in every state to help revitalize math and science teaching. Secretary Watkins was the keynote speaker at the 1987 CAPE board meeting and inspired us with accounts of the success of at-risk youth enlisted in the Navy while he was Chief of Naval Operations. He became the President's Commissioner on AIDS before joining Energy, and he has taken his role as an educator seriously in all these posts.

*The Bradley Commission on History in Schools, in its monthly report *History Matters!**, continues its discussion of devising a history curriculum around six vital themes. They also announce the publication of several new books from their commission and from other historians: *Teaching International Politics in High School*, *A First Dictionary of Cultural Literacy*, by E.D. Hirsh and *Historical Literacy: The Case for History in American Education*. To receive their newsletter contact them at 26915 Westwood Rd., Suite A-2, Westlake, OH 44145; 216-835-1776.

*The Council for Basic Education suggests reading "Off the Tracks" by Ruth Mitchell, Kati Haycock and M. Susan Navarro. It examines the history of student aptitude tracking, and its effects. It also introduces an alternative. For a copy send \$2 to CBE, 725 15th St., NW, Washington, DC 20005.

*The U.S. Department of Labor's Commission on Work Force Quality and Labor Market Efficiency issued a report stressing the need for stronger ties between schooling and employment, and suggesting that employers of high school students and graduates link employment to grades to send the message that they matter.

*Christa McAuliffe Fellowships are available to outstanding teachers to continue their education or develop education programs or projects. The Department of Education will award 81 teachers about \$23,000 each. For application materials contact your state department of education. Application deadline is December 15.

*GAO has issued a report, "Head Start: Information on Sponsoring Organizations and Center Facilities." It contains information about publicly and privately operated local Head Start programs and facilities used. Request by title and number, GAO/HRD-89-123FS from GAO at P.O. Box 6015, Gaithersburg, 20877.

*The Department of Education expects to award 20 grants of \$100,000 to 200,000 for drug and alcohol abuse prevention projects especially for students in grades four through eight. For information and a copy of the application package, contact the Drug-Free Schools and Communities program, 400 Maryland Ave., SW, room 2135, Washington, DC 20202-6329; 202-732-3463 or see the *Federal Register* of September 15.

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