

cape Council for American Private Education outlook

"Voice of America's Private Schools"

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Supreme Court Begins New Term

With the Senate's overwhelming approval of Supreme Court Justice nominee David Souter by a vote of 90 to 9 on October 2, the Court now has a full bench as it considers several school related cases in its 1990-91 term.

Souter Joins High Court

During three days of testimony before the Senate Judiciary Committee which approved his nomination by a vote 13 to 1, Souter was probed by the panel about his views on the role of the federal judiciary, civil rights, and the separation of church and state.

While avoiding the politically charged questions on abortion and the future opportunities to rethink *Roe v. Wade*, Souter did take his detractors aback by expressing his concrete belief in the Court's responsibility to protect individual rights under the 14th Amendment's equal protection clause, and to fill a "vacuum" when Congressional inaction creates a need. He cited the landmark *Brown v. Board of Education* segregation case as an example of appropriate Court activism. He further stated his belief that a fundamental "right to privacy" could be found in the Constitution.

Desegregation Tops Agenda

While the Senate debated giving its advice and consent to the Souter nomination, opening arguments in a major school

desegregation case took place before the Supreme Court. In the suit, *Oklahoma City Public Schools v. Dowell*, the plaintiff asked the court to release the city from the requirement of continually winning court approval for their desegregation policies. School districts in Kansas, Colorado and Georgia will wait to see if their similar cases will be considered by the court, or if the court will refer them to lower courts for reconsideration after a precedent has been set in *Oklahoma City*.

The Court will also be asked to review desegregation efforts in the Topeka, Kansas school district. In the newly named case of *Board of Education v. Brown*, the Court will review the latest manifestation of the suit that created the important precedent in 1954 when they ruled that "separate but equal" was not a sufficient remedy for racial imbalance in the classroom. In 1987, a federal district court found no "illegal, intentional, systematic, or residual separation of the races." However, the ruling was overturned by an appeals court in 1989 which said the school system failed to achieve a maximum degree of desegregation.

The High Court will be asked to hear other school-related cases including *Fee v. Herndon* in which the Fifth Circuit Court of Appeals rejected a federal suit against a Texas principal who used corporal punishment against a mentally handicapped sixth-grader. In *Strong v. Board of Education of Uniondale Free School District*, a teacher

argues that the school board's demands for medical records as a condition of tenure violated her right of privacy. The case had been dismissed in Circuit Court.

Church-State Battles to Escalate?

Some church-state issues will be considered by the Court as well, including *Mississippi Employment Commission v. McGlothlin*. In that case, a teacher was dismissed for wearing an African head wrap and asks for payment of unemployment benefits. The Mississippi Supreme Court said the nonpayment of benefits violated the teacher's constitutional rights because the wrap was a part of her religious expression.

"Americans United for Separation of Church and State" recently issued a report showing a doubling of incidents involving religion in public schools over the previous school year. The group's spokesman maintains that since the Court's 8 to 1 ruling in *Westside Community Schools v. Mengens*, an increase in church-related activities on school grounds is imminent. In that June 4 decision, the Court ruling upheld the "Equal Access Act" which disallows schools which receive federal funds to discriminate against clubs due to their religious, political or



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philosophical views.

Incidents of school districts permitting school prayer - particularly at sporting events - as well as Bible distribution on campuses and celebration of religious holidays on school property are on the rise, according to Robert Boston of "Americans United for Separation of Church and State" in an interview with Education Daily.

Should these practices be challenged in court, Souter could be a swing vote in rewriting Court precedents on school prayer and funds going to parochial schools, according to Boston.

National Distinguished Principals:

Five private school principals were recently named 1990 National Distinguished Principals by the U.S. Department of Education and the National Association of Elementary School Principals. They will be honored October 16 and 17 at ceremonies in Washington, D. C.

The five are among 51 public elementary schools representing all the states and the District of Columbia as well as two Defense Department Dependents' Schools and two State Department Overseas Schools. This year's five private school honorees are from schools which are associated with CAPE member organizations. CAPE wishes to congratulate this year's winners of this prestigious award. They are:

- Sister Robert A. Brich, *St. Joseph Elementary School*, Neola, Iowa
- Sylvia A. Gaffney, *Immaculate Heart of Mary School*, New Orleans, Louisiana
- Sister Suzanne M. Slominski, *Holy Family School*, Sauk Centre, Minnesota
- Lucy C. Nazro, *Saint Andrew's Episcopal School*, Austin, Texas
- Roger C. Laesch, *Northwest Lutheran School*, Milwaukee, Wisconsin

Legislative Update:

Budget Package Stalls

The White House/Congressional Budget Summit produced a deal for a 1991

budget and deficit reduction bill just hours before the new fiscal year began October 1. However, the massive package failed its key test as the House rejected it, 254 to 179. The Congress still must negotiate a budget and pass another stop-gap spending bill to avoid across-the-board cuts under the Gramm-Rudman law.

The budget package would have raised taxes by \$134 billion over five years and cut domestic and military spending by \$172 billion. While no rate increase was proposed, the plan would raise \$18 billion by reducing deductions for those taxpayers earning over \$100,000.

Earlier proposals from the summit would have capped the deductions for home mortgage interest, state and local taxes, and charitable giving. In contrast, this proposal would reduce the amount of allowable federal income tax deductions by three percent of adjusted gross income over \$100,000. Some summittees have suggested such a limitation has the effect of an increase on higher income taxpayers by one percentage point.

CAPE joined with hundreds of other organizations of "Independent Sector", a Washington-based coalition of 700 nonprofits, in actively opposing earlier summit recommendations affecting the charitable deduction. While the impact on charitable gifts in the package is not as direct as previous proposals, it is a dangerous inroad that can discourage rates of giving in the future.

Education for Disabled

A House-Senate conference committee approved a bill to reauthorize the Education of the Handicapped Act of 1975. The bill extends the State-formula grant program requiring each state to provide a free appropriate public education to all children with disabilities. The program would be authorized at a funding level of \$308 million for 1991.

During testimony on the bill, it was noted that there has been a 35% decline in special education teachers in the past decade and, as a result, schools are increasingly pressed to meet growing demands with fewer qualified professionals.

Head Start Gets Boost

The Senate recently approved a bill to reauthorize and expand the Head Start program. The legislation will double the

current funding level to \$2.4 billion in 1991 and grow to \$7.6 billion by 1993. It is estimated that 2.5 million children under 3 years of age are eligible for the program which provides social, health, and education services for low-income families.

The Senate bill, unlike the House version passed earlier, included a new program called "Healthy Start" to allow elementary schools to offer social and health programs to poor children. But, opponents to this provision argue that this function is a duplication of the Chapter 1 program.

Supporters of Head Start contend that the investment in the program is a small preventative price to pay for our neediest children. Figures from the Center for Demographic Policy in Washington, D.C. note that the annual cost to enroll a child in Head Start is \$3,500 compared to \$24,000 to house a prisoner. That point is particularly cogent considering that 80% of prison inmates are high school dropouts.

National "Report Card"

The Senate Labor and Human Resources Committee passed a bill sponsored by Senator Jeff Bingaman (D-N.M.) to establish a "National Council on Educational Goals". The panel would include congressmen, governors and administration officials as well as educators and assessment experts to monitor progress toward the education goals established by the Governors in the education summit of 1989.

Educators voiced opposition to the bill at a hearing in September arguing that it duplicates efforts by the National Governors Association panel and the National Assessment of Educational Progress (NAEP).

The measure has yet to be considered by the House of Representatives.

Civil Rights Bill Close to Passage

Despite continued threats of a Presidential veto, a House-Senate conference committee has voted approval on compromise civil rights legislation to overturn several 1988 Supreme Court decisions dealing with job discrimination.

While the Congressional compromise did limit punitive damages, opponents argued that the bill gives



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greater incentives to file lawsuits as the burden of proof is shifted to employers to show that their hiring practices were non-discriminatory.

President Bush has continued to voice opposition to S. 2104 which he claims would force businesses to adopt hiring quotas.

National Service

The House passed H.R. 4330 last month to authorize \$100 million for programs to encourage college students to perform community service in return for student loan deferral and forgiveness. The similar Senate bill, S. 1430, passed in March, would also encourage older Americans to volunteer in schools.

Funding would be used to provide training and to assist local governments, community agencies and schools with start-up and supervisory costs and vouchers.

The measure will now go to a conference committee of the two Houses.

Children's Television

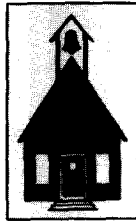
The Senate passed H.R. 1677, a bill to limit television advertisements geared toward children to 10 1/2 minutes per hour on weekends and 12 minutes per hour on weekdays and to air more educational programs. The measure now goes to President Bush for his consideration.

The bill, originally introduced by Rep. John Bryant (D-Texas), was praised by a newly formed group called the "Washington Workshop: Children's Television for the '90's", which was organized to push for greater commitment to the quality of children's television.

In a Washington, D.C. press conference at the National Press Club on October 3, Henry Geller, a former Federal Communications Commission General Counsel, noted the bill also directs the FCC to consider whether a broadcast licensee has aired programs specifically designed to meet the educational needs of children before granting a license renewal. The FCC in 1984 rescinded guidelines which limited commercials during children's programming.

The bill also creates a "National Endowment for Children's Educational Television" under the Department of Commerce. It authorizes \$2 million for 1991 to fund programming designed to develop children's intellectual skills.

Capenotes:



Results on student reading and writing skills from the 1988 National Assessment of Educational Progress survey were released by the National Center for Education Statistics. The report included a review of practices and habits of students from grades four, eight and twelve.

The report states that, by grade 12, only 24 percent read for fun on a daily basis and 29 percent never read for fun. More than half reported never taking books out of the library. Thirty-one percent related never discussing reading at home.

A copy of the data summary is available from CAPE.

Sister Catherine T. McNamee, President of the National Catholic Education Association and member of the CAPE Board of Directors, was sworn in October 3 as a member of the Martin Luther King, Jr. Federal Holiday Commission in Washington, D.C.

She continues to serve as the chairperson of the Education Committee of the Commission whose job it is to involve all segments of the education community in infusing King into the curriculum of the nation's schools.

Joyce McCray, CAPE Executive Director, also serves on the Education Committee of the Martin Luther King, Jr. Federal Holiday Commission.

The National Dance Association is sponsoring the International Early Childhood Creative Arts Conference for children ages three through eight in Los Angeles, December 6-9.

The conference, the culminating celebration for Head Start's 25th anniversary, is being co-sponsored by the Music Educators National Conference, the National Art Education Association, the U. S. Head Start Bureau, the National Association for Education of Young Children, and the Association for Childhood Education International.

For more information, contact Margie R. Hanson, Ph.D.; National Dance Association; 1900 Association Drive; Reston, VA 22091; or call (703) 476-3435.

The "Schools and Staffing Survey" (SASS) found that only 25% of public school principals are women, while roughly an equal number of men and women are heads of private elementary and secondary schools. This report was released by the Office of Educational Research and Improvement (OERI).

The same study revealed that over 67 million people in the United States are students or are employed by schools or colleges.

The report on principals and a broader review on "Characteristics of Private Schools: 1987-88" are available from OERI (stock numbers #NCES 90-085 and #NCES 90-080 respectively.) Write to OERI: Information Services, Dept. EIB; 555 New Jersey Avenue, NW; Washington, D.C. 20208-5641.

Two new telephone hotlines have been established by the Environmental Protection Agency (EPA) for assistance to schools with particular environmental concerns. For questions about asbestos in schools issues, call (800) 368-5888 Monday through Friday from 8:00 a.m. to 4:30 p.m., (557-1938 in the Washington, D.C. area.)

The Safe Drinking Water Hotline can also assist schools with legal and regulatory questions. That number is (800) 426-4791, (382-5533 in the Washington, D.C. area.)

The National Diffusion Network (NDN) continues to provide support for the dissemination and implementation of exemplary educational programs. CAPE's Private School Facilitator Project (CAPE/NDN) is a part of this effort.

Many private schools have exerted major efforts to establish new goals and curricular frameworks for the humanities, science, mathematics, and environmental education. The NDN needs more exemplary programs for schools to consider. A private school with a program that might qualify for the network is encouraged to contact CAPE/NDN for procedures to follow to have its program considered. Professional and financial assistance is available to assist with the process of evaluation and validation.

For more information on NDN, contact Dr. Charles Nunley at the CAPE office. (202) 659-0177.

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► **The Ascension Catholic Middle School** in Donaldsonville, Louisiana has found a way to bring athletics and academics a little closer together. For three minutes before the August 31 kick-off of the Ascension Catholic-Hanson School football game, fans joined with players, coaches, cheerleaders and the band in reading their favorite book, newspaper, magazine, or other material.

The time-out to read is a part of the "Books and Beyond" reading motivation program available through the National Diffusion Network. The school's reading teacher and NDN "adoptee" Brenda Harp told a local newspaper, "With all the negative publicity about students being able to read and write, it's important for sports and academics to work together."

The year-long program involves encouraging students to read for leisure and is one of ten current basic reading skills programs of the National Diffusion Network.

"Books and Beyond" is based in Solana Beach, California. The Project Director is Ellie Topelovac who may be reached at (619) 755-6319.

► "Reader's Digest" is accepting nominations for its 1991 **American Heroes in Education Awards** totalling \$165,000. Several awards of \$5,000 will be given to individual teachers, principals or teams of educators in addition to \$2,000 awards being

made to schools.

Nominations can be made by any teacher, principal or administrator; both public and private educators and schools are eligible for the prizes. For more information, contact Beth Jones; Reader's Digest Association Inc.; American Heroes in Education Awards; Pleasantville, N.Y. 10572 or call (914) 241-5595. Nomination deadline is December 15, 1990.

► **Capitol Publications Inc.** of Alexandria, Virginia recently announced a new service called **GrantSearch** to help schools find federal programs to fund special projects. This new computer search process lists entries from the "Catalog of Federal Domestic Assistance" by subject rather than by number.

Each search of the data base is \$25 (using up to 5 key words of your choice such as DRUG, ABUSE, EDUCATION, SECONDARY) and each printout for a specific program is \$10.

For more information about GrantSearch, call Michele Thrasher toll free at (800) 847-7772 {in Virginia call collect (703) 739-6444} or write Capitol Publications Inc.; 1101 King Street, Suite 444; Alexandria, Va. 22314.

► The voter initiative filed by the "**Oregonians for Educational Choice**" to allow tax

credits for private schools was removed from the November ballot by an Oregon Judge. Circuit Judge Richard Barber cited the failure of state officials to approve fiscal impact statements in time to appear on the ballot, as required by state law, in his decision that ruled the initiative ineligible for consideration by the voters.

The referendum would have given up to a \$2,500 state income tax credit for students attending private or home schools.

► **Activities commemorating the 25th Anniversary of the Chapter 1 Program** were held October 1-2 in Washington, D.C. and included recognition of 25 year participants, a Congressional hearing on the past and future of the program, and a reception at the Library of Congress.

Chapter 1 was enacted as a part of the Elementary and Secondary Education Act of 1965. Its purpose has been to assist states and their school districts in meeting the special educational needs of disadvantaged children. The program was amended along the way to remove the complexity of regulations on schools and give greater flexibility in use of funds.

The program has grown to a \$5 billion commitment to the neediest school children and has impacted nearly 150 million educationally deprived students since its enactment.

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a coalition of 14 national associations serving private schools K-12

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