

UNITED STATES
DEPARTMENT OF EDUCATION



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NEWS

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STATEMENT BY U.S. SECRETARY OF EDUCATION RICHARD W. RILEY
regarding Ninth Circuit Court of Appeals decision

The recent decision by the United States Court of Appeals for the Ninth Circuit is a positive and welcome endorsement by the courts that the religious guidelines sent by me to school districts last August define the law accurately and give clear guidance to principals and teachers in resolving disputes regarding the religious rights of students.

In the case of Ceniceros v. San Diego School District, the Ninth Circuit affirmed the right of student-led religious groups to meet during the lunch hour and at other non-instructional times during the school day.

At the urging of the White House, the Justice Department filed an amicus brief on behalf of the student. Many conservative religious groups including the Christian Legal Society also joined the case.

This is a good, concrete example of this Administration's commitment to religious liberty. We will continue to be aggressive in protecting the religious rights of students. At the same time, we will always remind Americans that the First Amendment is a delicate balance between the Establishment Clause and religious expression. Our goal will always be to find the balance.

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The department and NAESP began the program in 1984 to recognize public and private school principals who make outstanding contributions to their schools and communities.

The distinguished principals were selected by NAESP affiliates in all 50 states and the District of Columbia and by committees representing private and overseas schools. NAESP represents 26,000 principals nationwide.

Each affiliate used its own selection process, following guidelines established by NAESP and the department for determining outstanding leadership. The guidelines include: nomination by peers; demonstrated commitment to excellence; evidence of support by students, colleagues, parents and the community; high standards and expectations for students and staff; and service as a principal for at least five years.

The Variable Annuity Life Insurance Company (VALIC), based in Houston, is the corporate partner for the annual program. VALIC hosts the awards banquet and provides lodging for the honored principals and their guests. VALIC also provides the principals with a certificate and an engraved, bronze school bell.

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Riley Endorses New Look At Title I Ruling In *Aguilar*

Education Secretary Richard Riley thinks it's time to take a new look at a key U.S. Supreme Court ruling on providing Title I services to religious school students.

In a statement released yesterday during a Senate hearing, Riley said he would support "reconsideration" of the Court's 1985 decision in *Aguilar v. Felton* (473 U.S. 402).

In *Aguilar*, the Court barred public school teachers from providing Title I services for disadvantaged students in religious schools.

With his statement, Riley added his voice to a chorus of those troubled by the decision's impact. Already, five current Supreme Court justices have signaled their interest in re-evaluating the ruling.

"We must make more effective use of Title I dollars to support our neediest students in both public and private schools. [*Aguilar*] stands in the way of our doing so," Riley said.

U.S. Assistant Attorney General Walter Delinger referred to the secretary's statement as he testified before the Senate Judiciary Committee on religious liberty issues.

Riley did not attend the hearing.

Education Department officials are not aware of any pending litigation on the Title I issue, an ED spokesman said yesterday.

Difficult Balance

While some view *Aguilar* as a victory for church-state separation principles, others cite the tangled and costly provisions it inspired.

Today, many of the public school systems

responsible for delivering Title I services to disadvantaged students have parked vans near religious school grounds for classes.

Riley cited a 1989 General Accounting Office study that estimated schools have spent "hundreds of millions of dollars on non-instructional costs" to comply with *Aguilar*.

New York City school officials have budgeted \$16 million for *Aguilar* costs for school year 1995-96, he noted. New York administrators support a repeal of *Aguilar*.

"This decision has caused continuing problems in the Title I program for both public and private school children who need extra help," Riley wrote. It "does not ... pass the test of good common sense."

After the hearing, a spokesman for a conservative legal organization applauded Riley's statement.

"It's wonderful that [Riley] recognizes that that case was wrongly decided and we ought to overrule it," said Greg Baylor, assistant director of the Christian Legal Society's Center for Law and Religious Freedom.

"*Aguilar* is an example of what's wrong with Establishment Clause jurisprudence," Baylor said, referring to the Constitution's provisions on government establishment of religion.

But an official of the group that filed *Aguilar* said she was disheartened by Riley's statement and equated it to a step away from support for church-state separation.

The High Court's ruling does not burden schools, said Lisa Thureau, executive director of the National Committee for Public Education and Religious Liberty. Rather, school systems fritter away money by trying to circumvent it, she said. —Mary-Ellen Deily

Needy Schools May Lose Computer Tie

By Rene Sanchez
Washington Post Staff Writer

It was not long ago that an idea like providing federal money to help improve classroom technology in rural or impoverished schools sailed through Congress. Critics, Democrat or Republican, were hard to find.

But the Republican charge to balance the federal budget has changed all that. Now, even some of the federal education programs that they once championed are imperiled by their own budget ax.

Consider the case of an initiative called "Star Schools." It was created during the Bush administration with a clear purpose: to help states wire poor or geographically isolated schools with computer technology that would give their students access to courses in math, science and foreign languages that they otherwise would not have.

Right now, more than \$25 million in federal money is devoted to the project. It has become a relatively small but important centerpiece of the Clinton administration's work on trying to improve computer technology in the nation's schools.

But House Republican leaders want to eliminate it. Senate Republicans, at most, want to hold the line on its funding. The Education Department is fighting both plans, for fear that once the two sides confer, most if not all of the Star Schools money could be lost.

The department has much bigger headaches than this one—like its fight to restore billions of dollars in proposed cuts for federal student loan programs. But the battle over

Star Schools and many other little-known education programs that once had bipartisan support shows how deeply Republicans are tear-

THE BUDGET BATTLE

WINNERS AND LOSERS

ing through the government to balance the budget, and it is an example of how life for some needy students could change because of it.

Through Star Schools, students at Leckie Elementary in the District have access to new computer programs that teach them about the human brain. Poor students in Georgia are linked electronically to an instructor in Nebraska who teaches them Japanese. An "electronic campus" has been established in the Southwest to bring math and science courses to rural and Native American students. In many states, universities, libraries and non-profit groups are linking up by computer to schools for the first time.

Education Department officials say that much of that work would end if the cuts are approved. The reductions are part of the 1996 House appropriations bill that calls for deep cuts in spending for the departments of Education, Labor, and Health and Human Services.

"This program is just beginning to pay off," said Assistant Education Secretary Sharon Robinson. "Using this kind of technology is one way for us to help level the playing field for students who are in schools without many resources."

There are many Republican lawmakers who do not disagree. But during their yearlong battle over an array of proposed cuts in federal education funding, they have stressed the same blunt argument: That the nation's budget deficit poses a much greater long-term threat to today's students than the loss of a few federal education programs.

"The deficit has to be our priority," said Cheri Jacobus, the communications director of the House Economic and Educational Opportunities Committee. "The bottom line is that the wish list for federally funded education programs has to become smaller."

Some Republican budget staffers also contend that Star Schools is having only a marginal impact on schools and that some states have begun to spend much more money on educational technology anyway. Others note that Republicans have proposed a \$15 million increase in funding for an office within the Education Department that manages research and technology grants to the states.

With the extra money, they say, initiatives like Star Schools, could be preserved or consolidated with other similar school technology programs.

But Education Department officials say that is unlikely to be much help because of the scope of the proposed cuts in education technology. They contend that if the Star Schools program is not saved, it will force some schools around the nation to abandon important computer-learning projects just as they are beginning to help students.

"And sometimes that's worse than having done nothing at all," Robinson said.