



Christian Educators Journal

VOLUME 18

NUMBER 4

APRIL-MAY 1979

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***SPECIAL ISSUE*
SCHOOL / GOVERNMENT
RELATIONS
(8 BONUS PAGES)**

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Editorial

A Parable: "... for such a time as this."

If Esther questioned the reason for her existence, cousin Mordecai answered it.

The young captive Jewess won a national beauty contest. Her trophy was the Queen's crown. While Queen Esther reigned, she enjoyed her prize and dined in luxury's lap. Meanwhile her fellow Jews faced extermination. The government official Haman's unbridled jealousy and bloated pride required the death of every captive Jew to satiate its lust. Mordecai, however, was no dummy. A master strategist, he understood palace politics; he knew only royal intervention could save his people. Who but the Queen had access to the King?

He presented the problem and his plan to Esther. She hesitated. Mordecai reminded her that her family too would perish. He challenged her: "Who knows but that you have come to the kingdom for such a time as this?"

She answered, "I will do as you say . . . if I perish, I perish."

An evocative drama, and, as this special issue of *Christian Educators Journal* demonstrates, useful (in addition to its canonical purpose) as an appropriate parable.

Never in the history of the Christian school has King Affluence showered her with more wealth and honor. No gift has been overlooked. Beautiful facilities to house her operations. Professional educators well endowed with knowledge and expertise. Public honors for academic, musical, artistic, and athletic accomplishments.

Her Royal Highness enjoys her position. She basks in the glory of her present prominence. She knows her voice is increasingly being heard by officials, lawmakers, and tax collectors. She sees and hears the thousands who increasingly recognize the beauty of her excellence.

She quietly appreciates her position, but alas! she is somewhat blithely unaware of possible dangers surreptitiously surrounding her.

But Mordecai, the writers of this special issue of *Christian Educators Journal*, reminds her, sometimes cautiously, sometimes forcefully, of forces that have incipient power to dethrone her. Haman is active, Mordecai warns. Do not be deceived, my Queen; you are not exempt from destruction. Haman is the envious opponent of the Christian school. Haman is the worried education association; he is also the public school establishment; he is the self-acclaimed custodian of church-state separation. Haman is the tentacles of government which embrace the unwitting victim with attractive aid and promising program. Haman is the opponent of equal education rights for *all* children, regardless of creed. Haman is the enemy within, the creeping complacency, current contentment and the closing of eyes to possible crises and Catch-22.

Esther did not flee. Nor did she flinch. She straightened her royal gown, adjusted her royal crown, held her head high, and said, "I will do as you say . . . if I perish, I perish."

Did she?

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A CASE FOR PLURALISM IN EDUCATION

Gordon Spykman

There are many ways to measure what a society stands for. Its artwork is a good barometer, but also are its science, its political order, its worship life, its economic system. There are

Schools reflect the conscience of the community.

many windows which open onto a people's world. Yet perhaps the best index to the life of a society is the schools it sponsors. Schools reflect the conscience of the community. Education is so crucially important to the future of a culture that the cumulative pressure of every sector of society tends to converge on the schools. Therefore the social philosophy which shapes a society comes to clearest focus in its programs of education.

Three Alternative Social Philosophies

The course of history in our western world has come under the formative influence of three major social philosophies: individualism, collectivism, and pluralism. The first two have been and still are the most dominant forces in our society. Individualism believes that individual men are the measure of all things. Collectivism holds that the norm for life belongs to some universal bond of brotherhood, whether it takes the form of the state, the church, an industrial union, or a scientific elite. The former argues that the state exists for the good of private citizens. The latter maintains that the interests of the state take precedence over the rights of individuals.

A quick look at history reveals that some communities were organized rather clearly on the principal of individualism (the western frontier in America). Others follow a rather consistent collectivist pattern (the Soviet bloc). In many cases we meet these two ideologies in

synthesis. At bottom, however, both are oriented to a humanist and secular outlook on life.

Pluralism stands as an alternative to both, a third way. It is not a mixture of the other two in a straddling effort aimed at combining the best of both worlds. It arises out of the Judeo-Christian tradition. As such it represents a break

In the United States and Canada we find ourselves enmeshed in an ongoing internal power struggle between individualist and collectivist world-and-life-views.

with the individualist and collectivist positions. Our western culture is often regarded as "Christian." Yet pluralism, that social philosophy which rests most solidly on the testimony of the Old and New Testaments, has made only a relatively small impact upon western society. This may help to explain why alternative school systems, such as *Christian Schools International*, whose legal right of existence stands or falls with a pluralist view of society, have had and still have such a hard time gaining a firm foothold on this continent.

In the United States and Canada we find ourselves enmeshed in an ongoing internal power struggle between individualist and collectivist world-and-life-views. They are radically conflicting theories of society. Yet among us they tend to converge in the public policies they support. Both operate on the political principle of majoritarian rule, with ultimate decision-making power vested in the centralized authority of the state. The collectivist arrives at this conclusion by moving directly and consistently from his commitment to a universal authority to its implementation in an all-embracing civil power structure which embodies the rational-moral solidarity of all mankind. The individualist goes a different, more indirect route. His starting-point is commitment to the basic rights and ultimate dignity of individual men. By way of a social contract, however, individual citizens confer power upon the state. Thus, finally, for individualists as well as collectivists, ultimate authority in the affairs of society rests with the state. Individualists make this move with reservations, collectivists without reservations. But

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the net effect on society and its schools is the same. When, as in our society, individualism and collectivism form a coalition, individuals retain certain charter rights before the law. At the same time the authority of that mega-structure called *the state* is assured. Meanwhile,

What is the goal of education, personal self-realization or loyal citizenship in the service of the state?

however, the status of such mediating social structures as homes, schools (except state schools), unions, and voluntary associations is rendered uncertain. Persistent questions then arise about parental rights in education and the legal standing of alternative schools, those which fall outside the state's monopoly in education. Is public justice and equity in the form of a viable plurality of school systems and freedom of choice in education still possible in such a social order?

The inner tensions which are generated by this coalition between individualism and collectivism, as presently built into our public legal order, are the source of many vexing problems in education. Whose children are these who go to school, the home's or the state's? Who exercises veto power, the private citizen or the

Christian schools . . . are all misfits in an individualist-collectivist social order. They are non-conformist institutions with an outlaw status.

government? What standard shall shape the teaching-learning process, the freedom of the individual or the authority of the collective whole? What is the goal of education, personal self-realization or loyal citizenship in the service of the state? Clearly, social philosophies shape and mold educational theory and practice. The school is an index to society.

Christian School: A Misfit

Christian schools as we know them just do not fit this prevailing pattern. Neither do Roman Catholic and Lutheran and Amish and other "non-public" alternative schools. They are all misfits in an individualist-collectivist social order. They are non-conformist institutions with an outlaw status. Only the public school system fits, though even there the painful

ambiguities of the individualist-collectivist synthesis are becoming increasingly real.

The Calvinist school movement is therefore a stranger in a strange land. It is not native born. It arose out of a different tradition, the renewal

We are . . . involved in a battle over fundamentals. One side or the other will have to give ground.

of Reformed thought and life which took place in the Netherlands during the late nineteenth century, which was then carried across the Atlantic to North America by pioneering people since around the turn of this century. The basic ideas of Christian education in Calvinistic circles are rooted in a pluralist social philosophy. This view is now moving on a collision course with the established individualist-collectivist position. This accounts for our difficulties in getting a fair hearing, in creating a climate of general public understanding of our reason for existence, and for intense struggles in defending our right of existence without financial penalty, not as a concession, but as a matter of accepted principle. The

The prospects for justice and liberty for all in education are . . . brighter for Canadians than for Americans.

very reality of alternative schools poses a threatening challenge to the established public order. We are therefore involved in a battle over fundamentals. One side or the other will have to give ground.

The individualist-collectivist consensus is stronger in the United States than in Canada. There are constitutional, juridical, social, and political differences between those two countries which help to explain the greater degree of openness to a pluralist view north of the border. The prospects for justice and liberty for all in education are therefore brighter for Canadians than for Americans. In Canada some significant breakthroughs have already happened. Let us pray and work for more, and hope that some measure of equity can also be achieved south of the border. For in the United States, too, there are signs that the individualist-collectivist consensus in education is beginning to break down. But progress in the direction of greater public justice will depend largely on making a good case for a pluralist social philosophy.



Features of Pluralism

What then would pluralism look like as a social and educational philosophy? What are its basic contours and features? A rough draft would include two main points: first, a view of *structural* pluralism with its two dimensions; and, second, a recognition of the *confessional* pluralism present in our society. Note therefore these three points:

1. Fundamentally the idea of social-political-educational pluralism is rooted in the Biblical doctrine of creation. The world was brought into existence not as chaos, but as a cosmos, an ordered and harmonious whole. It was given a unified orientation and direction. At bottom life is of one piece. The many mandates entrusted to man by his Maker (marriage, nurture, work, rest, governing, worship, etc.) can be summarized in a single "cultural mandate." Running through all man's tasks is a unifying focus, so that the rich diversity of societal callings does not end in fragmentation. As life unfolds historically, this profound underlying religious unity remains intact. There is a bond which holds the various spheres in society together. Church, home, school, labor, business, the state — all these social structures are to stand in a partnership relationship to each other. This ordered coherence in created reality carries with it through history an abiding normativity which holds for all societies. Indeed, the fall into sin opened the door to disobedient responses to this creation

It [collectivism] violates the principle of sphere-sovereignty in education, the divinely sanctioned right of a school to be a school in its own right, not as an arm of the state or a church or a business enterprise, but with the freedom to shape its philosophy in keeping with the spiritual heritage of its supporting community.

ordinance. Individualism is a case in point, since it violates the solidarity of mankind, disrupts true community, and fragmentizes society. But now these effects of sin have in principle been overcome by the cosmic impact of Christ's life-renewing work. He restores unity, making possible true humanity and true community. Pluralism as developed in the reformed tradition seeks to formulate this truth in the idea of *sphere-universality*.

2. The other side of this idea, complementing the principle of sphere-universality, is that of *sphere-sovereignty*. Created reality also discloses a rich diversity of aspects, tasks, sets of human relationships, and spheres of societal activity. As a single ray of light passing through a prism gets refracted into a multi-colored rainbow, so our single mandate opens up into a richly diversified spectrum of social mandates. In the process of historical differentiation, this cluster of mandates takes on shape and form in a variety of social institutions. Each task has its own unique identity and reason for being. And each social sphere growing out of it has its own unique right of existence. None of these social institutions may in parasitic fashion swallow up others. Worship belongs to the church, not the state. Parenting comes with marriage, not a business enterprise. Public justice is the task of the state, not a university. Responsibility for educating children lies with the home, not some outside agency. Collectivism violates these God-given norms for life by allowing the rightful authority of several spheres to be usurped by a single mega-structure. Thus it fails to honor the inalienable rights of this plurality of institutions in society. It violates the principle of sphere-sovereignty in education, the divinely sanctioned right of a school to be a school in its own right, not as an arm of the state or a church or a business enterprise, but with the freedom to shape its philosophy in keeping with the spiritual heritage of its supporting community.

3. It is painfully true that we also live in a *confessionally* broken world. The old Christian consensus, if ever it was real, is nonexistent today. What we see instead is a bewildering array of sharply differing faith communities — Jewish, Roman Catholic, Liberal Protestant, Amish, Lutheran, Buddhist, Evangelical, Atheist, Muslim, Secularist, Fundamentalist, Calvinist, and other groupings. The effect of the individualist-collectivist coalition is to drive these religious and confessional diversities underground, to force them into privacy by banning them from the public order, or to force their adherents to smuggle them into the public arena surreptitiously. Pluralism stands for an alternative way of living together. It seeks to re-shape society so that the public as well as private rights of all confessional communities within a democratic public order may be safeguarded. It seeks to assure the free exercise of religion in society and its schools, the right to equal protection under the law with justice and equity and liberty for all.

Continued on p. 38

TAX FUNDS AND GOVERNMENT CONTROL

Donald Oppewal

For over two decades, since the Russian Sputnik rose into orbit in 1957, the civil government of the United States has exercised a larger and stronger influence in all education. Initially justified in the name of national defense (cf. The National Defense Education Act, 1958), it now proceeds apace under the umbrella of civil rights and equality of opportunity. This larger and stronger influence has been exercised at both federal and state levels and has taken two forms: increased allocation of money and increased exercise of control.

The Christian school community seems to have watched this phenomenon with a mixture of anticipation and apprehension: anticipation because of the hope that non-public education would benefit from the increased funds, and apprehension over the increased controls that might come with it. More than ten years of hard fought legislative battles, sprinkled with public referendums and significant skirmishes with the Supreme Court, have produced only miniscule

To win the fight for funds and lose the fight for freedom would be a hollow victory indeed . . . However, to win the fight for freedom while losing the fight for funds would be equally hollow . . .

amounts of the anticipated share of government money for Christian schools, and the apprehension remains concerning the amount of control that has come, and would come with an even more aggressive pursuit of a fair share of the education tax dollar.

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Funds and Freedom

The rapid expansion of the power of civil government to shape education has implications for the Christian school as we know it, implications that are too deep and far-reaching either to ignore or to flee from in terror. They have to do with its survival as a distinctive system of schools. It desperately needs both more funds and more freedom to survive as a viable alternative in American education. It needs more funds if it is not to become a school system available

... the axiom that state control always follows state support must be more closely examined.

only to the affluent, and it needs more freedom if it is to shape its program according to its own Christian philosophy of education. To win the fight for funds and lose the fight for freedom would be a hollow victory indeed, for it would allow the Trojan horse of secular education to exist within the walls of the Christian citadels of learning. However, to win the fight for freedom while losing the fight for funds would be equally hollow, for the increasing cost of quality schools and teaching will force the Christian school to cut either its quality or its clientele, both sure signs of slow strangulation of its power in the Christian community and American society. Second rate facilities and bare bones curriculum will not attract even the wealthy and will not even be an option for the poor.

In future discussions the axiom that state control always follows state support must be more closely examined. It will not do to dispose of the question of state aid for Christian schools with the slogan "He who pays the piper will call the tune," and thus give up on the fight for tax funding. What this too-easy axiom ignores is that school authorities (e.g. state Boards of Education) as well as state legislatures have plenary



power over all education, both public and private. It may exercise that power at its own discretion and in its own way, but the legal authority over all schools exists even if not exercised.

Numerous official documents attest to the principle that all education is a function of government, as much a function of government as its police powers. (Newton Edwards, *The Courts and the Public Schools*, Chicago: University of Chicago Press, 1956, p. 23) There is thus no automatic escape hatch for those parents who organize a school of their own, and who do not seek any tax funds. Control over education does not therefore follow upon support, but can and does exist apart from it. The power of government to control a private business corporation's

... the freedom of Christian schools is not assured by renouncing all claims to funding. The government can call the educational tune without ever paying the piper.

advertising or pricing practices does not rise out of any subsidy of business; the power of government to control teacher certification or admissions policies in private education does not rest on any prior subsidy of those schools.

Thus we may conclude that the freedom of Christian schools is not assured by renouncing all claims to funding. The government can call the educational tune without ever paying the piper. A clearer recognition of this fact will do much to clarify our further discussions about the best way to face the future.

The Tightening Noose

The following are illustrative and representative instances of the tug-of-war presently going on between various government regulatory agencies and private school persons and organizations. All of them suggest that there is a determined effort to bring all schools into compliance with regulations which once applied only to public schools. In most cases the control is being exercised apart from specific funding.

- ✓ 1. The National Labor Relations Board (NLRB) in June of 1977 ordered the diocese of Fort Wayne-South Bend, Indiana, to refrain from anti-union activities and to reinstate two teachers fired for union activities. The NLRB lost its case at a lower court and the

case is now before the U.S. Supreme Court.

- ✓ 2. The Internal Revenue Service (IRS) is seeking to bring all private schools into compliance with racial integration guidelines established for public schools. Hearings on December 5, 1978, produced the predictable pro and con arguments, but IRS has not yet made any announcements of change in plans.
- ✓ 3. The Department of Health, Education, and Welfare has cited two private colleges (Grove City, PA, and Hillsdale, MI) for failure to file evidence of compliance with Title IX ban on sex discrimination. Grove City College has filed suit to seek exemption from compliance and the case is pending.
- ✓ 4. State Boards of Education in both Kentucky and North Carolina have taken Christian schools to court to test their power to maintain minimum standards for such schools. Litigation has produced conflicting opinions in the two states and the losers are appealing to higher courts.
- ✓ 5. The Council on Wage and Price stability has announced that private non-profit educational institutions are included in President Carter's voluntary anti-inflation program. Schools are expected to limit increases in tuitions and fees, as well as salaries and taxable fringe benefits.
- ✓ 6. Officials of the public school District of Mount Vernon, Ohio, have taken James Olin, who is not of the Amish faith, to court for enrolling a daughter in an Amish school. He is being charged with violating the compulsory attendance laws because the Amish school does not have certified teachers. Mr. Olin is contesting the suit in court and a ruling is expected in February, 1979.

Significant increase of government control of private education is proceeding without significant increase in government funding.

A more extended list of episodes would include parents in Iowa who chose to educate their child at home and through correspondence courses at a private school, and who were charged by state officials with violation of compulsory attendance laws. It would include a



Santa Fe Community School in New Mexico which was denied access to Title I federal money for disadvantaged children, and who, when it went to court to seek such benefits, was denied its tax exempt status by Internal Revenue Service. At last report the private school had won the second case in a U.S. Tax Court. The list could go on, each of them illustrating what is now a concerted effort by regulatory agencies to bring all schools into conformity with a single set of regulations and governed by a single edu-

... legislation without litigation is nearly useless in settling the question.

cational philosophy. All illustrate a tightening of the noose about the neck of private education. Significant increase of government control of private education is proceeding without significant increase in government funding.

To Loose the Noose

It would seem that the Christian schools affiliated with Christian Schools International have much at stake, much to gain or lose in the present controversy over both funding and control of private education. We prize highly our unique contribution to American education and our freedom to pursue our own philosophy of Christian education. And we have made small gains in the funding fight while suffering only small losses so far in the freedom fight. It is time to map a strategy, lest we lose them both.

What I hope we have learned in twenty years is that legislation without litigation is nearly useless in settling the question. We have spent much energy and money to lobby legislators and to devise funding schemes, only to find them struck down repeatedly by judicial review and even by public referendum. We have repeatedly proposed laws by the courts and the people have disposed. It would thus seem clear that our priorities for action should change. The arena of contest should change from the halls of legislatures to the benches of justices. We should cease looking for that magic piece of legislation which will be acceptable to the people and the courts. We shall have to do what every minority group must do: initiate its own litigation, framing the issue in such a way that the court must face basic questions of religious liberty and freedom of choice in education. We must be prepared to spend thousands of dollars, previously spent on gaining

supportive legislation, on gaining supportive judicial decisions. We must be prepared for a decade or more of effort in the search for landmark decisions that are favorable to parents' rights and freedom of religion.

Up to now the Christian School International constituency has adopted a spectator view on litigation, leaving to individuals and small religious groups the attempt to convince courts. The half dozen instances cited earlier should be clear signals that freedom can be won only by taking the initiative in securing that freedom.

The Amish religious school community stands as an example of what can be achieved by persistent litigation rather than capitulation in the face of regulation which threatens freedom. The case called *Wisconsin vs Yoder* was settled by the Supreme Court in 1972. It began when the defendants, who were members of the Amish faith, refused to send their children, aged fourteen and fifteen, to public school after the children had completed eighth grade in an Amish school. In Green County Court, Wisconsin, the defendants were convicted for violating Wisconsin's compulsory school attendance law requiring children to attend school until the age of sixteen. The Wisconsin Circuit Court affirmed the convictions, but the Wisconsin Supreme Court, sustaining the defendants' claims that their First Amendment right to free exercise of religion had been violated, reversed the convictions.

Upon appeal by the State of Wisconsin, the U.S. Supreme Court upheld the decision of the Wisconsin Supreme Court. It is a landmark case because an explicitly religious philosophy of education and life was held to be more basic than state regulation of private education.

In conclusion, it may be said that funds and freedom are both necessary to the vitality of the Christian schools, and that in the face of increasing government control, apart from significant funding, our appropriate response is to seek, through litigation, more of both. CEJ

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GOVERNMENT FUNDING OF CHRISTIAN SCHOOLS IN BRITISH COLUMBIA: UNIQUE IN NORTH AMERICA

Harro Van Brummelen

In September, 1977, the British Columbia provincial government passed the Independent Schools Support Act (ISSA). In the summer of 1978, eligible Christian schools received the first payment toward a \$500 per student per year provincial grant. During the current school year, Christian schools are feeling the effects of these grants in their internal operation, in regular contact with the government in matters concerning the Act, and in taking on a much more public voice in the province's educational scene.

To understand what happened in British Columbia, we must go back to 1867, the year Canada became a nation. Under Canada's constitution, responsibility for education rests with individual provinces. If a school system of a particular province was granted public funding when the province entered confederation, the constitution guarantees that such funding will continue. Thus Ontario operates a fully funded separate Catholic school system for grades 1-10. Alberta has two parallel systems, a public and separate Catholic one, from kindergarten to grade 12. Newfoundland's schools consist of five denominational school systems. But provinces such as British Columbia and Manitoba have, for the last one hundred years, supported only one unified public system.

Catholic, Christian, and other independent school supporters in British Columbia joined hands about ten years ago to form the Federation of Independent School Associations (FISA). The Society of Christian Schools (SCS) in British Columbia is one of the four constituent organizations of this federation. Under the capable leadership of Gerry Ensing, a former Christian school principal, the Federation was instrumental in having the government pass the Independent

Schools Support Act. This became a reality only after years of lobbying with members of all four British Columbia political parties and with presenting our case forcefully to society-at-large. While Canada does not have to cope with the unfortunate history of United States court decisions regarding the interpretation of state-church separation, there still is a strong feeling among a segment of Canadian society that "religious" schools are fine but should be privately funded. This vocal minority still believes that a school can be "neutral" and they put up stiff opposition to the Act. Interestingly, the group most strongly opposing the Act is the British Columbia Teacher's Federation, an organization which all public school teachers are required to join as a condition of employment.

The Provisions of the Independent Schools Support Act

The province of Alberta also provides funding for independent schools. During 1978 Christian schools received between \$577 and \$670 per student, depending on his grade level.

However, the similarity with British Columbia ends there. In Alberta the independent schools do not include the Catholic schools. Independent schools operate under a subsection of the Department of Education Act which states that a private school must offer or purport to offer instruction in courses prescribed or approved by the minister of education or courses substantially the same. Until a recent court case, this has been interpreted to mean that all independent school teachers must have the same certification as those in public schools. Also, there are certain curricular restrictions, particularly at the senior high school level. Furthermore, grants are paid under a regulation made by the cabinet, but there is no legislation that guarantees such grants from year to year.

Until 1977, independent schools in British Columbia had little contact with the Department of Education except that they received textbooks free of charge through the department's

Harro Van Brummelen is the Education Coordinator for the Society of Christian Schools in British Columbia, Surrey, British Columbia.

UNREALIZED POTENTIAL FOR GOVERNMENT AID IN ONTARIO

Thomas S. Postema

Education in Ontario, like education in other Canadian provinces and in the United States, began through the effort of missionaries to the Indians and continued through the work of clergymen supported by European settlers. In the seventeenth and eighteenth centuries, the territory along the St. Lawrence River, which was to become Canada, was under French rule. A majority of the settlers were French Roman Catholics and consequently the schools established were under the direction of the Roman Catholic Church. Canada came under British rule in 1760. Britain was obliged under the terms of the treaty with the French, signed in 1763, to allow the French Canadians free exercise of religion "as far as the laws of Great Britain permit." In effect this clause severely limited the French Roman Catholics, for in England at that time Roman Catholics were an oppressed minority. Prompted by the establishment of British rule, many settlers from Britain and the thirteen American colonies emigrated to Canada, primarily into Upper Canada, which later became Ontario. These new settlers were, for the most part, Protestants and members of the Anglican Church. The French Roman Catholics in Lower Canada (Quebec) still outnumbered the Protestants.

The Quebec Act of 1774 extended the borders of the province of Quebec to include Upper Canada as well as other territory. Consequently, the laws in the Act affected both Upper and Lower Canadas. This Act, passed by the British Parliament, tended to reconcile French Canadians to British rule. It established a more just and humane form of religious freedom for the Roman Catholic Canadians.

Following the American Revolution, Loyalists from the United States established themselves primarily in New Brunswick, Nova Scotia, and Upper Canada. With them came the notion of locally-supported non-denominational public schools. The first Act providing for the establishment of common schools throughout Upper Canada was passed in 1816. Prior to Confedera-

tion in 1867, Upper Canada had, however, made provisions for separate (Roman Catholic) schools. In 1841 "an act was passed in Upper Canada (Ontario) providing for the establishment of a separate school in any district where the religious minority (in this instance, Roman Catholic) dissented from the provisions for the common (public) school." Under the provisions of the Act, the dissentients would elect trustees to operate a separate school for the minority. These trustees: (a) held and exercised all 'the rights, powers, and authorities' of public school trustees; (b) were subject to the same 'obligations and liabilities'; (c) were subject to the same 'visitations, conditions, rules, and obligations'; and (d) were to receive their due proportion of 'the monies appropriated by law and raised by assessment for the support of Common Schools.' (John E. Cheal, "Educational Pluralism: The Canadian Case" in *Issues of Aid to Nonpublic Schools*, Vol. I. [The President's Commission on School Finance, 1971], p. III: B:8.)

The rights of these separate schools were established prior to the British North America Act (BNA Act) of 1867. This is important, for the Act itself preserved the rights of schools established before confederation. With the BNA Act came the union of Canada (Upper and Lower had been joined in 1840) with Nova Scotia and New Brunswick. Upper and Lower Canada were separated into two provinces, Ontario and Quebec. The relevant part of Section 93 of the BNA Act, the Education clause, reads:

In and for each Province the Legislature may exclusively make laws in relation to education, subject and according to the following provisions: (1) Nothing in any law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the Province at the Union; . . . (3) Where in any Province a system of separate or dissentient schools exists by law at the Union or is thereafter established by the Legislature of the Province, an appeal shall be to the Governor General in Council from any Act or Decision of any Provincial authority af-

Continued on p. 31

Thomas S. Postema is a senior philosophy major at Calvin College and is presently a Student Fellow in the Calvin Center for Christian Scholarship.

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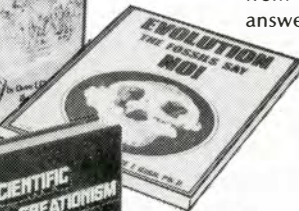
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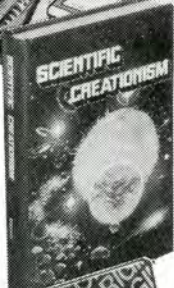
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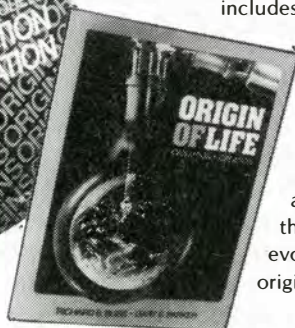
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Principal's Perspective

BIG BROTHER, BAD OR GOOD?



Bruce Keuning

"I wouldn't consider one cent of government aid for my school. That's the beginning of the end of parent-sponsored Christian education. You take one cent and you're hooked forever!"

Sound familiar in your community or state? I hope not, for I am convinced that we are not "selling our souls" to the government by sharing in what we have originally given to the government for educating all young people. We should be concerned if we accept anything blindly or without understanding, but many positive benefits are available for your children.

I

Permit me to explain my involvement, both as a concerned school administrator and as secretary of the California Executive Council for Non-Public Schools, an organization which represents nearly five hundred thousand young people in the state of California.

At the state level we work together closely and enthusiastically as Catholic, Lutheran, Baptist, Seventh Day Adventist, Independent, Episcopal,

We did not change our admission policy, sign any "strings attached" waivers, or compromise one religious principle!

and Christian Schools International (CSI). We each have an equal voice in every decision. This means that the few CSI schools in California have an equal vote and equal participation in all decisions and activities. The Council has won two court battles sustaining free textbooks for all children, public and private schools, for grades kindergarten through eight. We have been

invited to meet in Sacramento for policy-making sessions with state officials.

Last year the Council sponsored its first statewide convention for teachers, drawing over 6,000 educators to the Anaheim Convention Center for a two-day conference. This was our greatest professional contribution. In addition, one-day road shows and mini-conferences are arranged throughout the state to provide in-service help for administrators of private schools. The member schools pool the best people to provide educationally stimulating experiences.

We spend much time discussing voucher proposals and tuition tax credits. We force no individual school organization to support any proposal that presents a philosophical concern for them. We lobby both in Sacramento and in Washington, D.C. We often meet in retreat type settings that permit two days of goal setting and planning for mutual projects. We are proud to be recognized as a moving force in California education.

To support the statement that I do not fear the receipt of certain governmental monies, may I state that at Valley Christian High School, Bellflower, we gladly accept United States government ESEA Title IV-B dollars for instructional and counseling materials. Two years ago we received a \$75,000 Title II, Phase II Library Grant. This money was used to update and enlarge our book inventory, provide a comprehensive audio-visual software library, and a modern career center. We did not change our admission policy, sign any "strings attached" waivers, or compromise one religious principle!

Continued on p. 27

Bruce Keuning is the principal of Valley Christian High School, Bellflower, California.



YES!

Shared Time—An Approach to Government Assistance in Michigan

William Gritter

In the fall of 1976 the Grand Rapids Christian School Association (GRCSA) began to participate in a shared time program offered by the local public school district. Starting with two physical education teachers, the program has expanded to nine full or part-time teachers in the areas of physical education, shop, drafting, and art. Several other Christian schools in the Western Michigan area are also participating in the program and others are considering it. The Grand Rapids Christian School Association conducted a serious study of shared time and is monitoring the program closely to determine if this approach to government assistance compromises the integrity of our Christian school.

Description

"Shared time" can be defined simply as a non-public school program which is controlled and operated by the public school in leased facilities, taught and supervised by employees of the public school, and open to all students eligible to attend public schools. It is limited to those subjects that are not "sectarian" but are "secular" as defined by the state. This approach has been judged constitutional by the Michigan Supreme Court. But perhaps the program can be understood more clearly by describing how it works in the GRCSA schools.

1. At the present time there are nine teachers participating in the shared time program and these teachers are employed by the public school. Seven of the nine teachers were on the Grand Rapids Christian School Association payroll prior to the shared time program. The public school has allowed the Association control over who the teachers will be by accepting the GRCSA Superintendent's recommendations as to shared time staff appointments. The two teachers not formerly on the Associa-

tion payroll were thoroughly screened prior to a recommendation for appointment. The nine teachers represent a payroll savings to GRCSA in excess of \$100,000.

2. The public school leases from GRCSA those facilities used for the shared time program. This is a simple dollar a year lease agreement but is necessary to meet the requirements of the law. The lease agreement covers only that period of time during which the program is operating in a particular classroom or gymnasium.
3. In each subject area the broad outline of the public school program must be followed. A considerable amount of flexibility is allowed and as a result the GRCSA program has changed very little.
4. Each shared time class must be open to all students eligible to attend. Since the start of participation in the program in September, 1976, only students enrolled in the Christian school have attended.

GRCSA Study of Shared Time

In the fall of 1977 the GRCSA Board instructed the Superintendent to study thoroughly the shared time program and to present a recommendation as to whether or not the Association should continue to participate. A committee was appointed to study the matter and a very complete report was made to the Board with the recommendation of continued participation. The following is taken from that report:

VII. Concerns:

- A. It must be a "secular education program."

The term "secular" is used here to identify a category of subjects which are not "sectarian." In order to understand this distinction we must note what is meant by the "secular" interest which the state has in education. It refers to the benefits which accrue to the state from institutional activities particularly

William Gritter is Superintendent of the Grand Rapids Christian School Association, Grand Rapids, Michigan.

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NO!

SHARED TIME EDUCATION: A Threat, Not A Blessing

John Riemersma

Shared time in Michigan education is a publicly funded program through which the public school, through its program known as "Community Education," provides educators to teach in Christian schools such "secular" subjects as art, music, and physical education. For reasons of public relations this program is a wise investment. Financially both public and private schools benefit from this venture, and constitutionally the program is legal if all the related restrictions are honored.

Adding to Christian schools a program of significant dimensions, financially profitable, and constitutionally sound, may, at first glance, be considered a long overdue blessing for which we have worked hard and prayed much. I hear such comments as: "We are finally receiving some equity from the state; we have a right to this money. It is only fair!"

... we have true freedom of religion protected by the same constitution we must violate if we are to use public funds for Christian classroom education.

That we have a right to have our children educated at public expense is beyond question. This right we share with all citizens of the land. But we do not have a right, legally, to public funds for private Christian education which teaches in all areas of life a particular religious point of view. Furthermore, the refusal of the state to provide us funds for Christian schooling is, to be sure, unpleasant but not unfair. We are deprived of nothing essential for the practice and expression of our particular religious beliefs. The fact is we have true freedom of religion protected by the same constitution we must violate if we are to use public funds for Christian classroom education. Christian education in art, music, and physical education is not possible under the shared time program if the restrictions which govern it are seriously honored. This is so because a conflict exists between the restrictions of shared time and our historical reasons for maintaining Christian schools.

John Riemersma teaches in Kellogsville Christian School, Kentwood, Michigan

Due to various possible interpretations regarding constitutional matters involving church and state, not all shared time directions are passed on to private schools with identical restrictions. However, they should be identical. Laws apply equally to all. If some who teach under shared time experience no restraints of any kind and are free to teach like their counterpart in the Christian school, they may well be doing so because of oversights or indifference on the part of those who administer shared time programs. The motivation for this oversight and indifference is not difficult to understand. The loss of shared time participation would mean a considerable reduction in funds and good public relations for several Michigan school districts. My research leads me to believe that valid restrictions applied in one district must apply equally in all districts.



I also believe that the arrangements we at Kellogsville Christian School have with our public school are more typical than exceptional and that these arrangements are constitutionally sound: Our restrictions are as follows:

1. The teacher must be employed by the public school. (This does not exclude input from the private school regarding the person hired for shared time teaching. In many cases Christian teachers are hired for these assignments.)
2. The building or rooms used for shared time teaching must be leased to the public school during all shared time teaching activities.
3. Public school students desiring to attend these classes in private schools cannot be denied admission.
4. No religious symbols may be displayed

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! READER RESPONSE

Readers are encouraged to respond positively or negatively to articles or ideas expressed in CEJ. Address your letters to the editor.

Editor:

Just a short note to thank you for your splendid editorials and to clarify part of an issue raised in your December/January editorial. You suggest that "Christian schools will continue to emphasize traditional grammar so long as Christian colleges require freshmen to pass an entrance test in grammar." At Calvin College a review of rudimentary grammar is part of the freshman English course. However, there is no entrance test. Neither are students required to pass the grammar test, given as part of the freshman course, in order to pass or get credit for the course. Let me point out too that only a small part of the test covers grammar *per se* (parts of speech, sentence elements, phrases and clauses; most of the test items concern usage and punctuation.



" I AINT NEVER GOT NO GOOD

GRADES FROM HER "

You raise of course the larger issue of the value of years of grammar study for the student's ability to write. But that's another issue, one not easily settled. It would merit an article or two.

Henry J. Baron,
Coordinator of Freshman English
Calvin College
Grand Rapids, Michigan.

Editor:

I seldom write letters to the editor, but Mr. Fred Ypma's article on *Athletics and Christian Education* calls for a response (*CEJ*, Vol. 18, No. 2). I certainly appreciate his emphasis on educating the whole person, and I do not want to debate the positive by-products of athletics that he lists (better called, I believe, the positive by-products of competitive sports). Yet the article leaves me uneasy.

First of all, it seems to me, we must ask the question: what is the nature and function of the Christian school? Dr. Al Greene of the Bellevue Christian School puts it well when he points to the three-fold aim of the Christian school:

1. To recognize and to unfold the peculiar individual potential of each student to open up and manage the creation in loving, faithful service to God through service to his neighbor,
2. To help the student to develop an integral, Christian view of life and reality, and
3. To delineate, establish, and communicate a Christian life style and culture.

In thinking about the implications of these aims for the place of physical education, I have arrived at four conclusions:

1. Since man is a unity and mental, physical, and emotional health are closely interwoven, physical education in the Christian school must emphasize individual skill development in activities that students will be able to continue once they have graduated. Game and team sports in the physical education program should be limited to those in which all students have frequent, continuous involvement, which develop specific physical skills, and for which society emphasizes participation rather than "spectator-ism."
2. Good athletes may thrive on competition, but students whom the Lord has not blessed with athletic prowess do not. Yet if we believe that all students should be physically fit, our schools must provide opportunities for developing and main-

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ASYLUM

H. K. Zoeklicht

"OF MUGS AND MONEY"

VOTERS REJECT STATE AID TO NON-PUBLIC SCHOOLS. So read the *Tribune* headline tacked neatly on the bulletin board in the faculty room of Omni Christian High School, where the teachers had gathered for after-chapel coffee. There were other items posted there too, among them Principal Peter Rip's announcement that the Omni school board would be meeting that very night to decide upon salaries and tuition rates for the next year at Omni.

Sue Katje was holding her styrofoam cup high in a Statue of Liberty stance as she commented, "I think maybe we should stop using these plastic jobbies. Did you see the story in the *Trib* saying that if you drink hot coffee from styrofoam cups you increase your chances of getting cancer? We should all get our own mugs."

"You've got a pretty nice mug already, Sue," grinned Steve Vander Prikkel. Sue winked at him.

Then Matt De Wit grumbled, "That's not the only bad news the *Trib* saw fit to print. Pointing towards the *Tribune* headline posted on the bulletin board, he said, "Something's got to give somewhere. The courts don't like us. The voters don't like us. I frankly don't see how Omni, or any Christian school, can survive much longer."

"My thoughts exactly," chipped in Steve Vander Prikkel. "I don't know about you, but I'm tired of subsidizing Christian schools by working for less than public school salaries. As a matter of fact, I'm tired of subsidizing two school systems." And he got up from the couch and faced his colleagues, his voice rising, "Look, I can see why parents are giving up on paying these big tuitions. I've got four kids in the Christian schools. My tuition bill right now is \$5,200, and

I'll bet the board is going to raise it tonight. You can talk all you want to, but unless I get a much higher salary or a much lower tuition, I won't be able to send my own kids to the school I teach in." Now he became strident. "I don't see any way out unless we get some kind of government aid."

John Vroom, veteran teacher of Bible, poked his little finger into a large cream puff, placed his mouth over the hole, and noisily sucked the cream into his cavernous mouth. Licking his lips with considerable vigor, he looked reprovingly at Vander Prikkel. "Now, now, Steve," he clucked, "I'm surprised at you. Where is your faith?" He then deposited the entire pastry shell of the cream puff into his mouth and said, "If our forefathers had had your attitude, Steve, we wouldn't have any Christian schools. My grandfather always paid his church budget first, then his Christian school bill, and then the rest of the bills." He paused to chew, and then continued, "I'm putting four children through this school too. It can be done."

"Ya, John, but you drive truck every summer," came from Kurt Winters.

The voice of Matt De Wit came from the corner of the room. "John, I guess it's none of my business, but I don't see how you can do it unless you have help. It's no fun going to the deacons."

Vroom looked balefully at De Wit. He licked creamy remnants from the corners of his mouth, smacked his lips a few times, and addressed his accuser. "Matt," he intoned, "you're right. You have no business figuring out how I pay my bills. The wife and I do what we can, and for the rest, we trust the Lord. And He has provided. He always does, you know. Minnie's parents have been good to us, I must say, and the church does bear part of the burden." He paused. "Besides,

H. K. Zoeklicht, a serious educator, employs humor to expose our foibles and flaws.

we don't live in a \$65,000 house," he added, not without a trace of sarcasm, for Vander Prikkel had just finished building his new house.

Obviously nettled, Steve Vander Prikkel prepared to retort sharply, but Bob Den Denker interrupted. "Look, I feel sorry for all of you who face those huge tuition bills. As a bachelor I have no idea what it means to see a bunch of kids through a Christian school, music lessons, braces, not to mention food and clothes. I guess I can afford to work at a relatively low salary. But do you really want government help? Do you really believe that we can't handle this problem by ourselves?"

Den Denker refilled his coffee cup as he talked. "I know it's getting to be the American way to expect Uncle Sam to bail us out when we start drowning in big bills, like in New York and Cleveland. But is that really the responsibility of government? Especially in this business of Christian education, isn't it really the responsibility of all the Christians who believe in these schools? Aren't we supposed to bear each other's burdens?"

"Now you're talking," beamed John Vroom, who was reaching for the wad of Dentyne he had stuck to his brown lunch bag. "Now you're talking," he said again. "For once you're making some sense, Bob." Vroom began to chew vigorously to extract whatever flavor remained in the gum.

"Sense!" shouted an angry Vander Prikkel. "You call that sense? Does it make sense that I have to pay for a school system I don't use, and to pay fantastic tuitions in a Christian school I can hardly afford because I work at a low salary? That may sound like sense to you, but it doesn't to me. That sounds like nonsense to me." He crumpled his styrofoam cup and threw it hard at the wastebasket in the corner.

"Right, Steve, you've got a point," replied Den Denker calmly, "but there is another side too. If we are engaged in religious education here, and we surely are, then we can hardly expect Joe Doe, an atheist, let's say, to want to support our schools, can we? In the same way, you and I would have trouble supporting Moony schools, or Children of God schools, or People's Temple schools, or Nazi schools, or whatever — any school which promotes ideas we don't agree with."

"And what do you think the public schools are doing?" Sue Katje glared at Den Denker through cold, green eyes.

"Ok, Ok, Sue, I know what you're going to say," said Den Denker. "It's true that public schools often peddle humanism and so forth. I know that. And I guess that when we taxpayers

have hard evidence that a particular public school is not presenting ideas objectively, we ought to put pressure on it to live up to its supposed objectivity."

"Ah, that's pretty futile," broke in Matt De Wit. "You can't do a thing about that. That's why all these private schools are starting up."

"Well," said Den Denker, "the more private schools the fewer the parents to put pressure on public schools." Then he became thoughtful. "Look, my problem with any state aid to Christian schools is that such aid could make us compromise, could become a barrier to developing a radically different, Christian kind of education. What we need is the freedom to develop Christian schools that will deprogram kids who are brainwashed with non-Christian values, kids who have absorbed the American worship of clothes, cars, competition, sex, and such things."

John Vroom stopped chewing.

Den Denker continued. "Right here at Omni, for example. Look, if we're going to have a dress code, let's forbid \$50.00 sweaters instead of blue jeans. Do you know what I mean? Let's forbid those big gas-drinking, eight cylinder cars out there," and he pointed to the school parking lot which was plainly visible through the big south window of the faculty room. "We can give biblical, Christian reasons for that kind of code, that kind of rule. But we can't expect the American public to help us foot the bill for that kind of education. I think if we want that kind of education, we'll have to pay for it ourselves."

"Maybe you're right," said a subdued Steve Vander Prikkel, "but that doesn't help me pay the \$1,500 I still owe on my tuition bill."

John Vroom, holding his wad of chewing gum between his thumb and his forefinger, pointed at Steve in admonishment, "Steve, remember that the Lord has said that you should take no thought for. . ."

Just then the door opened and a smiling principal strode into the faculty room. "Good news! Good news!" Dr. Rip said. "I've just heard from the finance committee chairman that they're going to recommend a 4% raise for next year." **CEJ**

SPECIAL NOTE: Now in its second year, the Calvin Center for Christian Scholarship, at Calvin College, Grand Rapids, Michigan, enables scholars to "work intensively in areas where Christian approaches are lacking, insufficient, or outdated." **CHRISTIAN EDUCATORS JOURNAL** is delighted that scholars working on this year's topics, "Public Justice and Educational Equality," are willing to share some of their findings with our readers. We give our special thanks to Professors Donald Oppewal, Walfred Peterson, and Gordon Spykman, and to senior philosophy majors, Gary Knoppers and Tom Postema. Due to lack of space, Gary Knoppers' article will be printed in the October issue of **CEJ**. Ed.

THE UNEMPLOYMENT TAX AND CHRISTIAN SCHOOLS

Philip Elve

FILL OUT YOUR
UNEMPLOYMENT
FORM BEFORE
YOU REACH
THE WINDOW



Some of our Christian schools have been experiencing decreasing enrollments. One consequence of this situation is the necessary release of some teachers from their positions. Christian school administrators and school boards struggle with this difficult problem. They try to define and meet their obligations to teachers who are released due to no fault of their own.

A few school boards have given some sort of severance pay to teachers who are unable to readily transfer to another position. These boards recognize some responsibility for the livelihood of such former employees. This felt responsibility for former employees forms the quandary we are in regarding unemployment taxes. An underlying moral question regarding our obligations to released personnel had to be faced in positioning ourselves relative to the new Federal Unemployment Tax Act.

The 1976 amendments to the Federal Unemployment Tax Act removed the exclusion previously granted to non-profit, elementary and secondary schools. However, the amended statute retained an exclusion for employees of "a church or convention or association of churches, or an organization which is operated, supervised, controlled, or principally supported by a church or convention, or association of churches." State Employment Security Acts must conform to the federal statute but each state act has different details of law.

After the 1976 amendments were passed the private schools sought a ruling from the U.S. Labor Department. Secretary of Labor Ray Marshall subsequently ruled that the Federal amendments removed the exclusion from unemployment insurance coverage previously granted to church schools.

This ruling immediately reawakened all the arguments regarding separation of church and state. Catholic schools argued that the new inclusion would cost them millions of dollars and that:

1. The parish schools are an integral part of the Church and are essentially religious;
2. Congressional legislative history did not support the contention that employees

of parish schools were meant to be included under the act;

3. The Federal Tax Code has consistently included the parish school under the term "Church";
4. The parish school meets the requirements for exemption under the Act;
5. The U.S. Supreme Court has repeatedly defined Catholic schools as being primarily operated for religious purposes and completely controlled by the Catholic Church;
6. The imposition of the Act on parish schools represents entanglement of the state in church affairs, contrary to the First Amendment requirement that church and state remain separate.

Marshall has directed that all State Employment Security agencies process claims of employees of "non-profit schools."

As a consequence of this action the United States Catholic Conference and the Lutheran Schools, Missouri Synod, have decided to contest the Act in the courts. This must be done on a state by state basis and hence will be a costly procedure. In the meantime State Employment Security Commissions have begun applying the law to private schools.

Since most Christian schools are not church schools in that they operate and are governed by societies of parents, the language of the Federal exclusion from the law is less likely to apply to Christian schools. It is conceivable that courts could rule in favor of exclusion of church related Lutheran and Catholic schools and yet maintain that parent controlled Christian schools are not excluded.

It is for this reason that Christian Schools International (CSI) has taken the following position on this matter: It recommends to our schools that any claims member schools must

Philip Elve is School and Government Relations Administrator for Christian Schools International, Grand Rapids, Michigan.

pay under the Unemployment Compensation Act should be paid under protest. That is, make the payment but be sure that a note is placed on the form that payment is made under protest. This would leave an option open for withdrawal of unemployment insurance coverage if and when subsequent litigation or legislative action reverses the U.S. Labor Department interpretation of the statute.

This new tax for Christian schools is just one more area in which we must resist the efforts of government to gain decision making power over the free operation of our religious institutions.

CSI also reminded member schools that they have two options relative to paying for unemployment compensation: (A) contributory taxation or (B) direct dollar - for - dollar reimbursement. Plan (B), the reimbursement plan, is best for our schools and CSI recommended they adopt the reimbursement plan. Under this plan a school system repays the state for those benefits collected by its former employees.

Obviously this matter will not be fully resolved for some time. The primary concern pivots more on the principle of government intrusion and control than on the added cost to



our schools, although obviously both control and cost are major concerns to us. This new tax for Christian schools is just one more area in which we must resist the efforts of government to gain decision making power over the free operation of our religious institutions. The cumulative implications of these step by step intrusions count up and work against all free institutions and against our schools, also. [CEJ]

"IN THE NEXT DECADE (OF CONTEMPORARY AMERICAN HIGHER EDUCATION) STUDENTS AND SCHOLARS WILL BE IN MUCH CLOSER TOUCH WITH REAL WORLD PRACTITIONERS. PRACTITIONERS WILL PARTICIPATE MORE IN THE CLASSROOM. SCHOLARS AND STUDENTS WILL PARTICIPATE MORE IN THE WORK PLACE. THE CONTENT OF ACADEMIC MAJORS WILL INCLUDE MORE APPLIED LEARNING AND EXPERIENCE THAN HAS BEEN THE CASE HERETOFORE."

Jack R. Vander Slik, Ph.D., Academic Dean, Trinity Christian College; in a paper entitled, "Trends in Contemporary American Higher Education and Some Views for the Future at Trinity Christian College," delivered at Trinity Christian College's faculty convocation, 1978.

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HOPE IN THE TIME OF ABANDONMENT

Walfred Peterson

In spite of its recent record, there is hope that in the next decade the federal Supreme Court will approve important state aids to private, religious schools. To find grounds for this hope one must look to what minority justices have done and to long-term political trends.

Since 1968 the Supreme Court has handled fourteen cases related to state and federal aid to private education — elementary, secondary, and college. Four of these cases raised several distinct sub-issues, and, therefore, the court has voted a total of twenty-four times on whether a given government aid program was or was not an unconstitutional establishment of religion. Fourteen times the majority held the program was unconstitutional. Ten times it held the program was constitutional.

Slowly the political climate has become much more favorable for private education.

But raw numbers are deceptive, for the programs the court approved were, except for three related to colleges, not of great help to private schools. Indeed, they amounted to peanuts. On the other hand, the programs it struck down would have given pretty substantial aid and probably would have encouraged more states to go into the aid business. Thus, the ten to fourteen win/loss record is worse than it first appears.

Nevertheless, anybody watching both political movements and court cases can sense that the win/loss record could be easily reversed "soon." The analogy is to a pro football team that lost many of its games this season by a close score. With a couple of better players next season, the team might win the championship of, at least, its division. Why do I say that? For these reasons:

The Political Climate

Slowly the political climate has become much more favorable for private education. State legislators, governors, and the Congress are more and more willing to vote for and sign programs

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of benefit to private schools and their patrons. While several Rhode Island, New York, Pennsylvania, and Ohio aid programs have been declared unconstitutional, the very fact that those state legislators passed the programs and governors signed them into law shows private education has won support it once lacked. And Congress in 1965 did all it then thought legally possible in its aid to elementary and secondary non-public schools and has both before and since that date aided private colleges rather significantly.

Then in 1978 both Houses of Congress passed a tuition tax credit bill that would have been a new breakthrough for private education. They did so in spite of presidential and bureaucratic pressures against the measures. True, the bills were killed in Conference Committee, but Congress persons say their polls show that voters approved the general idea. Tax credits will be back next session.

Speaking of presidential pressures, all chief executives since, at least, Lyndon Johnson have given lip service to finding more ways to aid non-public education. President Carter's negative posture on the 1978 tax credit bills, for example, seemed more determined by his worries over the total federal budget and the structure of federal taxation than by any firm beliefs hostile to increased aid to private schools.



Supreme Court Decisions

Another reason aid to non-public education will "soon" be expanded relates to the Supreme Court. Some reader may say, "Nonsense." But I had already been writing about the Supreme Court when I wrote about the changed climate affecting legislators and executives. *In the long run*, the Supreme Court is a political animal that adapts to its political environment. Adaptation has begun. What is the evidence?

Well, there is a bloc of three justices, Warren E. Burger, Byron R. White, and William H. Rehnquist, who have voted to uphold eighteen out of twenty different aid laws or parts of laws since 1973. The eighteen included a New York elementary and secondary school tuition reimbursement program for poor parents and a tax credit plan for other parents. Those three justices approved a Pennsylvania law that would have



awarded dollar aid to parents of private school children through a special Parents' Reimbursement Authority. These programs were decisive shifts in state law, and the three justices clearly wanted them approved. Their dissenting opinions were vigorous.

The present situation is that the Supreme Court has on it a three-judge minority that wants to overrule church-state legal precedents in favor of aids to private schools. This minority has repeated its position several times. It has laid a foundation for several possible kinds of aid in the future.

If these three judges could convert two other justices or if two new justices appointed (not as their replacements) to the court followed their lead, a majority would allow very important changes in the law for private school aid. Their position would permit tax credits, tuition reimbursements, and a variety of lesser aids as long, they say, as the total aid given could be shown not to exceed the cost of the *secular aspects* of the schooling in non-public classrooms.

What to these judges is the meaning of *secular aspects*? (Remember, they believe that the secular and the religious aspects of education can be distinguished, whatever religious educators say about the matter.) For Burger, White, and Rehnquist *secular* covers a large part of the curriculum. Further, five or six members of the Supreme Court have by now undermined their negative elementary and secondary school aid decisions by their college aid decisions. They have allowed federal grants for college buildings, the creation of a state system for floating private college bonds more cheaply than they can be floated on the open market, and in 1976 non-categorical grants to colleges by a state were upheld as long as the money did not go for religious programs. Religious programs were clearly defined in a narrow way, meaning the area of secular aid was wide. The last of these cases, while approved by only five to four, is a dramatic victory for private education.

To understand what is happening, jump back in time with me over a generation. The National Association for the Advancement of Colored People wanted to win a case that would end segregation in public schools. It began its chain of cases in the 1930's, leading up to that hoped-for victory in all levels by getting the Supreme Court to strike down segregation at the college level first. Finally, in the 1954 case of *Brown v Board of Education*, it was but a step from its college decisions to its elementary and secondary decisions. History can be repeated.

Justice John P. Stevens, when he got to these

matters, said the court's decisions on the "establishment clause" cases had become impossibly confused. Part of the confusion he saw related to the contrast between approved aid to colleges and disapproved aid to elementary and secondary schools. Of course, someone will point out that Stevens seems to be headed toward consistency by becoming a strict church-state separationist in the mold of Justices H.A. Black and William O. Douglas. Might not the next appointees go the same way? True, future justices might behave like Stevens. But, remember, the political climate is moving the other way. And if Congress forces (and it could) the President to accept tuition tax credits, the Supreme Court would be unlikely to strike down a federal law of that sort. Why? Because court watchers agree that the Supreme Court has been far less likely to undo major Congressional tax legislation than other Congressional legislation and far less likely to overrule the Congress than the state legislatures.

Of course, nothing in such matters is certain. But private schools are here for *the long run*, and it's *the long run* that is under discussion.

... time is not neutral. It is on the side of more equity for private schools and the folk who use them.

Today, any reasonably literate person using the opinions of Burger, White, and Rehnquist could write a solid legal brief, supported by more citations than the typist would appreciate, that would support with impressive legal logic and precedent relatively sweeping aid to private schools. Since that possibility is now a reality and since the political climate has been warming toward that position, time is not neutral. It is on the side of more equity for private schools and the folk who use them. CEJ

SCHOOL-GOVERNMENT RELATIONS



HOPE HAVEN—A Case History

David Groenenboom

Two years ago Hope Haven in Rock Valley, Iowa, was a Christian institution concerned with four main areas of Christian service to handicapped persons: elementary education, adolescent training, adult work training, and occupational services.

Today, that part which used to be Hope Haven Elementary School is now River Valley Public School, controlled by the Iowa Department of Public Instruction (DPI).

The events that led to the loss of Hope Haven as a private Christian school to the Iowa Department of Public Instruction certainly are worth noting by anyone remotely interested in the problems that government regulations, compounded by internal division, can cause Christian schools.

I.

Hope Haven began in 1964 as a Christian school for the handicapped, "primarily for children of parents of Reformed persuasion." Because the *concept of mercy* was central to Hope Haven's purpose, four of the original students came from a non-Reformed background.

At that time, educational services for the handicapped were under the authority of Iowa's Department of Social Services (DSS) rather than under DPI.

The cost per student for services to the handicapped is immensely higher than the cost per student in a regular day school. A student does not only attend school; he must be cared for completely. Thus, the cost per student at Hope Haven in 1976 was \$7,000. Even though this was considerably lower than the state average of \$11,000 per student per year, it still was too huge an amount for most parents to carry.

Hope Haven appealed for help from the state of Iowa through DSS. They received aid on the condition that students not be *forced* to take Bible courses. This caused few problems at Hope Haven since Bible courses were not considered an absolute requirement of Christian education, and even more so because no parent ever refused to have his child attend the recommended but not required courses.

However, complications arose in 1976. To qualify for a federal grant administered by the

state, the Hope Haven Society, which consists of anyone who contributes money to Hope Haven, voted to delete the "Reformed persuasion" clause from the articles. While this is a significant change in the articles, the motivation — to avoid civil rights violations — was honorable, and no immediate problems resulted.

With those objections out of the way, Hope Haven grew. Enrollment in the elementary school expanded from 36 in 1966 to 150 in 1976. Other services were added. In all the programs administered by Hope Haven, 328 handicapped people learned academic subjects, home life, or occupational skills in 1976. Hope Haven prospered. Problems encountered with the state of Iowa were relatively few.

II.

The blow came early in 1976.

The Iowa legislature passed Senate File 801, which stipulated that local school districts are responsible for the education of handicapped

To become an "acceptable" institution according to DPI stipulations, all explicit references to Christian education would have to be removed from the articles of incorporation.

people. Responsibility for implementation of the new legislation for care of the handicapped in elementary schools shifted from DSS to DPI. They, in turn, gave local districts the option of providing their own facilities or contracting to send handicapped children to an acceptable private institution to avoid the financial burden of building and hiring.

This turn of events presented ominous implications for Hope Haven. DPI is the same department which determines *legal* policy for public day schools. To become an "acceptable" institution according to DPI stipulations, all explicit references to Christian education would have to be removed from the articles of incorporation. However, due to Hope Haven's special circumstances, DPI agreed to allow the concept of teaching "from a Christian perspective" to remain in the articles, but all *explicit* references to Christian education would have to be deleted. Under DPI guidelines, Hope Haven would receive

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state money for so-called "non-religious" courses, and Hope Haven would have to secure resources from its Society to fund the "religious" courses offered — but not required.

If Hope Haven did not attempt to become an "acceptable" institution, it would forfeit

... we felt we were up against a brick wall, and we had to turn one way or another...

\$350,000 per year in aid formerly provided by the less-strict DSS. Rev. John Kroon, president of Hope Haven's Board at that time, described the situation this way: "When we really learned what the situation was, we felt we were up against a brick wall, and we had to turn one way or another, and neither way was a very pleasant choice."

They had learned from their previous experience with government representatives and agencies that verbal assurances are not legally binding.

The Board's options were (1) to revise the articles of incorporation and apply for DPI approval, or (2) raise the extra \$350,000 from the 800 society members and accept no government assistance, or (3) drastically cut the educational services then being offered. The Board, citing the centrality of mercy to the concept of Christian education to the handicapped, voted for option number one.

A very polarized Hope Haven Society, however, did not entirely agree. After a series of well-attended, long, and heated meetings, the final vote of the Society prevented the necessary changes in the articles of incorporation.

Many Society members were parents who sent their children to regular Christian day schools. They remembered that federal financing of a building at Dordt College, Sioux Center, Iowa, prevented any "religious instruction" taking place in the building. They had learned from their previous experience with government representatives and agencies that *verbal* assurances are not legally binding. These people feared that the dynamically Reformed concept of Christian education written into the articles of incorporation would be watered down to the implicit concept of education "from a Christian perspective." In DPI's dictionary, this meant only that the staff of Hope Haven was a group of people who,

wanting to be like Jesus, really cared about handicapped people. That concept would not be objectionable to DPI because it fit snugly into their dichotomy of "religious" and "non-religious" subject and teaching.

Turmoil reigned in Hope Haven's Society. Hope Haven's noble purpose of *mercy* to the handicapped was forgotten. Unbecoming accusations, innuendoes, and charges flew from all sides. Mistrust replaced trust. The director of one of the adult units was relieved of his duties for insubordination (he did not support the Board's decision and fought actively against it). Other employees, including the director of Hope Haven, eventually resigned.

Since the Board's recommendation had been rejected by the Society, the Board voted on March 2, 1977, to commit themselves and the Society to an all-out effort to raise the necessary money privately. But results revealed that that option was no longer viable. It might possibly have been achieved if the Society had been united, but the spirit of mistrust had hardened and the money could not be raised.

Finances to operate the school did not materialize. Hope Haven operated at a deficit until the end of the school year.

In the fall of 1977 River Valley Public School held classes for handicapped children — in classrooms rented from Hope Haven.

III.

While Hope Haven is more stable now than it was in 1976-1977, problems still exist. The director approved by DPI for the opening year

There are no easy answers.

of River Valley Public School was an avowed atheist. He has since resigned. House parents of Hope Haven complained of lack of unity between their policies and those of River Valley Public School. An overall discipline policy developed by a group of local ministers and Hope Haven employees was rejected in favor of a policy promoted by the state of Iowa.

Hope Haven still walks a legal tightrope by applying for much-needed financial aid while attempting to be honest to its Christian task. CEJ

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REVIEWS

OHIO'S TROJAN HORSE

Author: Alan N. Grover
 Bob Jones University Press, Inc.
 Greenville, South Carolina 29614, 1977
 Paperback, 154 pp., \$3.00

Reviewed by Lewis Arkema
 Orange City Christian School
 Orange City, Iowa

The author of this book is the executive director of Christian Schools of Ohio (CSO). This organization and its member schools believe that Ohio's Minimum Standards law is a "trojan horse" to their schools and this volume, as its sub-title indicates, is intended to serve as a warning to Christian schools everywhere.

Ohio's Minimum Standards law has similarities to the Trojan Horse in Homer's epic poem because externally the standards seem not only harmless but also attractive, while the contents will likely cause irreparable damage. To use the word of Dr. Roy Thompson, CSO president, the Ohio Minimum Standards, as they are now constituted and enforced, are "unliveable" for Christian schools. If CSO member schools (or others for that matter) accept these minimum standards as their own "path to quality schools" they will come to realize sooner or later that following this pathway will lead to self-destruction, just as the citizens of Troy experienced disaster when they accepted the horse as a gift from the Greeks.

While Grover acknowledges that he is first of all writing about a problem within Ohio, he sees this conflict as having national implications because of three issues: "(1) the matter of Secular Humanism, which many recognize as the regnant philosophy in American education today, (2) the question of responsibility for the education and upbringing of children (is the primary responsibility statist or parental?), and

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(3) the state control of church operated Christian schools which is inherent in *any* state licensure or chartering of Christian schools."

The author addresses himself to these three questions through the medium of the experiences of CSO member schools and especially the experience of Rev. Levi Whisner and the Tabernacle Christian School in the well-publicized case in 1974, *Ohio vs. Whisner*, in which the Ohio Supreme Court upheld Rev. Whisner and his thirteen co-defendants in their unwillingness to accept the minimum standards and be chartered by the state of Ohio.

In a series of three chapters the author gives a thorough analysis of Secular Humanism as a *bona-fide* religion and he shows how this religion comes to expression in the Minimum Standards law.

In the chapter entitled, "To Be Or Not To Be (Chartered)," both scriptural grounds and legal precedents are cited to show where the primary responsibility for education resides — with the parents. However, in further writing the author states that education "is a ministry of its sponsoring church." Although his argument for *parental* rights is clearly stated, CSO member schools are, in fact, established and governed by *churches*. In that sense they are not *parentally-controlled* schools. Though the author either does not see or does not want to make the distinction, many others believe that a parochial school does not place education in the hands of the parents where scripturally and legally it does reside.

Regarding his view of state charter, the author is very emphatic in his belief that Christian schools in Ohio or elsewhere which are chartered or approved by the State are "both wrong and foolish. It is wrong educationally, constitutionally, and scripturally. It is foolish because it surrenders to the government those powers of educational responsibility and control which rightly belong to parents and churches . . . State chartering must be refused . . ."

Many schools in various states are currently living under state charter, licensure, or approval. Have these schools made wrong decisions? Or is it necessary to reassess these decisions, if not because of present, then because of what the future may hold by way of forced compromise? If the National Education Association fulfills all its goals to not only control education but also the legislative process in the United States, we do well to consider Grover's arguments carefully.

CEJ

A CASE FOR PLURALISM (continued from p. 6)

The concept pluralism as such is not new although it is fairly untraditional on the North American scene. In Europe it gained some prominence among syndicalists, anarchists, guild-socialists, and Marxists. Upon more careful examination, however, many of these "pluralists" turn out to be either disguised individualists or collectivists. In the past couple of decades pluralism has emerged as something of a slogan among scholars of the American civil religion. They tend to use it rather loosely to point to the presence of almost any cluster of diverse interest groups and power blocs in a society. None of these views, however, captures the basic thrust of the Biblical view of pluralism in its structural and confessional dimensions, as briefly sketched above. The insignia of the United States also hints at pluralism in its words, *e pluribus unum*. Yet the urgent question remains, whether commitment to this symbol has indeed encouraged a political *unity* (proper allegiance to the state) which does not at the same time undermine true *plurality* (the religious, cultural, and educational distinctiveness of other institutions in society).

In the face of this confusing usage, adherence to a Biblical view of pluralism lays upon us a two-fold claim. First, it calls us to live more obediently by the God-given norms of creation as illumined in Scripture. Secondly, it calls us to work out an educational system which reckons seriously with the religious plurality present in society. CEJ

SCHOOL-GOVERNMENT RELATIONS



II

What is the purpose of our cooperation with other private schools? Working together as a consortium of pre-collegiate and religious school organizations promotes and preserves understanding among the members. The Council seeks to promote excellence in education throughout the member schools, to preserve philosophical and religious values, and to encourage the development of the spiritual dimensions of life, all of which are integral parts of the development of students.

Even though the Council members have a diversity of beliefs and a variety of educational philosophies, we strive to represent and speak on educational issues of common concern and interest. As an affiliate member of the Council of American Private Education, our Executive Council supports the development of close, professional relationships, open communication and trust among various public and private educational institutions, the California Department of Education, and the United States Office of Education. As advocates of family choice in education, the Council is committed to the preservation of a pluralistic educational option in the nation as well as in the state, and to make known to the public the aims, ideals and goals of member schools. The Council believes in a generous sharing of professional talents and the maintaining of a standard of excellence in the private schools of California.

III

What can you or your school do?



The tuition tax credit and voucher issues, for example, are still very alive in the minds of private school people. Administrators and boards have an obligation to be aware of the latest developments at state or province and national levels. Be alert! Read and understand each piece of legislation that applies to public education. (One proposed voucher plan in California has student admission "by lot" in all

schools. This of course we can not accept.)

Whether or not you choose to become involved, you have an obligation to be informed. Invite knowledgeable persons to your school society meetings to advise your families on how current or proposed legislation could affect your school. **Big brother** can be a threat on the surface but before you close your mind to accepting

Don't make the mistake of trying too late . . .

government aid or programs, understand the legislation, weigh the positive and negative factors, and consult other private schools that are knowledgeable or currently involved with a given program. Why deprive your children of services or aid that can supplement your program without costing you money or a philosophical compromise?

Become involved with your local, state, and national legislative representatives. Make your voice heard as well as the many voices you have within your respective school community and constituency. So often we feel that one small voice is not important; this is not true. You can be as influential as you choose to be. Educational leaders today **must** become involved. Don't make the mistake of trying too late to have input on proposed legislation that could benefit your school children.

All of us have an obligation and a challenge. **Big brother** no longer considers us as the little kid or family tagalong. We have a voice and we are again becoming part of the family. What was ours originally and historically is again being recognized. Whether we wish to admit it or not, we are involved and we are affected.

If we agree that all children are created in God's image we realize more fully this mutual concern for **all** children, especially their education. Christian responsibility means Christian stewardship of all resources. Our future is currently in our collective hands. Use this opportunity and obligation wisely. **CEJ**



GOV'T. FUNDING. . . BRITISH COLUMBIA (continued from p. 10)

publication branch and that individual teachers could apply for a superintendent to visit their classrooms in order to receive permanent certification under the Public School Act.

The Independent Schools Support Act has changed all this. The ISSA provides two levels of funding for independent schools. The Group I level is the smaller amount, and is given to schools that have existed for five years, that have adequate facilities, and that sign a statement that they will not teach programs that will promote or foster doctrines of racial or ethnic superiority, religious intolerance or persecution, or social change through violent action. This latter clause does not affect our Biblical Studies programs, nor our school's admission and teacher hiring policies.

. . . schools continue to have complete independence in structuring their own curriculum and program.

Group II classification may be applied for by a school that has received group I approval. In this case, a school must meet a number of educational requirements: there are certain time requirements for various subject areas; the school must have an adequate testing program; its teachers must be certified within five years under the ISSA; the school must allow an external evaluation committee to check its programs, operations and administration; and, it must participate in the provincial learning assessment program.

All eligible Christian schools applied for both group 1 and 2 funding, and all of them received approval. There is no compulsion for any independent school to apply for either group 1 or group 2 funding, and a school may withdraw at any time. Furthermore, schools continue to have complete independence in structuring their own curriculum and program, even if they apply for both classifications. Schools are not obliged to follow provincial curriculum guidelines, although they must satisfy the inspector of independent schools that their programs are adequate.

Implementation of the Act during 1977-78

As soon as the ISSA was passed, it was implemented very speedily by the government. One of the associate deputy ministers of education was appointed inspector of independent schools. A teacher certification and three evaluation committees were appointed. Forms were developed and mailed out. Numerous meetings

took place between the inspector and representatives of the independent school movement. Workshops were held to inform school boards and principals of the details and implications of the Act. Schools were evaluated and classified. All teachers were categorized according to their

The guidelines allow a school to spend 15% of a minimum school day on Biblical Studies, and more, of course, if a school lengthens its school day.

qualifications. Audited student attendance and financial statements were prepared by the schools and submitted to the government. And the first instalments of the grant monies were sent out. In short: the Act was implemented quickly, efficiently, and in a very satisfactory manner in the view of independent school supporters, despite some original misgivings and fears.

Curriculum Requirements

It is the government's intent that schools applying for group 2 classification must have a balanced curriculum. Therefore flexible guidelines have been developed so that at each level a school will spend sufficient time in language arts, mathematics, social studies and science, and cultural and recreation activities. The guidelines allow a school to spend 15% of a minimum school day on Biblical studies, and more, of course, if a school lengthens its school day. There is no objection to an integration of different subject areas. The main concern of the inspector until now has been that independent schools tend not to spend enough time in cultural and recreation activities, and many of our schools are considering a review of their music and art programs. In fact, many Christian schools already had plans for such a review.

The underlying assumption seems to be that group 2 schools should, by and large, meet the requirements of a core curriculum outlined for public schools. This document presents a list of minimum levels of competency in various subject areas, and presents no problems for Christian schools at this time. Our schools have always taught these basic skills. At the same time, the inspector is very much aware that we want to maintain our unique identity, and there are no restrictions regarding course content, course organization, and use of textbooks and resource materials. All that is left up to the individual ➡

school, as it should be. We will continue to insist on that freedom.

Testing Program

Schools must participate in the Provincial Learning Assessment Program (PLAP). This program is designed to test aspects of a school's program rather than individual students. It points out weaknesses that may exist in certain areas of a school's program. The results will not be used to classify schools, but schools are encouraged to use the results in order to analyze their programs. One independent school, a Waldorf school, has requested that its students not be subject to these tests since such tests are contrary to the philosophy of the school. It is willing to delineate an alternative evaluation procedure. The ISSA, however, makes this testing a condition for application, and the resolution of this problem is not known at the time of writing.

Christian school supporters are aware of potential dangers attached to these tests. At the present time we believe they will be helpful to schools in determining whether basic skills are being taught in a satisfactory manner. However, we do not want ever to be put in a position where we will be forced to teach skills or concepts because they may appear on a test. These tests are limited in scope and will not be used by our schools to determine student standing in a class.

External Evaluation Committees

Three evaluation committees have checked the operation of about half the schools that applied for group 2 classification. The chairman of each team is a retired public school superintendent; the other two members were selected by the inspector from a list of nominees submitted by FISA. Thus each team has two independent school persons as members.

The scope of the teams' activities is wide-ranging; however, their function is a purely advisory one to the inspector. All teams have been characterized by their helpfulness to our schools. They have arranged for students with learning disabilities to be diagnosed, for instance, and they have helped principals with streamlining the administration of the school. Their suggestions to schools have focused on concerns that we have already worked on during the past year; improving library facilities, giving principals

more administrative time and secretarial help, providing for children with special learning disabilities, etc. Again, the teams have bent over backwards in trying to understand the school's philosophy and to evaluate the program on that basis. There have been no attempts to influence the school's curricular direction except to recommend that schools should consider spending more time in certain subject areas.

Teacher Certification

The teacher certification committee also consists of a retired public school superintendent and two independent school members. In a brief submitted by the Society for Christian Schools we argued that our schools need flexibility in teacher certification, especially for subject specialties, since many of our schools are small and isolated. The other associations made similar submissions, and the resulting guidelines issued by the minister of education took into account all of our requests. If a teacher has a public school teacher's certificate or has taught for ten years in British Columbia, he is automatically certified for independent schools. Teachers with degrees but no teacher training will be issued certificates in the area of their specialty only. Persons with special qualifications in a certain subject will similarly be able to apply for a certificate in the subject of his specialty. This means, for instance, that a school may obtain a certificate for a fluently bilingual person to teach French even if he does not have formal teacher training, or for a person to teach music if he has a solid music background and has conducted choirs and bands for a number of years.

We are happy with these guidelines. The main reason that they are so generous is that the government accepted our argument that our school boards are directly accountable to the parents and that without tenure policies in our schools, teachers who perform unsatisfactorily are not rehired. This places the responsibility where it belongs: on the parents through their elected representatives.

What Is Being Done with the Funds?

There is no guarantee that the present level of funding will continue; the cabinet will set the level each year. There were extensive discussions during 1977-78 among the Christian schools as to how the funds freed by the payment of grants

could be spent responsibly. We must be wise stewards of the funds the Lord has provided. There are three areas that all boards considered: educational upgrading, salary increases, and tuition reductions.

Boards introduced a wide range of projects that will upgrade our schools. Some reduced class size by hiring additional staff. Some hired remedial reading specialists on a part-time basis. Others are using the opportunity to upgrade the library and/or plant facilities. Still others have improved their music, art, or French programs. Several schools have added higher grade levels. Schools have to be careful, of course, not to become too dependent on this level of funding since it is not guaranteed. Therefore many boards have used part of the funds for projects that, though desirable, could possibly be cut back in the future, or for some additional debt reduction.

Research studies have shown that the level of commitment of parents and teachers declines if full government funding becomes available.

Teachers' salaries have generally been raised more than the level of inflation, and teacher salaries in most schools now range between \$12,500 and \$18,500. Tuition fees in most cases are about 20% below what they would have been without government grants coming about. Of course, there are exceptions: for some of our smaller schools, government funding was literally a Godsend in order to be able to continue operations!

What About the Future?

Despite the very favorable way in which the ISSA was implemented, we continue to be wary of the possible consequences of government funding. The position of the schools in British Columbia is that even though on the basis of educational justice we can argue that we should get equal treatment with the public schools, we feel it is wise for all parents to have some financial input into the education of their children. Research studies have shown that the level of commitment of parents and teachers decline if full government funding becomes available. It is unfortunate that this is so, but it is important that our parents continue to make a significant contribution to their child's tuition. Furthermore, it is understood both by our boards

and by the government that we will never accept funds for our capital facilities: we want to ensure that these will always remain legally ours, so that we can always withdraw should restrictions and stipulations be imposed that would impinge on our independence. Our SCS board has also advised local school boards to make a concerted effort to get financial and moral support for our schools from the Christian community-at-large. The grants cover still only a fraction of our costs and the community must share the financial burden with the parents. This is already the case in many schools, but not in all.

Because of the passing of ISSA, we have become more involved with education in general in the province. One of our former school board presidents has been appointed independent school representative on the Educational Research Institute of British Columbia. Also, through FISA, we are becoming involved in a commission to investigate the state of public education in British Columbia. Attempts are being made to set up an independent school teachers' association of which our Christian Teachers' Association would be one subsection. Our input is being requested on public issues in education. In this way our Christian school movement can be a witness to God's faithfulness and redemption also in the area of education.

. . . it [ISSA] has also helped us to face society and impress on them our conviction that it is God's demand that we educate our children in the fear of the Lord. . .

We praise the Lord for his blessings. Thankfully and humbly we continue. We do this in faith, trusting that the Lord will provide. But we also do it with our eyes wide open, knowing that the power of Satan is still strong and that he may make it impossible for us to accept these funds in the future. For the time being, however, the ISSA has not only helped our schools financially, but it has also helped us to face society and impress on them our conviction that it is God's demand that we educate our children in the fear of the Lord, also in the school situation. CEJ

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Deleted for lack of space, the Index will be included in the October-November issue.

fecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education.

Judicial Interpretation

Because educational matters were the responsibility of each province according to the BNA Act, subsequent judicial and constitutional interpretations of the Act have been left up to the courts of each province. Consequently, the provinces have interpreted Section 93 differently with respect to the funding of schools.

Two important cases brought before the House of Lords in Ontario have helped to interpret Section 93. Despite a favorable interpretation of the clause, the Legislature has been very slow in enacting any law to financially support independent schools.

Hirsch et al v the Protestant School Commissioners of Montreal (1928), Viscount Cave, L.C. (Audrey S. Brent, "The Right to Religious Education and the Constitutional Status of Denominational Schools" *Saskatchewan Law Review*, p. 250.) states that

while s. 93 of the Act of 1867 protects every right or privilege with respect to denominational schools which any class of persons may have had by law at the Union, it does not purport to stereotype the educational system of the Province as then existing. On the contrary, it expressly authorizes the provincial Legislature to make laws in regard to education subject only to the provisions of the section; and it is difficult to see how the Legislature can effectively exercise the power so entrusted to it unless it is to have a large measure of freedom to meet new circumstances and needs as they arise. . . . It appears to their Lordships that it would be possible to frame legislation for establishing separate schools for non-Christians without infringing the rights of the two Christian communities in their denominational schools; and they agree with the Supreme Court that legislation confined within those lines would be valid.

It is clear from the BNA Act that there is nothing which prevents any Provincial Legislature from establishing new school systems, and in so doing it has the right to make it financially possible.

The other case is *Roman Catholic School*

Trustees for Tiny v the King (1928). In the opinion of the court with regard to funding, "the question really turns on whether the authorities of the Province had power to make apportionments and payments out of the funds granted before the balance was arrived at which should be available for common school purposes. In their Lordships' opinion it is clear that there was such power." (Albert S. Abel and John I. Lasken, *Lasken's Canadian Constitutional Law* [Toronto: Carswell Co. Ltd., 1975], p. 859.) The Provinces are not legally obligated to provide funds for the new school system but "they may be bound by good faith to do so to keep pace with the developing society. In the same case, the judgment of the Supreme Court of Canada indicated that this may even be an obligation binding in honor." (John A. Olthuis, *A Place to Stand: A Case for Public Support for All Public Schools* [Hamilton: The Christian School Herald, 1970], p. 4.)

Legislative Lag

At the time of confederation there were two types of schools — the common, public schools and the separate, Catholic schools. The provisions of Section 93 were designed to protect the rights of the separate schools. As a result, only these two kinds of schools have received financial support. Since the time of confederation a third alternative in education has emerged in Ontario (as well as in the other provinces), namely, the private or independent schools. The provinces of Alberta, Manitoba, Newfoundland, Saskatchewan, Quebec, and British Columbia have programs of financial aid to either independent schools or

Despite the fact that Christian schools have characteristics common to both public and separate schools, they receive no financial support from public revenue.

to parents of independent school children. Traditionally, non-Catholic Christian schools of Ontario have been placed in this third category and consequently have not received governmental financial support.

The Christian schools are not public or common in the fullest sense because they profess and teach Protestant Christianity. Nor are they separate, for they are not affiliated with one particular church but are controlled by boards of parents and other society members. Upon close examination, one can see that Christian

schools are not private either, since they are organized upon the democratic principle of public control. Despite the fact that Christian schools have characteristics common to both public and separate schools, they receive no financial support from public revenues. The schools do have obligations to the government, but no public financial rights.

Clearly the Legislature in Ontario has not kept up with the judicial interpretation of the BNA Act. It is a case in which the courts have opened the doors for progressive change but the Legislature has failed to walk through them.

Organizational Response

In response to the government's lack of positive action on the pleas of the minority, concerned members of Ontario society have formed associations to voice their opinions in an organized and collective fashion. Two such groups are the Ontario Alliance of Christian Schools (OACS) and the Ontario Association of Alternative and Independent Schools (OAAIS).

The OACS was founded in 1957 by a number of Christian school societies with the following objectives:

1. To encourage, promote, extend and assist Christian education;
2. To foster and promote uniformity and high standards of Christian education;
3. To foster and promote high standards of teacher training;
4. To attract desirable and efficient personnel to the teaching profession;
5. To secure, where possible and when necessary, Provincial legislation establishing and/or recognizing for parents the right and the freedom to establish free, parent-controlled Christian schools in which these objectives may be achieved.

(from the OACS Constitution)

The Ontario Alliance also supports the belief that parents have a prior right to choose the kind of education that shall be given to their children as stated in the United Nations Universal Declaration of Human Rights. This choice is severely limited when parents who believe that their children should have Christian education are not able to meet the additional costs. Given the pluralistic nature of Canadian society and the Canadian government's stand with regard to the preserva-

tion of various freedoms in that society as expressed in the Bill of Rights, the OACS believes that Christian schools are truly public schools and ought to be supported by public revenues just as the common non-sectarian schools are so supported.

More recently the OAAIS was formed with the objective to promote cooperation among all independent schools and their associations in pursuit of equality of educational opportunity for all Ontario school children. As with the OACS, OAAIS has the United Nations Universal Declaration of Human Rights in mind when seeking a basis for the organization. Two other principles (Article II, By-Laws OAAIS) flesh out the basis more fully:

1. That the principle of equal justice for all demands that the state honour the rights of all parents and all citizens by permitting them to allocate their educational tax dollars in support of the system of their choice, provided the system meets just and equitable educational requirements set by the Ministry of Education for all schools.
2. That the state violates its role in education when it uses tax dollars collected from all taxpayers to support some but not all school systems chosen by those taxpayers.

The claims concerning independent schools voiced by the OACS are echoed by the OAAIS but still the government has failed to act.

(K. Lyle McBurney, "The Right to Choose — Toward Educational Pluralism" presented to the

... independent schools, and especially the Christian schools are ... an expression of a pluralistic society purportedly supported by the democratic governmental system.

first conference of the Canadian School Trustees Association on June 18, 1978; p. 2):

Why, in view of the loud general acclaim for the principles of social diversity, multiculturalism, rights of the individual, and fabled 'equality of opportunity' which is every education minister's going-to-bed phrase, is there such a strict adherence to a unicultural or monolithic pattern for government school systems? Why do we have a

Continued on p. 38

SHARED TIME - AN APPROACH (continued from p. 14)

when those institutions are churches or are church related. While the church has its own reasons for teaching the Ten Commandments, the state stands to receive an incidental "secular" benefit, citizens may be more honest, diligent, respectful of authority, and the like. Likewise the state receives a secular benefit when non-public schools teach future citizens to read, write, do arithmetic, learn the history and literature of the culture and so on.

Whether a program is "secular" or "sectarian" is to be determined by the facts in a particular case. Those facts must demonstrate certain things to be the case if a program is to pass that constitutional test. It must have a "primary effect that neither advances nor inhibits religion." If such is found to be the case then it matters not that there are indirect and incidental benefits to church related schools.

Most of the curriculum of the Christian schools can be classified as "secular" according to the above definition and therefore it should be seen as a possibility that most of the subjects in the curriculum could be included in the shared time program. The question remains as to how much of the curriculum should be in the shared time program.

B. The teacher involved.

It is not always easy for the Christian school teacher to understand the distinctions made here, that the shared time program does not require him or her to become secularized in the sense in which the word is commonly used. It is generally understood in public education that every teacher brings a philosophy to the classroom: his or her beliefs, attitudes, values, faith commitment and the like.

As a matter of fact, teachers who are employed in shared time programs ought not to feel that they are somehow suspect. Rather they may account for their hiring by this guideline from the American Association of School Administrators:

One of the ways of ensuring good communications and mutual understanding in the community is to have a faculty and staff who themselves represent diverse religious faiths and affiliations . . . If the public schools profess to teach the positive inherent values of a pluralistic society, they are all the more bound to practice these values. One way is to reflect a religious pluralism

within the school's staff. (Religion in the Public School, A.A.S.A. 1964, P. 46.)

Thus teachers in the shared time programs should not feel compelled to compromise themselves in their natural expression of their faith and belief.

C. Teachers are employed, supervised, and controlled by the public school system.

Leaving aside the specific requirements regarding Christian faith commitments and philosophical understandings, generally speaking the criteria for judging teacher performance are the same for public and Christian schools. The common understanding of what constitutes good teaching makes this aspect of the program less problematic. Thus supervision by the public school of the teachers in the program is reported to be the kind of supervision to which these teachers are accustomed.

Will the public school continue to hire only those teachers approved by the Christian School Association? Thus far, this has not been a problem. When it becomes a problem the entire shared time program should be terminated.

Steps should be taken to assure the teachers in the shared time program that they have the same job security as do the regular Christian school teachers.

D. The public schools prescribe the subjects to be taught and provide the materials used.

In general it is true that the content outlines and methods employed are very similar between public and Christian schools. In areas where there is considerable philosophical sensitivity inherent in the subject matter, the pluralistic nature of the pupil population and of the teachers is recognized and consequently allows for considerable latitude.

E. Attendance is open to all children eligible to attend public schools.

In practice it is very unlikely that a course taught on Christian school premises would ever be attended by students other than those enrolled in the Christian schools.

VIII. Recommendation

A. That the Grand Rapids Christian Schools Association Board approve continued participation in the shared time program with the following safeguards.



1. All teachers employed in this program shall have the approval of the Superintendent.
2. All teachers involved shall be under the same pay arrangement.
3. The essence of Christian education rests on its ability to teach all its subjects in a Christian perspective.
 - a. Shared time programs must allow the teacher to so teach, and to do so without "breaking the law."
 - b. Materials and curriculum guidelines must not become an obstacle.
4. Christian Education presumes Christian homes for the students. Shared time programs and classes must not lose that character.
5. The success of Christian education in achieving its goals depends heavily upon teachers who have integrity, who in an integrated and natural way give expression to their own beliefs, values, and faith, both in their behaviors and in their subject matter.
6. Christian education is best accomplished in a "total school" setting, in a Christian school community, where the various parts of the program are integrated: the academic, the social, both for the student body and for the staff. Shared time programs must not have the effect of breaking down that communal sense.
7. Responsibility for the Christian education program must remain with the administrators of the Christian school. The administrators must be able to monitor and supervise the program, including the classrooms, as carefully as they do those of teachers not in shared time.
8. The independence of Christian education will continue to rest, for the foreseeable future, upon the ability of the Christian community to support the Christian school economically. Shared time programs shift the economic support to the state and the future existence of Christian education must not come to rely too heavily upon shared time programs.

B. That further expansion of the program be

considered with great care until the present program has had time to prove its continued viability in our Association schools.

IX. Grounds for the recommendation.

- A. Shared time was judged legal by the Michigan Supreme Court in 1976 when it upheld a decision of the Court of Appeals that declared shared time constitutional. The court stated that the program in a non-public school must be controlled and operated by the public school in leased facilities, must be operated by public

... teachers indicate that they have experienced no restraints on their teaching...

school employees, and must be open to all students eligible to attend public schools. The shared time program in our schools meets all these requirements since the teachers are employed by the public school, the facility is leased during the time the shared time classes are held, the program is operated by the public school, and the classes are open to all students eligible to attend public schools. Thus it is clear that our schools are participating legally in the program.

- B. Our Christian philosophy of education expresses without question the principle that in every classroom there must be an integration of faith and learning. It appears clear from administration observation and testimony of the teachers themselves that such integration is happening in shared time classes. The teachers indicate that they have experienced no restraints on their teaching by the public school and that their classroom is no different from what it was before shared time.
- C. A critical factor in shared time is our maintaining control over who will teach in the shared time classroom. At present this control rests with the Christian School Association. If the public school refuses to allow us that control, then it would seem necessary for us to withdraw from the program.
- D. Non-public schools must continue to test - with reasonable caution - options for obtaining public funding. We must show some courage of being willing to try new

approaches without being "spooked" by the "what ifs" of the future. Unless we push the public sector and experiment with options, we will get nothing.

If it is determined that the Association is compromising its integrity as a Christian school, then the program must be discontinued.

- E. The program does help relieve to some degree our Association budget problems. This is important as the cost of education increases. But the Association must be very careful at this time that it doesn't depend on this income to meet its budget since the permanence of the program is still in question.

Shared Time Experience

Since the beginning of participation, the program has operated with few problems. The number of teachers involved has been increased but GRCSA has been able to maintain control over who the teachers will be and this is considered a critical factor. The teachers themselves have not encountered any serious problems and have not experienced any restrictions on how they teach their classes. Most of them state that except for receiving their paychecks from the public school and attending a few extra meetings, they notice very little change from the time when they were on the Grand Rapids Christian School Association payroll. They are included in all Association staff activities and thus feel very much a part of the staff.

It is important that all possible options be tested... courage must be demonstrated so that attempts to experiment are not thwarted by the "what-ifs"...

However, the program is still considered an experiment by GRCSA and it is too early to predict whether or not shared time will become a permanent part of the school operation. If it is determined that the Association is compromising its integrity as a Christian school, then the program must be discontinued. But it is too early to reach a conclusion and the program will be evaluated with great care.

Conclusion

The leadership in Christian education must continue to work diligently for justice and equity for Christian schools. The issue must be carried to the public sector or no justice will be obtained. It is important that all possible options are tested so that the non-public schools are not denied a legitimate program of government assistance. And some courage must be demonstrated so that attempts to experiment are not thwarted by the "what-ifs" that are so often raised by persons who have a fear of involvement with public assistance. In fact during the voucher campaign in Michigan last fall, it was amazing how successful the public school opponents were in utilizing those fears to create doubts in the minds of many non-public school supporters. There are also fears being expressed about the shared time program but it is being tried and the next few years will determine if that approach is a viable option for our Christian schools in Michigan. [CEJ]

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SHARED TIME - A THREAT (cont. from p. 15)

in rooms during shared time teaching activities.

5. Shared time teaching in private schools shall be consistent with the teaching of similar programs in the public schools which fund the program.

A superficial look at any of the above restrictions may lead one to conclude that they pose no particular problem for Christian education.

Honoring shared time restrictions clearly contradicts the historical and time-tested reasons for Christian education.

A careful look, however, leads one to believe otherwise. If we had to honor only the first four restrictions there would appear to be no problem at all. It is the last restriction that presents us with problems of considerable magnitude.

According to Bill Zoller, the District Director of Community Education, the implication of this restriction is that "nothing of a religious nature can be done in the private school which cannot be done in the public school." The meaning of this is both obvious and ominous. Zoller also said, "Teachers cannot initiate activities which teach or promote unique Christian ideas or doctrines. Jesus Christ cannot be recognized and promoted as Lord and Savior. Christmas scenes and related songs can be promoted in art and music, but particular Christian doctrines flowing from these scenes and songs cannot be taught as truth. . . . Any vocal prayer led by a teacher is discouraged. Any prayer expressing unique Christian content is forbidden." Honoring shared time restrictions clearly contradicts the historical and time-tested reasons for Christian education.

Fundamental to the Calvinistic concept of Christian education is the belief that God is everywhere. He is in all things and events. This is not a cliché, but an absolute truth! Therefore, his exclusion from anywhere or anything cannot even be contemplated. From this it follows that all of life is religious; God is in it, and Christians are obliged, in fact, duty bound, to honor his presence always. Mathematics and science are no more and no less religious than art, music, and physical education. God always demands to be an active participant in our endeavors. Shared time teaching, performed legally, in such subjects as art and music will promote the feeling that God need not be an active and recognized participant.

It is common knowledge that sectarian education, funded by public money, is unconstitutional. This is good law and Christians should learn to appreciate its usefulness. In the American public schools the religious mix is such that most sectarian teaching, especially at lower levels, would be extremely offensive to many parents and very confusing to students. This teaching would often be in clear opposition to parental influence. Parents have a right not to have religious teachings from home contradicted by teachings in school. We Christians enjoy this protection when for various reasons we are compelled to send our children to local public schools. The constitution does not forbid the teaching of values or high levels of morality. One may even express quite freely what one believes religiously or otherwise. However, these beliefs may not be taught as truth. The latter would be a "promotion" of religion, in fact, of a particular religion, and therefore defined as sectarian.

How long will it take students to discover that the presence of God and Christian applications are not crucial in art, music, and physical education, . . . ?

Education as promoted and practiced by Calvinistic schools is sectarian. Unique Christian principles and doctrines are taught in all areas of learning. At least so it ought to be! The restrictions of shared time education do not permit us to teach freely these principles and doctrines. The compromises we must make appear to be both ugly and dangerous. The need of the hour is more of God in all things, not less! How long will it take students to discover that the presence of God and Christian applications are not crucial in art, music, and physical education, especially if over a lengthy period of time these applications are never made, and God's presence is never mentioned? How dare we proclaim that all of life is religious and then proceed to exclude Christian ideals from a significant portion of our daily school curriculum? And if art, music, and physical education are good areas for shared time teaching, how do we rationalize not extending it to mathematics? By adding shared time are we not really subtracting from Christian education?

Christian teachers hired into the shared time program may be encouraged to teach like their colleagues in the Christian school. This is at best a shady practice unbecoming Christian education.



It could probably escape detection for much time to come, but the related dishonesty in so doing should be bothersome. Sectarian education at public expense is not constitutional. The Christian school's refusal to accept that fact is at the present time contributing to a serious erosion of the process of Christian education.

Since the shared time program in Michigan education is used primarily in art, music, and physical education, a few additional comments are appropriate. The reasons for a good program of physical education are many. Not the least of these is the need for maximum development of physical strength, endurance, and motor skills. These objectives are shared by secular education. However, secular man has these goals for reasons quite different from Christians. Secular man promotes fitness, strength, endurance, etc., for the pleasure and benefit of man. Our level of motivation is, or at least ought to be, on a higher plane. We seek to promote physical potential in preparation for service to God and man. The Christian body is a temple and vehicle through which God expresses Himself through us. The body of secular man is not programmed for the same purpose and journey. His understanding of his own purpose is crippled by his secular perspective. It is this unique difference in purpose and motivation which compels us to provide physical education, like English and mathematics, with a total Christian perspective. Neither Christians teaching in shared time programs nor secular educators can legally provide this unique Christian point of view.

MORE IS LESS is a slogan that may well be applicable to shared time teaching.

Counseling students is also a crucial function of all those involved in daily teaching. Finding time and opportunity for counseling is not always easy. Removing a student from class for this purpose is often undesirable. This not only leaves a class unattended, but also draws unnecessary and sometimes embarrassing attention to a situation better handled in a more informal school setting. Physical education classes provide precisely that kind of an informal setting so conducive to effective one-to-one counseling. This fact, too, compels us to entrust physical education, especially at lower levels, only to those who share with us the Christian perspective of the nature of man.

Much also can be said for the need of art to be taught from a Christian point of view. Suffice it

to say that man's ability to create, so crucial to art, is a unique part of God's image in man. Dare we then leave the shaping of young students in the development of art, to secular minds or to those restricted by constitutional limits in their religious expressions? Can art be properly understood and appreciated apart from God? All of life is and must be God-centered. Aberrations in this God-centeredness may occur, but they must be the exception and not the norm. God in all things is, I believe, the single most powerful reason for most parents to send their children to Christian schools. In a recent *CEJ* article (Oct., 1978, p. 13), Charles A. Pasma stated correctly that, "The basic premise that Christ is Lord of all of life and of creation must be evident in the goals of each curriculum area." With shared time these goals cannot be achieved. The best that shared time education can accomplish, if constitutionally applied, is to provide "good" education in art, music, and physical education, but with a "neutral" religious application. We have never before been satisfied with neutrality in education; why should today be any different? *More is Less* is a slogan that may well be applicable to shared time teaching. It seems a bit odd, even absurd, that at a time of great financial prosperity we are sharing so much of the secular mind in Michigan Christian education.

Shared time is unnecessary. We have the finances, if we have the faith, to provide on our own a total program that can be excellent, completely Christian, and entirely free from proper constitutional restrictions. In Genesis 18:19 we are reminded that Abraham was chosen "... that he may charge his children ... to keep the way of the Lord" Is that not really the essence of Christian education? Shared time programs do not permit us to teach the whole child "to keep the way of the Lord." *CEJ*

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READER RESPONSE (continued from p. 16)

taining fitness for everyone. A good physical education program complemented with an extensive intramural program in which most students participate and where they're taught to cooperate and participate for pleasure without outside pressure to win is far more preferable than interscholastic sports in which only a minority take part.

3. The school's main task is to instill knowledge and discernment — in the broad, Biblical sense of the term where knowledge involves commitment and directs all of life's activities. I believe the school steps outside of its bounds if it becomes involved in an interscholastic sports program in organized leagues. That task is much better left to community institutions; in British Columbia we have very successful community-organized baseball, soccer, hockey and lacrosse leagues. If left to such agencies, the school can focus on its real task in physical education. Having said this, let me add that I see value in two or three schools getting together for a volleyball tournament or a track meet — as long as every student in the school has a chance to be involved, preferably in teams made up of students from a variety of schools.
4. As Christians we must ask which sports help to "delineate, establish, and communicate a Christian life style and culture." Is it still possible, for instance, for Christians to play football where the professional model stresses values that are in direct conflict with Biblical norms (if you don't believe this, read the Sermon on the Mount and the first letter of John just before you watch a football game), and where Paul's injunction to treat our bodies as the temple of the Holy Spirit is implicitly ridiculed? A few years ago, in a high school where I taught, we withdrew from a hockey league because the way in which the game was played made a mockery of the values we tried to instill in our students. We must be *in* the world — but in some sports leagues we tempt our students to become *of* the world as well!

In short, the basic question that Mr. Ypma — and all of us — must answer is *not* whether "the good outweighs the negative," but in what ways we can develop a physical education program that is in harmony with the aims of Christian education.

Harro Van Brummelen, Education Coordinator,
Society of Christian Schools in British Columbia,
Surrey, British Columbia.

CEJ

UNREALIZED POTENTIAL - ONTARIO

(continued from p. 32)

pluralist society but an undifferentiated public school system?

The questions asked are ones which have been posed for many years and now the OAAIS, together with the OACS, is demanding answers.

The struggle for financial educational freedom in Ontario has been a long one. The denial of financial support to many Christian and alternative schools by the government of Ontario is, as far as I can tell, constitutionally unfounded. The sentiment against independent schools is one expressed by an uninformed majority in Ontario, which claims that independent schools are divisive, elitist, and suffer from a host of other anti-democratic sins. The fact is that independent schools, and especially the Christian schools are, in the truest sense, an expression of a pluralistic society purportedly supported by the democratic governmental system. The constitutional and legal avenues are wide open for the government of Ontario to bring justice into the educational structure by supporting all schools which fulfill a public purpose in a pluralistic society. [CEJ]

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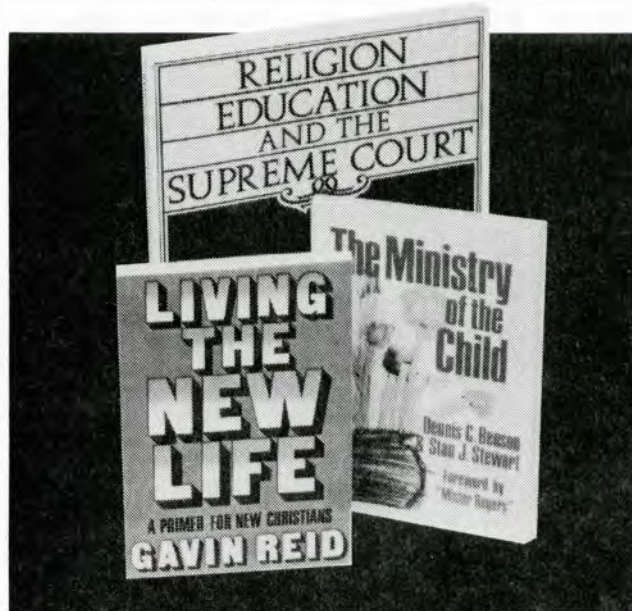
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REMINISCENCE

Cor Barendrecht

I remember the day well:
Cleo and I were leaving the house,
taking the seven-mile walk,
the lonesome, stoney, stubbled path.
We were worried about the story,
that nonsensical story of those women
— wish they'd stayed in the kitchen —
their old wives' tale of the garden,
of the garden tombstone rolled away,
two men in brilliant clothes,
saying: "Christ is risen."
Unbelievable! Unheard of!

And then Cleo — I always called him Cleo,
even though he didn't like it;
reminded him too much of the name
of a Roman dog he knew, he'd say —
Cleo, distressed about the sudden
turn of events, the disappointment
of the last few days, the final loss
of an affectionate friend;
Cleo's bittersweet outburst
tugging his heartstrings and mine:
"But we will still remember him,
his words, his hands, his eyes,
those eyes. . . ., remember
his unending love."

Cleo and I,
preoccupied with our own wounds
and emptinesses,
blind to the scars
in the hands of a stranger;
paying no attention
to the pierced feet
in sandals, catching up with us
just before we reached Emmaus.

"Just imagine. . . the very possibility,"
I ventured, "of a grave robbery. . . ."
But Cleo wouldn't hear of it.
It seemed he was still haunted
by the awful cross, the death,
the taking down, the laying in the tomb.
His clouded mind had not yet reached
the Passover he celebrated
just a day or so ago:
for him the earth stood still at Skull Hill.

And then the stranger
— Galilean, judging by his brogue —
asking so innocently what the trouble was.
Cleo, finding it unacceptable
for anyone to think of other things,
blurted: "But don't you know?"

You mean to say that you're
the only one who really doesn't know
what happened here?"

"What happened?" the stranger asked.
So we told him the whole dreary story;
how we had hoped
he would set Israel free,
and how the women had told rumors
of his being alive.

— We'd passed the stone walls
of a family orchard:
two miles to go; in the distance
the faint outline
of Emmaus' square buildings —

The stranger said it wasn't strange at all;
that Moses and the prophets
had meant to tell us,
and David had sung about it:
The Christ would enter into his glory,
but only after suffering.

"We're here," said Cleo,
"Won't you stay the night?
It's getting dark quick,
and past supper time. . . ."

The stranger stayed,
enjoyed our hospitality;
he said the blessing,
broke the bread
and as we took it
from his hands,
we suddenly could see. . . .
his eyes, his knowing look,
and he was gone.

I remember that first supper,
which was no supper at all;
Cleo and I tucking some bread
in our coat pockets,
leaving the house,
starting the seven mile walk back,
back to Jerusalem.
Remembering on the stoney road,
with broken bread in our hands saying:
"Lord Jesus Christ,
You who take away
the sins of the world,
have mercy
on us."

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