

Features

Court ruling forces schools to improvise

By Rob Cullivan

The white van sat in the school parking lot of St. Stanislaus Parish. Inside, a remedial reading teacher employed by the Rochester City School District led a small group of students in their latest lesson.

The St. Stanislaus students, like their public school counterparts, are entitled to this instruction by Chapter I of the Education Consolidation and Improvement Act, a federally funded education program. But unlike their public school counterparts, the kids from St. Stanislaus can't receive remedial-help within their school.

This would not have been the case three years ago. Up until 1985, all students, regardless of the schools they attended, received remedial instruction in their own schools. Chapter I teachers were part of the staff of the schools in which they worked. Then, in August of that year, the U. S. Supreme Court ruled in *Aguilar vs. Felton* that placing Chapter I instructors on the premises of private and parochial schools violated the constitutional separation of Church and State.

Since that ruling, most parochial schools in the diocese have adjusted with mixed success to the situation created by the Supreme Court decision, according to James McAuliffe, diocesan assistant superintendent for public affairs in the general education department.

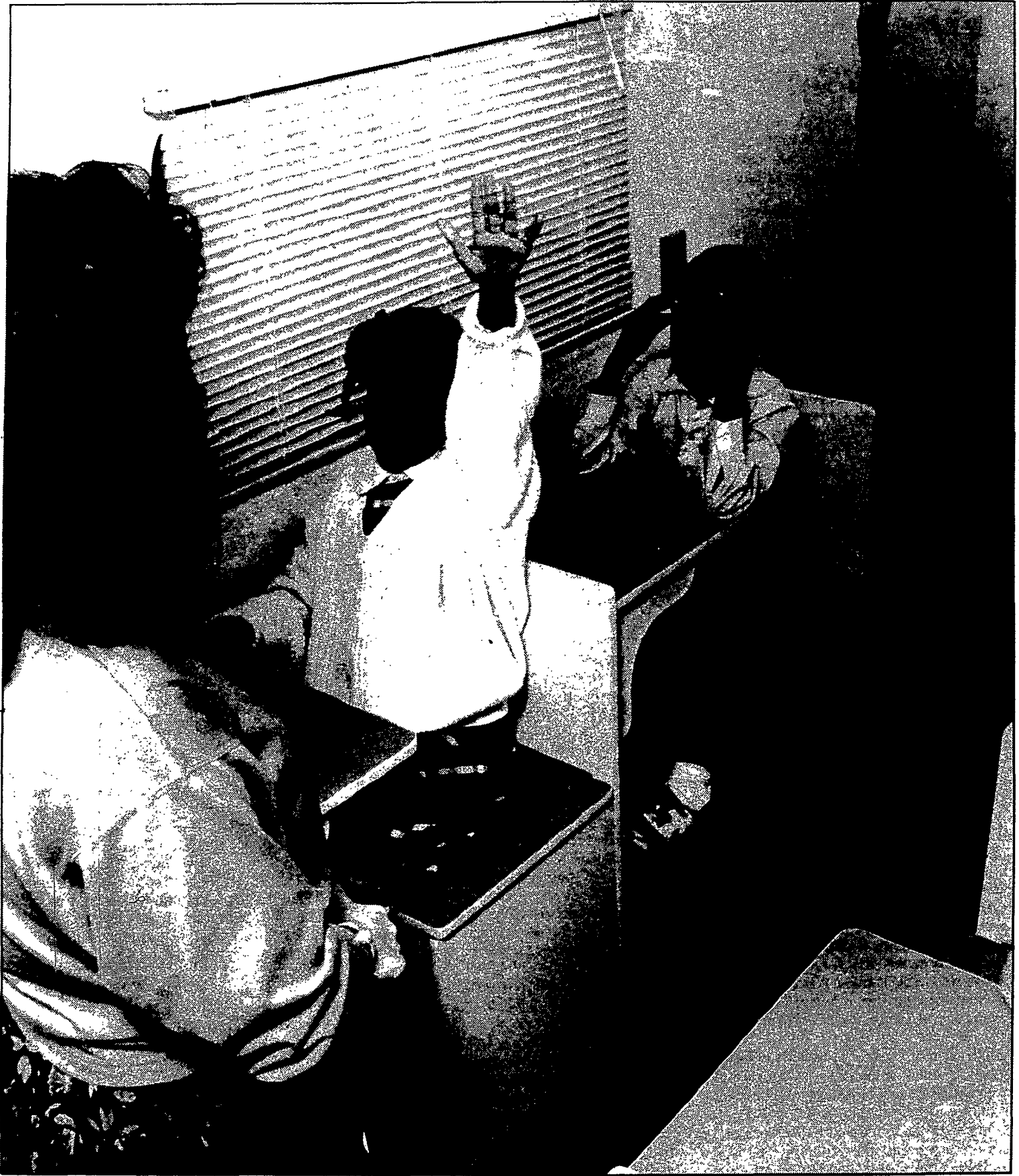
"Some of the arrangements have not been the best for an equitable solution," McAuliffe said, estimating that parochial-student enrollment in the Chapter I program has dropped 50 percent since 1985. But he also said that he didn't think the ruling had had a major effect on the overall enrollment of parochial schools themselves.

Woodrow Hammond, director of the City of Rochester's Chapter I program, said that parochial-student enrollment in the program has dropped, while costs of implementing the program have increased by 40 to 50 percent. Before the Felton decision, the city school district employed four teachers, one for each of the city's four Catholic elementary schools. Now the district employs six teachers and two para-professionals, four who work at the Chapter I program's center on Genesee Street and two who work in the city's instructional vans.

Hammond said that the district has changed its approach to implementing the ruling four times. "I just hope (there aren't) any more options," he said, referring to the various methods tried by the district. Hammond noted that the ruling is ambiguous and leaves its enforcement open to various interpretations.

Sister M. Sheila Luber, principal of St. Stanislaus, has dealt first-hand with the Felton decision's ambiguity. Frequently, she said, she is asked how the city's van constitutes compliance with the Supreme Court's desire to separate church and state.

"How can this van stand on holy ground?" she asked rhetorically. "Well, the answer is it's attached to an unholy pole." The pole to which she referred stands in front of the van and was installed by the city to carry electricity to the



Linda Dow Hayes/Courier-Journal

Inside the Chapter I van, teacher Nancy Nicoletti works on the math skills of her third-grade class. Seated from front to back are Denika Kennedy, Darrell Newton, and Ben English.

mobile classrooms. The federal education department's guidelines concerning implementation of Chapter I in non-public schools prohibit instructional vans from using the electrical lines of parochial schools. But the vans may sit on parochial school grounds if they use separate electric lines.

The van and its publicly funded pole symbolize the creativity that has marked efforts to implement Chapter I in the Diocese of Rochester. Some diocesan schools have bused their eligible students to neutral sites to be instructed, while others have opted to install

computers on which students can teach themselves. A few have even hired private tutors to provide remedial help in the schools.

Like St. Stanislaus, Our Lady of Perpetual Help in Rochester sends its students to a stationary van. Meanwhile, Chapter I students from St. Monica's attend classes at the Genesee Street center. The city located the program on Genesee Street in January of 1986 following a four-month search, according to Mary Walker, program administrator. Walker said it was difficult to locate a neutral site and noted that, ironically, the building was once St. Monica's own school. The building is now owned by a private corporation that leases it to the school district.

With the city district's help, Rochester's Corpus Christi School initiated a Computer-Aided-Instruction program this month for its Chapter I students. Similar programs have been implemented successfully by other schools in the diocese, including Holy Family Intermediate and Junior High School in Elmira, which established its CAI program last year.

Funded by the federal government, the CAI program is intended to bring Chapter I instruction to a level equal to that experienced by parochial students before the Felton decision, according to Sister Patricia Carroll, Holy Family's principal. Federal guidelines allow publicly employed computer aides to enter parochial schools to train students in using computer terminals. The guidelines also allow diagnostic testing of students on school grounds to determine what instruction they need.

Holy Family chose CAI to retain control over Chapter I implementation in its building. Sister Carroll suggested CAI to the Elmira school district after reading a magazine article about a program developed by the Computer Curriculum Corp. The district accepted

the idea after Sister Carroll pointed out its low cost compared to that of buying a van and hiring an instructor.

But the principal's enthusiasm was not solely monetary in origin. "We heard there were some lawsuits (over the presence of instructional vans at parochial schools)," she said. Moreover, some of Elmira's parochial-school students had previously been bused to neutral sites, with less than satisfactory results. "Their leaving the building became detrimental to the students' schedule," Sister Carroll said, referring to the class time bused students often lose while traveling to neutral sites.

Training the program's students in the use of CAI seemed like the ideal way to balance the students' need for remedial instruction against their regular schooling. "If a student's on a machine for 10 minutes, that's theoretically equal to 50 minutes of intensive instruction," Sister Carroll said.

Not all schools have had to deal with the complexities of working around the Felton decision. Immaculate Conception elementary school in Ithaca had the good fortune of being built next to the city district's Central Elementary public school. Eligible students walk to remedial instruction between their regular classes, while other students are in a study period. First, second- and some third-graders are accompanied by adult chaperons. "The teachers do a good job of accommodating it," said Joseph Meskill, school principal. "(The students) are not missing any academics."

Not all parochial schools are so lucky. A bus transports children from Blessed Trinity elementary school in Auburn to a public school for Chapter I instruction, and Sister Walter Anne O'Malley, school principal, holds the Felton decision in low regard. "It's the children

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Reading teacher Bernice Armour helps her students into the van for their daily lesson. The van, supplied by the Rochester City School District, sits only a few feet from the front door of St. Stanislaus School.