

Editorial .

Parochial Education and the State: Who Is in Control?

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Imagine the intrigue, the whispers and hot debate. A new teacher was questioning the authority of the established church, and ministers and administrators were losing not only respect, but face, something to which they were unaccustomed. Therefore, church leadership and sympathetic followers concocted a plan to entrap this individual in his own words. So a selected few visited this teacher and stated--Oh, so subtly ,-"We know you are a man of integrity and that you teach truthfully, regardless of the consequences. You are impartial and are not swayed by power or position. Because of this, we have a question for you, and we want you to share your opinion with us. Is it right to pay taxes to the government or not?"

Recognize the story? "But Jesus, knowing their evil intent, said, ...'Show me the coin used for paying the tax. ' They brought him a denarius, and he asked them, 'Whose portrait is this? And whose inscription?' "

" , Caesar's,' they replied." "Then he said to them, 'Give to Caesar what is Caesar's, and to God what is God's ' " (Matthew 22:18-21 NIV).

From Christ's reply to the Pharisees until today, the relationship of church and state remains perplexing and often hazy. Where do the claims of Caesar (the state) end and those of God (the church) begin? And if the claims of church and state conflict, to whom should authority be granted? Who has primacy of control? Or should primacy of control even be an issue?

I would posit that nowhere is this question of the role of church and state more intricate and complex than in education. Many nations' governments sanction a state-sponsored religion. Even in such countries, however, ambiguity exists between the role of religion in the curriculum and the control of religious schools. In the United States, parochial education and the state are addressed in the First Amendment to the Constitution. "Congress shall make no law respecting an establishment of religion or preventing the free exercise thereof. " Notwithstanding, even during the times of Jefferson and Madison debate raged over church/state issues. Questions still remain today as to how finely the First Amendment should be interpreted. Some advocate a broad, separate, and secular meaning. Others argue for a more accommodating view based upon a perceived intent of the Constitution's framers. Throughout all such discussions, however, is one central issue: control. Who should oversee a child's education? Who has charge of educating youth-governments, school boards, educators, parents, the students themselves?

In many cases, issues of educational accountability and control in the United States are a function of the individual states. Some states, such as Florida and Tennessee, leave considerable discretion to parents and private schools. In the ostensible interest of protecting the welfare of school-age citizens, other states, such as Nebraska, are prescriptive in controlling private education to the point of closing schools and imprisoning those who fail to comply with state directives. In such states the potential obviously exists for private schoolers to run afoul of the law, and some do. Recently, for example, a student was designated by her teacher as the YiP of the week. In this class, the honor allowed students to bring to school something akin to a show-and-tell. The young lady in question brought a video of her singing in her church choir. The teacher remonstrated, "You can't show this. It violates the First Amendment." The principal concurred. The issue ended in the courts. This is remarkable considering that polls consistently show 90% to 95% of Americans believe in the existence of God. Approximately 70% believe in immortality. Approximately 40% state their relationship with God is the most important element of their lives, whereas only 2% state their job is the most important aspect of their lives .This is extraordinary , especially considering the seeming regard the states manifest today toward religious education. Early Protestant Americans did not turn over the education of their youth to the state thinking the education would become unrecognizable in regard to what they saw as the teaching of truth. That only occurred much later as times changed.

Therefore, I have to ask, in a nation whose founding fathers initiated and whose highest judiciary verbally uphold separation of church and state, in a nation where a clear majority of the population believe in the existence of God, how much authority should the state have in prescribing how a parochial school should be governed and what subject matter should be taught? If we are "one nation, under God, indivisible, with liberty and justice for all, " cannot we justifiably and reasonably expect supporters of parochial educational systems (a definite part of the "all") to have locus of control, to establish their own educational goals and curriculum to fulfill the educational and spiritual needs deemed essential for their children. Would this ambition be contrary to the interests of the state for an educated populace? Am I stretching boundaries of credulousness to expect states to support this right through, at best, school-choice policies (think of the double "tuition" the parents of parochial-schoolers pay), or at least accommodation of private schools without harsh, oligarchic, prescriptive controls?

My personal journey as guest editor of this issue began on a fall morning in 1993 as I drove to my office. I was listening to "Morning Edition" on National Public Radio when a report concerning a school voucher initiative in California was aired. I was intrigued. California actually had placed a referendum on the ballot that, if passed, would mandate state support to private education. While I am quite certain William Bennett, who was featured in the report, is unaware that his vigorous support for Proposition 174 was the seed that germinated this issue of the *JRCE*, nonetheless, I thank him. His commentary sparked an interest within me hitherto not seriously considered beyond the generalization, freedom of religion.

Thus began this autumn issue of the *Journal of Research on Christian Education*, an issue that focuses upon the relationship between parochial education and the state. The lead article by Vance Randall, "The State and Religious Schools in America: An Overview of a Rocky Relation- ship," presents an historical perspective of the relationship between religious schools and the state, providing a conceptual framework for understanding religious schools in a society with a public-school ethos.

Two of our articles were generated by Canadians. "Religious Schooling and Prejudice in Canada: Implications for Public Funding of Christian Schools" is authored by John Hiemstra, who examines whether or not attendance at religious schools correlated with higher levels of racial prejudice and whether this correlation would affect current discussions regarding public funding for parochial schools. "Eden Despoiled: A Questionable Experiment in School Choice," by John Vriend, explores the transfer of an independent Mennonite secondary school in Ontario to an alternative public school. This case study indicates the

transition changed the original goals of the school. Vriend presumes that individuals wishing to use alternative-school status to maintain Protestant religious schools as part of public education will be disappointed.

The last two articles are case-law analyses. The first, "Religious Educational Institutions: Limitations and Liabilities under ADEA and Title VII, " is by Ralph Mawdsley. This analysis examines an interpretation of the Age Discrimination in Employment Act and Title VII in light of the two religion clauses in the First Amendment, one protecting free exercise of religion and the other prohibiting an establishment of religion. Lyndon Furst explores "The Employment Contract in Nonpublic Schools: A Review of Case Law. " In this article Furst reviews case law relating to employment-contract issues in nonpublic schools. The review centers around three themes: validity of contracts, procedural issues, and termination of employment. Conclusions are drawn from 20 cases that are described and analyzed.

The discussion section features an interview with Terry Moe. In my Bennett-inspired quest for information on vouchers and school choice, a colleague loaned me the book *Politics, Markets, and America's Schools* authored by John Chubb and Terry Moe. In its pages I found a fresh and stimulating examination of education in America today coupled with educational alternatives, specifically school choice, designed to remedy these major ills. I was so impressed with this work that I contacted Dr. Moe for an interview. The extent of this dialogue explores issues from school choice, the First Amendment, and the charter-school movement to home schooling.

The articles, interview, and book reviews are by no means an exhaustive examination of private education and the state. Rather, they offer the surface scratch, trusting your intellectual and personal interest will be piqued to further inquiry .May your journey through the complexity of state- and parochial- school issues be rewarding.

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