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**Nonpublic schools revisited: A comparative study of nonpublic  
education in North Carolina from 1975 until 1985**

**Graves, Rebecca Webster, Ed.D.**

**The University of North Carolina at Greensboro, 1988**

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NONPUBLIC SCHOOLS REVISITED: A COMPARATIVE STUDY  
OF NONPUBLIC EDUCATION IN NORTH CAROLINA  
FROM 1975 UNTIL 1985

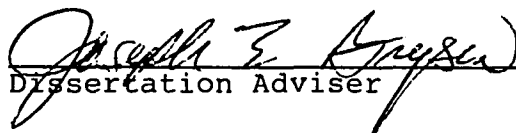
by

Rebecca Webster Graves

A Dissertation Submitted to  
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Doctor of Education

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Approved by

  
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APPROVAL PAGE

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GRAVES, REBECCA WEBSTER, Ed.D. Nonpublic Schools Revisited: A Comparative Study of Nonpublic Education in North Carolina from 1975 until 1985. (1988) Directed by Dr. Joseph E. Bryson. 162 pp.

This study is designed to determine the changes that have occurred in nonpublic education in North Carolina since the time of an earlier study conducted by Lewis Franklin in 1975. Pertinent information was secured by tracing the development of nonpublic education in America and specifically in North Carolina, examining federal court decisions regarding desegregation and busing, examining North Carolina statutes pertaining to nonpublic education, and conducting a survey of nonpublic schools in North Carolina.

A questionnaire similar to the one used by Franklin was prepared to address the following topics: the origin of nonpublic schools, organizational structure, school facilities, outside relations to local and state officials, and transportation. This questionnaire was mailed to 419 nonpublic schools, of which 331--nearly 79 percent--responded.

Based on an analysis of these data, the following conclusions were drawn:

1. Quality education and religious instruction were the main reasons found in both studies for establishing nonpublic schools.
2. The number of religious schools has increased, as has the diversity in the denominations supporting nonpublic schools.
3. The increased number of nonpublic schools since 1968 indicates that these schools will continue to be an important component of education.



4. All-white enrollment was reported in 111 schools and all-black in 6.
5. The inclusion of races other than black and white indicates that more schools are attracting students from other races.
6. Nonpublic schools consistently hold no greater attraction for one sex than for the other.
7. The number of schools with no governing boards has increased; board composition is more varied and clearly defined.
8. Most schools with no governing boards are smaller and more recently established.
9. Chief administrators' titles vary, but their responsibilities are similar.
10. Although the majority of faculty members are white, the number of black faculty members is increasing.
11. Fewer facilities are constructed for use as nonpublic schools.
12. The majority of nonpublic schools have conventional self-contained facilities.
13. Nonpublic schools have little involvement with local public school boards and superintendents of public schools.
14. Few nonpublic schools are accredited by the North Carolina Department of Public Instruction or the Southern Association of Colleges and Schools.
15. Few students in nonpublic schools are transported by bus.

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To her husband, Bill, the author lovingly dedicates this study.

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## CHAPTER I

### INTRODUCTION

Education in America began with privately governed and privately funded schools. Even though public schools became the principal form of education for the great majority of the population, nonpublic education has been and remains an important arm of the entire educational system from nursery school to graduate school. The development of education, both public and nonpublic, has paralleled the historical and social development of the nation in the nineteenth and twentieth centuries. It is the nonpublic schools, both sectarian and nonsectarian, which have responded most readily to changing social conditions. They have provided an avenue for cultural and factional minorities to express, extend, and protect their ideas or ways of living within the greater structure of American society. "In this manner the freedom to be different and so to enrich our cultural milieu has been extended."<sup>1</sup>

In the mid-twentieth century, the American educational system was deeply affected by new laws prohibiting segregated public schools. Many people reacted to these laws by moving

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<sup>1</sup>Otto F. Kraushaar, Private Schools: From the Puritans to the Present, with a foreword by Richard E. Gross (Bloomington, Indiana: The Phi Delta Kappa Educational Foundation, 1976), 5.

away from integrated schools or by establishing nonpublic schools that were not subject to the laws. Issues of desegregation, busing, and white flight have been assessed, analyzed, and interpreted for more than thirty years, not only by social scientists and school administrators, but by federal and state courts, citizen groups, and legislators.<sup>2</sup>

Decisions concerning schools that had formerly been made by educators have in recent years been made by the courts instead. The federal government has become actively involved in educational programs, and social science has played a significant role in court decisions. Indeed, legal, political, and cultural strands of school desegregation have all been entwined and are not easily separated.<sup>3</sup>

Furthermore, many groups in society have been concerned about religious training and the place of prayer in the schools. This concern has been the impetus for the establishment of many nonpublic religious schools. Independent schools continue to exist for children of wealthy, influential, or otherwise elitist groups.

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<sup>2</sup>Dorothy C. Clement, Margaret Eisenhart, and John W. Wood, "School Desegregation and Educational Inequality: Trends in the Literature, 1960-1975," in The Desegregation Literature: A Critical Appraisal (Washington, D.C.: U.S. Department of Health, Education, and Welfare, 1976), 1.

<sup>3</sup>Ibid.

### Purpose and Significance of the Study

In 1975 Lewis Franklin in a doctoral dissertation explored the phenomenal rise of nonpublic schools in the latter half of the twentieth century in North Carolina and other southern states. He investigated several factors that had contributed to unrest in the public schools; however, he found court-ordered desegregation and busing to be the primary causes. When many white families moved to the suburbs where their children could attend schools having little or no integration, this movement became known as "white flight." On the other hand, some families found that nonpublic schools were a preferable alternative to integrated public schools, despite additional costs.<sup>4</sup>

Franklin found "a definite correlation between the rapid increase in the numbers of the so-called Southern academies and the desegregation of public education and the use of forced busing to achieve proper racial quotas."<sup>5</sup>

Since Franklin's study in 1975, no other comprehensive study of nonpublic schools in North Carolina has been conducted. Additional and current information concerning these schools is necessary in order to determine the recent trends in nonpublic education in this state. Thus, the

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<sup>4</sup>Lewis Glenn Franklin, "Desegregation and the Rise of Private Education" (Ed.D. diss., University of North Carolina at Greensboro, 1975), 3-4.

<sup>5</sup>Ibid., 151.



purpose of this study is to show the changes that have occurred in nonpublic education since the time of the earlier study conducted by Lewis Franklin.

In order to fulfill this purpose, the following research question was devised: What are the recent trends in nonpublic education in North Carolina, and how do these compare with the trends disclosed by Franklin's 1975 study?

To answer the question this investigator proposed to pursue the following procedures:

1. Trace the development of nonpublic education in America.
2. Examine the impact on nonpublic education of federal court decisions regarding desegregation and busing.
3. Highlight the historical development of nonpublic education in North Carolina.
4. Examine statutes that pertain to the development of nonpublic education in North Carolina.
5. Conduct a survey of nonpublic schools in North Carolina in order to compare nonpublic education today to nonpublic education in the mid-1970s.

#### Scope of the Study

Both a historical overview of nonpublic educational development in the United States and an in-depth analysis of nonpublic education in the state of North Carolina are included in this study. The progress of nonpublic education

is traced from colonial times to the present. Furthermore, this study explores the impact of desegregation and busing on nonpublic education in the United States. From the results of a questionnaire sent to the chief administrator of each North Carolina nonpublic school (excluding home schools and special schools), tables were compiled, and descriptive passages were used to portray the current nonpublic school scene in North Carolina.

This study also examines recent changes in nonpublic education and compares and contrasts these findings with those of an earlier study of North Carolina nonpublic schools conducted by Lewis Franklin in 1975. The review of pertinent literature and the research of key landmark court decisions tell the story of nonpublic schools in the nation, while the survey of North Carolina nonpublic schools reveals pertinent information about these schools in North Carolina.

The results of this study should prove beneficial to both public and nonpublic school administrators as well as to other persons interested in educational trends.

#### Methods, Procedures, and Sources of Information

Two basic methods were used to gather information for this study: historical research and a survey questionnaire. The historical method was used to trace nonpublic education in the United States and specifically in North Carolina. Appropriate research centers were utilized at the University

of North Carolina at Greensboro, the University of North Carolina at Chapel Hill, the Duke University Law Library, the Guilford County Law Library-Greensboro Division, and the Institute of Government at the University of North Carolina at Chapel Hill. Collected data pertaining to the legal ramifications of forced desegregation, busing, and nonpublic education were separated into appropriate categories and were then examined, analyzed, and synthesized.

The survey questionnaire was sent to the administrator of each North Carolina nonpublic school, excepting home schools and special schools. The information received was compiled in tables and descriptive analyses. Subsequently, the findings were compared and contrasted to those of an earlier study of North Carolina nonpublic schools completed by Lewis Franklin in 1975.

To determine whether a need existed for this type of study, the writer made a computer search of recent dissertation topics related to forced desegregation and nonpublic schools. Summaries of dissertations located in Dissertation Abstracts were examined, and complete copies of relevant dissertations were read and analyzed.

Journal articles and other literature pertinent to this study were located by using the following research tools: Reader's Guide to Periodical Literature, Education Index, Encyclopedia of Educational Research, and Index to Legal

Periodicals. A list of related sources was also obtained through a computer search from the Educational Resources Information Center (ERIC).

Federal and state court cases related to the topic were located through the use of Corpus Juris Secundum and National Reporter System.

Further relevant information was found in the general statutes which have been documented in the Public School Laws of North Carolina and in the original and revised forms of the Constitution of the State of North Carolina.

#### Definition of Terms

For purposes of this study, the following selected terms are defined:

Fundamentalist Christian school: School operated by persons who believe in a literal interpretation of the Bible.

Home school: "School in which one or more children of not more than two families or households receive academic instruction from parents or legal guardians, or a member of either household."<sup>6</sup>

Independent school: School supported by tuition and gifts and governed by private associations.

Nonpublic school: School not supported by public funds, e.g., a private church school, a school of religious charter,

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<sup>6</sup>North Carolina Gen. Stat. § 115C-563.

an independent school, a private school, a parochial school, a Christian academy, or a fundamentalist Christian school.

Private church school: School governed and owned by representatives of a local congregation.

Qualified nonpublic school: Nonpublic school which has one or more of the following characteristics:

- (1) It is accredited by the State Board of Education.
- (2) It is accredited by the Southern Association of Colleges and Schools.
- (3) It is an active member of the North Carolina Association of Independent Schools.
- (4) It receives no funding from the State of North Carolina.<sup>7</sup>

School of religious charter: School primarily religious in thrust and governed by a board of directors who are self-perpetuating or elected by parents.

### Design of the Study

This study comprises six parts, with Chapter I serving as an introduction.

Chapter II examines literature that provides a historical perspective of major developments in nonpublic education in the United States from colonial times to the present. It also addresses major court decisions concerning desegregation and busing.

Chapter III highlights the historical development of nonpublic education in North Carolina and discusses the North

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<sup>7</sup>North Carolina Gen. Stat. § 115C-555.

Carolina statutes that specifically refer to nonpublic education.

Chapter IV discusses the data which were obtained primarily through the use of a survey questionnaire sent to North Carolina nonpublic school administrators. The data are analyzed and then compared with the results found in an earlier study by Lewis Franklin in 1975.

Chapter V summarizes and draws conclusions from this examination of related literature, pertinent case and statutory law, and the questionnaire sent to nonpublic school administrators in North Carolina. The question posed in Chapter I is then answered according to the information resulting from the survey. Finally, recommendations and topics for further study in this subject area are suggested.

## CHAPTER II

### REVIEW OF RELATED LITERATURE

The current belief of Americans that it is the responsibility of the government to provide an education for all children gradually evolved after the Civil War. Before that time, the distinction between public and nonpublic schools was not clear, "except in the minds of persons like Horace Mann and Henry Barnard who vigorously promoted the cause of free, universal education."<sup>1</sup>

The colonists shared three ideas concerning the education of their children: first, their concept of "schooling as an extension of the family, the church, and the apprenticeship system rather than as a function of government"; second, their desire for their children to read and understand the Bible; and third, their need to use available resources for teachers, materials, and salaries.<sup>2</sup>

Because of their diverse backgrounds and cultural heritages, the colonists tended to organize themselves into settlements widely differing in nature. Most often they located according to their religious backgrounds. As Kraushaar pointed out,

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<sup>1</sup>Kraushaar, 7.

<sup>2</sup>Ibid., 7-8.

the Anglicans [settled mainly] in Virginia and the Carolinas, the Catholics in Maryland, the Puritans in New England, the Dutch Calvinists in New Netherlands, and the Quakers, Swedish and German Lutherans, Moravians, Dunkards, and Mennonites in Pennsylvania.<sup>3</sup>

All colonial schools had a "common feature in the religious motive."<sup>4</sup>

From these various religious groups three distinct patterns of culture developed in the three geographical areas of colonial America: New England, with its life centered around the town; middle colonies with their diverse religious groups, who sought freedom to live as they chose; and the southern colonies, with their desire to build a "new England as much like the old as possible."<sup>5</sup> Some historians have characterized the early schools in these three regions as "democratic" in New England, "religious" in the middle colonies, and "aristocratic" in the southern colonies.<sup>6</sup>

During the 170 years of the colonial period three distinct patterns of education developed in America. As the colonists adapted to the New World, they soon "realized that their educational philosophy and school structure had to fit the conditions in which they found themselves and the dreams

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<sup>3</sup>Ibid., 7.

<sup>4</sup>Ellis Ford Hartford, Education in These United States (New York: The Macmillian Company, 1964), 86.

<sup>5</sup>S. E. Frost, Jr., Historical and Philosophical Foundations of Western Education (Columbus, Ohio: Charles E. Merrill Books, Inc., 1966), 250-251.

<sup>6</sup>Hartford, 81.



they had for the future."<sup>7</sup> Therefore, even though their goal was the same--"to bring up their children in the piety and civility they had known in the homeland"<sup>8</sup>--the kind and quality of schooling differed among the colonies. In any case, the British colonies in America played a profound role in the development of both public and nonpublic schools in America.

### Colonial Period

#### New England

For several reasons the New England colonies were most influential in the development of education. The leaders themselves were perhaps more interested in education because of their own scholastic backgrounds. In the Massachusetts Bay Colony alone there were 130 men who had attended the universities at Oxford, Cambridge, or Dublin.<sup>9</sup> These men were naturally concerned about the education of their own children. Moreover, the New England colonies were composed of compact villages, where it was practical to place schools in locations easily accessible to students. The colonies also had the support of the Congregational Church, which worked "with town authorities to maintain schools and educate the people in the principles of the accepted religion."<sup>10</sup>

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<sup>7</sup>Frost, 251.      <sup>8</sup>Kraushaar, 7.

<sup>9</sup>Ibid., 9.      <sup>10</sup>Frost, 314.

The Puritans who settled in New England during the colonial period contributed more to the development of future education than did any other group.<sup>11</sup> Their early schools "had both the secular purposes of modern public schools and the general religious purpose which marks the independent day schools of today."<sup>12</sup> The Massachusetts laws of 1634 and 1638 which called for the common taxation of all property to benefit the town and colony established "a principle that lies at the basis of all present-day taxation for the support of schools."<sup>13</sup>

A few years later a compulsory education law, the Massachusetts law of 1642, was enacted, stipulating that local officials should require parents or guardians to see that their children were taught to read. It stipulated that

the selectment of every town, in the several precincts and quarters where they dwell, shall have a vigilant eye over their brethren and neighbors to see, first, that none of them shall suffer so much barbarism in any of their families as not to endeavor to teach, by themselves or others, their children and apprentices so much learning as may enable them perfectly to read the English tongue, and knowledge of the capital laws; upon penalty of 20s. for each neglect therein.<sup>14</sup>

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<sup>11</sup>Ellwood P. Cubberley, Public Education in the United States, rev. and enl. ed. (New York: Houghton Mifflin Company, 1934), 14.

<sup>12</sup>Frank D. Ashburn, A Parents' Guide to Independent Schools and Colleges (New York: Coward-McCann, Inc., 1956), 89-90.

<sup>13</sup>Cubberley, 14.

<sup>14</sup>Mortimer J. Adler, ed., Discovering a New World, 1493-1754, vol. 1 of The Annals of America (Chicago: Encyclopedia Britannica, Inc., 1968), 170.

This law made a significant contribution to education because "for the first time in the English-speaking world, a legislative body representing the State ordered that all children should be taught to read."<sup>15</sup>

Although this law was actually the first to require compulsory education by a civic legislative body in colonial America, it was difficult to enforce, since it did not also require that schools be provided, and most parents had neither time nor money to furnish this education for their children.<sup>16</sup> Consequently, the Massachusetts School Law of 1647, or "Old Deluder Satan Act" as it was called, was passed to establish compulsory school maintenance. This law read as follows:

It being one chief project of that old deluder Satan to keep men from the knowledge of the Scriptures, . . . it is therefore ordered that every township in this jurisdiction, after the Lord has increased them to the number of 50 householders, shall then forthwith appoint one within their town to teach all such children as shall resort to him to write and read, whose wages shall be paid either by the parents or masters of such children, or by the inhabitants in general, by way of supply, as the major part of those that order the prudentials of the town shall appoint; provided those that send their children be not oppressed by paying much more than they can have them taught for in other towns.

And it is further ordered that where any town shall increase to the number of 100 families or householders, they shall set up a grammar school, the master thereof

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<sup>15</sup>Cubberley, 17.

<sup>16</sup>Earnest E. Bayles and Bruce L. Hood, Growth of American Educational Thought and Practice (New York: Harper and Row, 1966), 11.

being able to instruct youth so far as they may be fitted for the university, provided that if any town neglect the performance hereof above one year that every such town shall pay £5 to the next school till they shall perform this order.<sup>17</sup>

The Massachusetts School Law "clearly placed the responsibility of establishing schools upon the civil authorities of the local government."<sup>18</sup> Once this idea was established in Massachusetts, other New England colonies adopted it.<sup>19</sup> Although the law was not always followed, it did provide a pattern for education that is still operational today.

The two types of schools operating in the New England colonies were the "petty" or "dame" schools and the "grammar" schools. These corresponded roughly to the elementary and secondary schools of today. The dame school, as the name implies, was operated by a woman of the colony, usually in her own home. It provided children with at least some of the rudiments: they learned the "alphabet and reading with the aid of the hornbook and primer and were introduced to the psalter and catechism."<sup>20</sup>

The Latin grammar schools, as the name suggests, were concerned primarily with the teaching of Latin and were

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<sup>17</sup>Adler, 184.

<sup>18</sup>George R. Cressman and Harold W. Benda, Public Education in America: A Foundation Course, 3d ed. (New York: Appleton-Century-Crofts, 1966), 25.

<sup>19</sup>Mehdi Nakosteen, The History and Philosophy of Education (New York: The Ronald Press Company, 1965), 431.

<sup>20</sup>Kraushaar, 9.

established throughout all of the colonies except Georgia.<sup>21</sup> These schools were financed by private donations, head tax, and/or tuition.<sup>22</sup> Although the Latin grammar schools were primarily designed for college preparation for boys aspiring to be clergymen and lawyers and for sons of the wealthy,<sup>23</sup> they remained the most important way for boys to receive a secondary education until the rise of the academy in the late eighteenth century.<sup>24</sup>

### Middle Colonies

Unlike the New England colonies which were generally Puritan in faith, the middle colonies were composed of people with various nationalities, faiths, languages, and political and cultural backgrounds.<sup>25</sup> These middle colonies represented "the melting pot that was to be America."<sup>26</sup> Therefore, the educational pattern that evolved for them, although authoritarian, was largely pluralistic in nature.

This was essentially true of Pennsylvania, which exemplifies the typical middle-colony pattern.<sup>27</sup> Here parochial schools were the rule, since schooling was

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<sup>21</sup> Joseph S. Roucek and Richard E. Gross, "The European Impact Upon American Educational History," in Heritage of American Education, ed. Richard E. Gross (Boston: Allyn and Bacon, Inc., 1962), 240.

<sup>22</sup> Kraushaar, 10. <sup>23</sup> Hartford, 83.

<sup>24</sup> Roucek and Gross, 240. <sup>25</sup> Kraushaar, 13.

<sup>26</sup> Nakosteen, 432. <sup>27</sup> Bayles and Hood, 12.

considered a church matter rather than a public concern; therefore, each denomination could establish a school of its own faith. However, since Pennsylvania was founded by William Penn, who was a Quaker and supporter of free public education, it was the Quakers who dispersed the liberal philosophy for schools, whether public or private, English or classical, cultural or practical, male or female. Quaker children were generally literate, since the Quakers taught both their own children and others to read, write, and cipher in schools that were either free or supported by tuition.<sup>28</sup>

Unlike the New England colonies, Pennsylvania's government was "distinctly secular and, true to Penn's Quaker faith, thoroughly tolerant of religions other than his own."<sup>29</sup> Quakers, Lutherans, Moravians, Mennonites, German-Reformed, Presbyterians, Baptists, Catholics, and other religious faiths all managed to live peacefully near each other "without religious dissension."<sup>30</sup>

Even though the Dutch West India Company which settled New Netherlands had money-making as its main purpose, its directors founded schools in eleven communities<sup>31</sup> because parents wanted language and religious instruction for their children. Both the church and the local government controlled the first schools; however, "after the English took control

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<sup>28</sup>Kraushaar, 13.      <sup>29</sup>Bayles and Hood, 13.

<sup>30</sup>Ibid.      <sup>31</sup>Kraushaar, 11-12.

of the colony, and renamed it New York (1664), the schools were largely controlled by the church, although funds were collected for their support by consent of the government."<sup>32</sup>

The Duke's Laws, formulated by the Duke of York in 1665 for the New York Colony government, reflected the attitude of the English that "children were to be apprenticed either by their parents or guardians or by the community. Teachers were required to be licensed by some official of the established church."<sup>33</sup> Except for this stipulation, education was left to private schools or charitable organizations, and children from both rich and poor families were admitted to the schools. Ten English schools, two Dutch tuition schools, one French, and one Hebrew school were in existence in New York City by 1762.<sup>34</sup>

Since religious pluralism and a variety of spoken languages, political concepts, and cultural backgrounds were major characteristics of the middle colonies,<sup>35</sup> education was primarily supported by sectarian, charitable, and private interest groups.<sup>36</sup> These factors made the establishment of church-state educational systems, like those of the New England and southern colonies, an impossibility in the middle colonies.<sup>37</sup>

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<sup>32</sup>Hartford, 82.    <sup>33</sup>Frost, 265.    <sup>34</sup>Kraushaar, 12-13.

<sup>35</sup>Nakosteen, 433.    <sup>36</sup>Hartford, 82.    <sup>37</sup>Nakosteen, 433.

### Southern Colonies

While the New England colonies had taken definite steps to establish public education and the middle colonies had done the same for parochial schools, the southern colonies lagged behind in education in spite of the fact that the first English settlements were there.<sup>38</sup>

Since the dominant religion in the southern colonies was Anglican (Church of England), "religion did not wield the power over personal thought and aspiration that it did in New England."<sup>39</sup> The wealthy plantation owners were able to provide for the education of their children through private tutors, parish priests, or endowed tuition schools; the reading of the Bible was not a matter of public concern to them.<sup>40</sup> The bond servants and Negro slaves who worked on the plantations were in no position to take an interest in education, and there was no middle class to need or to demand schools.<sup>41</sup> Furthermore, towns and plantations were separated by great distances, making it difficult to establish educational facilities. Thus, the educational program as a whole in the South reflected the laissez faire attitude.<sup>42</sup>

There were, however, some individual exceptions to this general attitude of indifference to education. In 1635 a wealthy plantation owner, Benjamin Syms, left

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<sup>38</sup>Hartford, 82.      <sup>39</sup>Bayles and Hood, 14.      <sup>40</sup>Ibid.

<sup>41</sup>Hartford, 83.      <sup>42</sup>Bayles and Hood, 14.



two hundred acres of land on the Poquoson, a small tributary of the Chesapeake Bay, and the produce and increase from eight cows for a free school "to educate and teach the children of the adjoining parishes of Elizabeth City and Poquoson," the first produce and increase from the cattle to be used to build a school-house and the subsequent produce and increase to support the education of poor scholars.<sup>43</sup>

Later Thomas Eaton left an even more substantial bequest similar to that of Syms, and soon others followed. Such privately endowed schools as these served a public function similar to the one the English settlers had known in the old country.<sup>44</sup>

Unlike these privately endowed schools, the old field schools which came later were crudely established on cleared vacant fields and dispersed throughout the South before the Civil War. They were often conducted in a building or outhouse on a plantation<sup>45</sup> or in open or worn out tobacco fields "available free to the poor, with others paying tuition."<sup>46</sup>

The Anglican parishes where the parson taught spelling and reading served as models for the later charity schools, with teachers, books, and funds provided by contributions from the Society for the Propagation of the Gospel in Foreign Parts.<sup>47</sup> This society

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<sup>43</sup>Lawrence A. Cremin, American Education: The Colonial Experience, 1607-1783 (New York: Harper and Row, 1970), 177-178.

<sup>44</sup>Kraushaar, 8.      <sup>45</sup>Cubberley, 424-425.

<sup>46</sup>Kraushaar, 8.      <sup>47</sup>Ibid.

developed the largest, most systematized, and best-financed program of education in provincial America, establishing and subsidizing churches, schools, and libraries by the score. Its intent, naturally enough, was to guarantee colonial allegiance to the king and the Anglican church. Its effect, ironically, was to extend literacy in the colonies at precisely the time the Revolutionary literature began to circulate. When the Revolutionaries triumphed in 1783, one of the first things they did was expel the Society.<sup>48</sup>

To summarize, each of the three geographical regions had its own unique contribution to make to the encouragement of education in America, in spite of the major differences that characterized them as a result of the different cultural patterns which they represented.

#### Nineteenth Century

While the colonial period was characterized by a "remarkable diversity of schools," the period extending from the Revolutionary War to the post-Civil War period reveals a period of "haphazard" educational development:

Quasi-public town schools were available to children in the larger communities, as were charity schools for the poor and a variety of private schools for those who could afford them. But for some children little more than a bare introduction to learning was accessible, and those living in sparsely settled country lacked even that.<sup>49</sup>

The greatest deficiency in educational opportunities was at the middle school level, since the grammar school with its narrow curriculum and goals was out of touch with the

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<sup>48</sup>Lawrence A. Cremin, Traditions of American Education (New York: Basic Books, Inc., 1977), 23-24.

<sup>49</sup>Kraushaar, 16.

social, political, and cultural changes going on throughout the nation.<sup>50</sup>

### Academies

To alleviate this weakness, academies serving as middle schools were established; they offered both a college preparatory course and a terminal program.

Many states encouraged academy founding by authorizing grants of land and money to chartered institutions. That assistance, augmented by life-giving tuition payments, by church support for denominational academies, and by income from endowment for the few fortunate enough to have any, enabled thousands of academies to carry on fruitful careers.<sup>51</sup>

Although the origin of the word "academy" may be traced to Plato's Greek academy, its modern usage derives from John Milton's essay "Of Education," in which Milton attacked "the sterility of the classical curriculum of the English schools" and suggested in its place academies with a "broader, more practical course of study."<sup>52</sup> The ideas Milton proposed in this essay influenced dissenters who came to America and established academies, many of which were located in the South.<sup>53</sup>

A prominent and influential American, Benjamin Franklin, apparently was also inspired by Milton's essay, for he was instrumental in establishing academies in America. Franklin realized that

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<sup>50</sup>Ibid.    <sup>51</sup>Ibid., 16-17.

<sup>52</sup>Ibid., 18.    <sup>53</sup>Ibid.

the study of classical languages and literature was fast degenerating into a shibboleth of the educated class and that the Latin grammar school, whose chief beneficiaries were the ministry, the gentleman, and the scholar, was already an anachronism.<sup>54</sup>

In his treatist on education, Franklin stated that students should be taught subjects that were useful as well as those that were ornamental. This statement closely resembles the ideas of John Locke, who earlier had proposed as a proper curriculum one that emphasized foreign languages, mathematics, science, history, and manual arts, deferring to utilitarianism. Such optimistic common-sense approaches to education as those suggested by Milton and Locke appealed to men like Franklin "who dared consult their own reason and experience instead of relying on tradition."<sup>55</sup>

Probably the first American academy was Franklin's Academy in Philadelphia, which admitted students in 1751 and later became the University of Pennsylvania.<sup>56</sup> This academy was steadily followed by a number of others:

By 1830 there were . . . 950 incorporated academies in the United States, and many unincorporated ones, and by 1850, . . . when the wave of interest in their establishment reached its crest, there were, of all kinds, 1007 academies in New England, 1636 in the Middle Atlantic States, 2640 in the Southern States, 753 in the Upper Mississippi Valley States, and a total

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<sup>54</sup> Otto F. Kraushaar, American Nonpublic Schools: Patterns of Diversity (Baltimore: The Johns Hopkins University Press, 1972), 60.

<sup>55</sup> Kraushaar, Private Schools, 19.

<sup>56</sup> Ellwood P. Cubberley, The History of Education (New York: Houghton Mifflin Company, 1920), 463.

reported for the entire United States of 6085, with 12,260 teachers employed and 263,096 pupils enrolled. A phenomenal development, considering that there were but 6000 high schools as late as 1890!<sup>57</sup>

The military school represented a particular kind of academy or boarding school. The early establishment of the United States Military Academy at West Point in 1802 and the Naval Academy in 1850 contributed to their growth and popularity. These military academies had as their educational philosophy the concept "of strict, systematic mental and physical discipline in orderliness, teamwork and leadership training, until these virtues become ingrained and habitual in the form of self-discipline and self-control."<sup>58</sup> Even today some of these military schools still survive, and many are church related, often with Episcopal or Catholic affiliation.<sup>59</sup>

The popularity of the academies declined after the Civil War. With the emergence and acceptance of the public high schools,

the academies faced the option to close or to go forward with a new mission. A few became colleges, some were transformed into state normal schools, many were acquired by local communities and converted into public high schools, while a substantial group in the Northeast and South altered their character and emerged as socially and academically exclusive college preparatory boarding schools.<sup>60</sup>

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<sup>57</sup>Cubberley, Public Education, 247.

<sup>58</sup>Kraushaar, American Nonpublic Schools, 67.

<sup>59</sup>Kraushaar, Private Schools, 24. <sup>60</sup>*Ibid.*, 25.

### Religious Schools: Catholic

In 1852, the Roman Catholic First Plenary Council of Baltimore "urged bishops to see to it that schools be established in connection with the churches of their dioceses, an admonition repeated by the Second Plenary Council in 1866."<sup>61</sup> With immigration, it had taken only fifty years for the Catholics to grow "from a tiny minority to the single largest religious group in the nation."<sup>62</sup> But there were "widespread misgivings of Catholics over the proselytizing and Protestant slant that marked the public schools in the 19th century."<sup>63</sup> Thus, the Third Plenary Council of 1884 made mandatory and universal the policy established in 1852 requiring that

a parochial school be erected near each Catholic church (unless one was already in operation) and ordering Catholic parents to send their children to Catholic schools unless released from that obligation by the bishop or ordinary of the diocese.<sup>64</sup>

Thus, the leadership of the Roman Catholic church established in slightly over a century the "world's largest private school system, a formidable structure, though not really a 'system'

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<sup>61</sup> Lawrence A. Cremin, American Education: The National Experience, 1783-1876 (New York: Harper and Row, 1980), 169.

<sup>62</sup> Patricia M. Lines, "The New Private Schools and Their Historic Purpose," Phi Delta Kappan 67 (January 1986): 374.

<sup>63</sup> Ibid.

<sup>64</sup> Cremin, American Education: The National Experience, 169.

in the strict sense."<sup>65</sup> Over 90 percent of the children in nonpublic schools were in Roman Catholic schools from the middle of the nineteenth century until the mid-1960s.<sup>66</sup>

The public responded in two ways to the emergence of the Catholic schools. One response was hostility, as Catholics were viewed by some people as a threat to public schools; their schools were also considered poor, overcrowded, undesirable, and even unpatriotic.<sup>67</sup>

The second public response involved the substitution of nondenominationalism for Protestant values in order to reform public schools and assure acceptance of them by religious minorities.<sup>68</sup>

Although nonpublic education began in this country almost solely for religious purposes, signs of a movement toward secular education were evident as early as 1817 when Thomas Jefferson submitted a draft of an "Act for Establishing Elementary Schools" stating that "no religious reading, instruction, or exercise shall be prescribed or practiced inconsistent with the tenets of any religious sect or denomination."<sup>69</sup> The nondenominational education movement gained an influential supporter when in 1837 Horace Mann, who "strove to find a common denominator for all religious

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<sup>65</sup>Kraushaar, American Nonpublic Schools, 23.

<sup>66</sup>Lines, 374.      <sup>67</sup>Ibid.

<sup>68</sup>Ibid.      <sup>69</sup>Ibid., 375.

views," became secretary to the Massachusetts Board of Education.<sup>70</sup> Near the end of the century John Dewey in his book, The School and Society, discussed the "Jeffersonian concept of education in which religion had little or no place."<sup>71</sup> Said Dewey:

What the best and wisest parent wants for his own child, that must the community want for all of its children. Any other ideal for our schools is narrow and unlovely; acted upon, it destroys our democracy.<sup>72</sup>

The Cardinal Principles of Secondary Education published by the U.S. Bureau of Education in 1918 included health, worthy home membership, command of the fundamental process, vocation, civic education, worthy use of leisure, and ethical character<sup>73</sup> but did not include religious instruction. All of these incidents were indications that secular education would be a certainty in the future.

#### Religious Schools: Protestant

Prior to the Civil War, the great majority of the population was composed of Protestants who considered the public schools "their own creation" reflecting their "beliefs and mores." Unlike the Catholics, the Protestants in the nineteenth-century represented "many splinter religious

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<sup>70</sup>Ibid.    <sup>71</sup>Ibid.

<sup>72</sup>John Dewey, The School and Society, rev. ed. (Chicago: The University of Chicago Press, 1915), 3.

<sup>73</sup>Cressman, 197.



groups, each with its own special theology and jealously guarded identity."<sup>74</sup> Indeed, each felt compelled to build its own schools:

That was the response of many Calvinists, Lutherans, Episcopalians, Quakers, and Dutch Reformed. Old-line Congregationalists, Presbyterians, Methodists, and Baptists, however, were more disposed to go along with the secularized education offered by the state, but urged the faithful to supplement that schooling with religious instruction in the home and at Sunday school.<sup>75</sup>

Even though the Protestant parochial school movement had considerable strength in the first half of the nineteenth century, it was only after the "chauvinism of the early 1920s" had lessened that the movement picked up momentum:

Partly as a result of the growing secularization of the public schools, and partly as a conscious effort of the third generation to reidentify with ethnic and religious cultures which had been an embarrassment to the second generation, the founding of denominational schools was resumed with vigor. But now the educational zeal of old-line Protestant denominations, with a tenuous history of schools stretching back to colonial times, was matched by new sects which had come into being or had been renewed in the fires of the nineteenth-century evangelical revival movement. Methodists and Baptists of various special persuasions, Seventh-Day Adventists, Assembly of God churches, the Christian Reformed group, and many other small, proliferating, independent sects are responsible for much of the very recent growth of Protestant denominational schools.<sup>76</sup>

The Protestant denominations were deeply committed to strengthening a clear sense of sectarian identity in the

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<sup>74</sup>Kraushaar, Private Schools, 34.      <sup>75</sup>Ibid.

<sup>76</sup>Kraushaar, American Nonpublic Schools, 30.

operation of their full-time schools with denominational size making little difference.<sup>77</sup>

In Oregon a 1925 Supreme Court decision played an influential role in perpetuating nonpublic schools when the case of Pierce v. Society of Sisters<sup>78</sup> affirmed the rights of parents and guardians to choose the form of education they desired for their children. At issue was Oregon's 1922 Compulsory Education Act designed to prohibit nonpublic elementary schools. According to this statute, parents or guardians were required to send their children between the ages of eight and sixteen to the public schools in the district where they lived.<sup>79</sup> Challenged by two nonpublic schools, an Oregon cooperation that operated a parochial school and a private cooperation that operated a military academy, this statute was held unconstitutional when Justice James C. McReynolds observed:

We think it entirely plain that the Act of 1922 unreasonably interferes with the liberty of parents and guardians to direct the upbringing and education of children under their control. As often heretofore pointed out, rights guaranteed by the Constitution may not be abridged by legislation which has no reasonable relation to some purpose within the competency of the State. The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the State to standardize its children by forcing them to accept instruction from public

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<sup>77</sup> Ibid.

<sup>78</sup> Pierce v. Society of Sisters, 268 U.S. 510 (1925).

<sup>79</sup> Ibid., 510.

teachers only. The child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations.<sup>80</sup>

Regarding state control of education, the Court declared:

No question is raised concerning the power of the State reasonably to regulate all schools, to inspect, supervise and examine them, their teachers and pupils; to require that all children of proper age attend some school.<sup>81</sup>

The Pierce decision clearly established the right of parents to make an educational choice for their children while at the same time it upheld the power of the state to compel and control education.<sup>82</sup>

Over the years the Lutherans have been heavily committed to parochial schooling. Their schools increased at a rapid pace during the colonial period but remained steady in number from 1850 until after the Civil War and from around 1900 until World War I, and again increased after World War II.<sup>83</sup>

The Seventh Day Adventist Church was and still is recognized for its interest in education and health, its religious publications, and its missionary work throughout the world, "all supported by the most generous tithing to be

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<sup>80</sup>Ibid., 534-535.      <sup>81</sup>Ibid., 534.

<sup>82</sup>Julius Menacker, School Law: Theoretical and Case Perspectives (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1987), 24.

<sup>83</sup>Kraushaar, American Nonpublic Schools, 32-33.

found anywhere in American churches."<sup>84</sup> Ellen G. White, responsible for the founding of the Adventist schools, explained their philosophy:

True education means more than the pursual of a certain course of study. It means more than a preparation for the life that now is. It has to do with the whole being, and with the whole period of existence possible to man. It is the harmonious development of the physical, the mental, and the spiritual powers. It prepares the student for the joy of service in this world and for the higher joy of wider service in the world to come.<sup>85</sup>

The first Adventist academy was established in 1872, and today an international educational system consisting of elementary and secondary schools, colleges, and universities is in operation.<sup>86</sup>

The Presbyterians, a Calvinist denomination, established and operated many schools prior to the Civil War, but they fell victim to internal church conflict and the public ideology which spread at a rapid pace. Consequently, many Presbyterian schools gradually became nonsectarian, and few of them exist today, mainly in the South.<sup>87</sup>

Among the early Protestant schools, those established by the Episcopal Church in America were different from the others since "unlike the dissenting sects that settled most

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<sup>84</sup>Ibid., 33.

<sup>85</sup>Ellen G. White, Education (Omaha, Nebraska: Pacific Press Publishing Association, 1952), 13.

<sup>86</sup>Kraushaar, American Nonpublic Schools, 34.

<sup>87</sup>Ibid., 37-38.

American colonies, Episcopalians took root on the shores of the Chesapeake Bay without a break in polity with the parent Church of England."<sup>88</sup> The slow growth of their schools was probably due to the absence of a bishop to serve as a guide and facilitator of these efforts. Following the Revolutionary War, the Episcopal church seceded from the Church of England, and the Protestant Episcopal church in the United States was created, after which these schools began to grow steadily.<sup>89</sup>

Under the guidance of the Quakers of England, their schools were among the first religious schools to be organized in America. They were tied closely to public schools, and in time many received public support and were taken over by the state. The smooth transitions were possible "because the Quaker school day was free of exercises in credal affirmations and formal religious instruction."<sup>90</sup> This fact also explains why today many non-Quaker students attend Quaker schools.

With the early Methodists, preaching received more attention than did formal schooling "with the circuit riders appealing to the common man and winning converts in mountain cabins, sod houses and camp meetings along the expanding frontier."<sup>91</sup> After 1850, parochial schools, academies and colleges were founded, but these diminished in number with

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<sup>88</sup>Ibid., 40.      <sup>89</sup>Ibid.

<sup>90</sup>Ibid., 43.      <sup>91</sup>Ibid., 38.

the onset of the Civil War. The Methodist Church saw to it that secular instruction came from public schools and that religious education came from Sunday schools. Day schools received little attention with much of the church's resources going to home and foreign missions.<sup>92</sup>

The Baptists founded many academies before 1860, but most of them closed during and following the Civil War. New schools were established after Reconstruction, and others continued to open after the turn of the century because of the fear of "godlessness" in the schools and the controversy involving the teaching of science and religion, specifically the teaching of the evolution theory.<sup>93</sup>

In the twentieth century other small parochial units have appeared--Hebrew, Amish, Black Muslim, and others. Although there were seven Hebrew schools by 1854, that number had increased to only about thirty by 1940. The majority of Hebrew schools in existence today were founded after World War II, when large numbers of Jews fled to America, settled here, and became prosperous.<sup>94</sup>

Beginning with the Delaware school in 1925, the number of Amish schools has steadily increased. The Amish desired to preserve their traditional values and customs and found it relatively easy to do so in the little red public

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<sup>92</sup>Ibid., 38-39.    <sup>93</sup>Ibid., 39.    <sup>94</sup>Ibid., 46.

schoolhouses. Only when these schools became consolidated, did they find it necessary to establish their own schools.<sup>95</sup>

The Black Muslim nonpublic schools have only recently been established. Although these schools do not resemble the American denominational schools, they are religious in nature. They

are usually conducted in a religious-ethnic mosque-like setting replete with the trappings, vestments, dome and crescent of Mohammedism, the 'Nation of Islam' . . . [with their objective] . . . to endow the child with a positive, dynamic self-image and thoroughly disciplined outlook on life.<sup>96</sup>

### Boarding Schools

After 1825, independent schools, especially the prestigious boarding schools, were for a time quite popular. The difference between these independent schools and denominational schools is "blurred by the fact that certain denominational schools think of themselves primarily as independent and secondarily as denominational,"<sup>97</sup> and that their patrons think they are academically superior to public schools. This is true especially of the Episcopal, Presbyterian, Quaker, and certain Catholic schools.<sup>98</sup>

Among the popular boarding schools were Round Hill in Massachusetts and Flushing Institute on Long Island, whose

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<sup>95</sup>Kraushaar, Private Schools, 42.

<sup>96</sup>Kraushaar, American Nonpublic Schools, 49.

<sup>97</sup>Ibid., 54.      <sup>98</sup>Ibid.

graduates continued to support these schools and to help establish others.<sup>99</sup>

By the end of the nineteenth century two types of girls' boarding schools were in existence. One type, exemplified by Emma Willard and Mt. Holyoke seminaries, was developed to be predominantly college preparatory schools by those who wanted to provide the same quality of education for young women as for young men.<sup>100</sup>

The second kind of girls' boarding school, "while not neglecting intellectual culture, stressed the cultivation of the 'feminine' womanly virtues."<sup>101</sup> Such was the case with Miss Porter's, a proprietary school founded in Farmington, Connecticut, in 1843; it served as a model, since many of its graduates were employed as the staff for other similar schools. Often these schools functioned as proprietary schools before becoming incorporated as non-profit institutions.<sup>102</sup>

Although many academies had been transformed into boarding schools to prepare students for college, in the twentieth century their attractiveness diminished. Public high schools prepared increasing numbers of students for college. At the same time, as the cost of boarding schools

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<sup>99</sup>Ibid., 65.      <sup>100</sup>Ibid., 73.

<sup>101</sup>Ibid.      <sup>102</sup>Ibid.



escalated, they became less desirable as an alternative to public schools.<sup>103</sup>

### Twentieth Century

#### The Progressive Movement

In the early twentieth century a general rebellion arose against the "harsh pedagogy" of the public schools. The result was the establishment of various new "progressive" schools.<sup>104</sup> Although he had lived in the preceding century, Francis Wayland Parker was acclaimed by John Dewey as the "father of progressive education" because he had protested against the narrow curriculum and rote learning found in the formal traditional classroom and had replaced it with a child-centered program that emphasized first-hand observation, description, and comprehension.<sup>105</sup> In establishing his own ideas of progressive education, Dewey reversed Parker's method of beginning with practice and moving to theory, but retained a somewhat similar philosophy. When Dewey established his progressive private school, the Laboratory School at the University of Chicago, he explained that its purpose was

to discover in administration, selection of subject-matter, methods of learning, teaching, and discipline, how a school could become a cooperative community

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<sup>103</sup> Kraushaar, Private Schools, 47-48.

<sup>104</sup> Kraushaar, American Nonpublic Schools, 81.

<sup>105</sup> Ibid., 80.

while developing in individuals their own capacities and satisfying their own needs.<sup>106</sup>

The idea of the progressive schools caught on rapidly. Some of the new ones were founded by "teachers who, in seeking to apply a special pedagogical theory, went out and sought the parents," while still others were established by "parents who were fed up with public school traditionalism and went out in search of a teacher."<sup>107</sup>

An organization that grew out of the progressive movement was the Progressive Education Association, which

endorsed nonsectarian principles for education, including freedom for children to develop naturally; student interest as the motive for learning; the teacher as a guide, not a taskmaster; the scientific study of pupil development; greater attention to all that affects children's physical development; and cooperation between school and home.<sup>108</sup>

Many experimental nonpublic schools came into existence during this time. Some resembled the country day schools but offered different programs; some were established in the inner-city for high school dropouts; others were in various locations ranging from converted barracks to deserted churches. Still others were patterned after such

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<sup>106</sup> Lawrence A. Cremin, The Transformation of the School: Progressivism in American Education, 1876-1957 (New York: Alfred A. Knopf, Inc., 1962), 136.

<sup>107</sup> Kraushaar, American Nonpublic Schools, 81.

<sup>108</sup> Lines, 375.

models as the Montessori, Leicestershire, or Summerhill schools.<sup>109</sup> The majority of community schools were organized for preschool and elementary students, but occasionally parents, teachers, and philanthropists established novel secondary schools.<sup>110</sup>

In his book, The Transformation of the School, Cremin described the events that marked the rise and fall of the progressive movement as he related

The story of the progressive education movement: of its genesis in the decades immediately following the Civil War; of its widespread appeal among the intellectuals at the turn of the century; of its gathering political momentum during the decade before World War I; of its conquest of the organized teaching profession; of its pervasive impact on American schools and colleges, public and private; of its fragmentation during the 1920's and 1930's; and of its ultimate collapse after World War II.<sup>111</sup>

As Cremin observed, the Progressive Education Association's "failure was neither financial nor philosophical, but ultimately political: it simply failed to comprehend the fundamental forces that move American education."<sup>112</sup> Even though progressivism was ridiculed and abused during the 1950s and early 1960s,

it has more recently re-emerged in altered form and with the benefit of a new social and political awareness that was lacking in its original embodiment. Its

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<sup>109</sup> Kraushaar, American Nonpublic Schools, 83-84.

<sup>110</sup> Ibid., 85.

<sup>111</sup> Cremin, Transformation of the School, ix.

<sup>112</sup> Ibid., 273.

influence on traditional education has been pervasive and profound; there is scarcely a school in the United States which is untouched by the concepts and methods of the progressive education movement.<sup>113</sup>

### Independent Day Schools

The progressive school movement had a profound effect on the philosophy of the independent day schools. The majority of these schools are fairly new, although several Quaker and Episcopal and other church-related schools affiliated with the independent schools are several centuries old. Generally founded in this century, the day school "was most influenced by the progressive movement,"<sup>114</sup> and many of these can be found in or close to a city.<sup>115</sup>

The country day schools fall into the independent day school category. This type of school was established to provide an educational facility "away from the smoky, vice-laden city environment, where young people could receive in classrooms and on playing fields an education comparable to that offered at a good New England boarding school,"<sup>116</sup> but which would also allow the students to return to their homes in evenings and on weekends. As early as 1937, the Country Day Headmasters' Association was well established and boasted over 100 members, intent upon establishing this type of school.<sup>117</sup>

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<sup>113</sup>Kraushaar, American Nonpublic Schools, 83.

<sup>114</sup>Ibid., 79.      <sup>115</sup>Kraushaar, Private Schools, 48.

<sup>116</sup>Ibid.      <sup>117</sup>Ibid., 48-49.

To many public school advocates, the word public represents "virtue, patriotism and democracy" while private means "elitism, snobbery, or undemocratic and un-American attitudes."<sup>118</sup> It is for this reason that many of the nonsectarian nonpublic schools now wish to be known as independent schools. As self-governing institutions, these independents are at liberty at least in theory "to be as imaginative and experimental, or as traditional or eccentric as they please."<sup>119</sup> Actually, they must be whatever the education market will buy. Since families differ in their ideas concerning what is the best education for their children, various types of independent schools exist.<sup>120</sup>

### Desegregation

The phenomenal increase in the number of nonpublic schools in the late 1960s and 1970s was directly related to the historic decision in Brown v. Board of Education of Topeka<sup>121</sup> that "separate but equal" schools for different races were unconstitutional. The social effects of desegregation reverberated throughout the nation.

In 1950 Reverend Oliver Brown took his daughter, Linda, by the hand and began the short walk to Sumner Elementary School located in Topeka, Kansas. The unsuccessful effort

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<sup>118</sup>Ibid., 45.    <sup>119</sup>Ibid.    <sup>120</sup>Ibid.

<sup>121</sup>Brown v. Board of Education of Topeka, 347 U.S. 483 (1954). (Hereafter, this case will be referred to in this text as Brown I.)

to enroll Linda in the second grade at the all-white school located only four blocks from her home began the long struggle to allow black children to attend public schools with white children and prompted Reverend Brown to file suit against the Topeka School Board.<sup>122</sup>

In 1954 in the Supreme Court case of Brown I, the question was:

Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities?<sup>123</sup>

On May 17, 1954, Chief Justice Earl Warren delivered without dissent the following decision of the Supreme Court:

We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.<sup>124</sup>

Twenty-one of the then forty-eight states had constitutional provisions or state laws overturned as a result of the Brown I decision.<sup>125</sup> In Bolling v. Sharpe,<sup>126</sup> a companion

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<sup>122</sup>U.S. Commission on Civil Rights, Twenty Years After Brown (Washington, D.C.: U.S. Government Printing Office, 1977), 1.

<sup>123</sup>347 U.S. 493. <sup>124</sup>*Ibid.*, 495.

<sup>125</sup>H. C. Hudgins, Jr. and Richard S. Vacca, Law and Education: Contemporary Issues and Court Decisions, rev. ed. (Charlottesville, Virginia: The Michie Company, 1985), 261.

<sup>126</sup>Bolling v. Sharpe, 347 U.S. 497 (1954).

case to Brown I, segregation in the schools in the District of Columbia was also declared unconstitutional.

As a result of the 1954 Brown I decision, in 1955 a second case, Brown v. Board of Education of Topeka,<sup>127</sup> followed for the purpose of implementing the earlier decision. In Brown II, Chief Justice Earl Warren delivered the opinion of the Court which suggested guidelines for ending racial discrimination in public schools. The District Courts were instructed

to take such proceedings and enter such orders and decrees consistent with this opinion as are necessary and proper to admit to public schools on a racially nondiscriminatory basis with all deliberate speed the parties to these cases.<sup>128</sup>

However, the major responsibility for ending segregation in public schools was given to the school authorities.<sup>129</sup>

The two Brown cases left many unanswered questions, and much litigation followed. Numerous desegregation cases were heard by the lower federal courts, some of which were appealed and ruled upon by the United States Supreme Court.<sup>130</sup>

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<sup>127</sup>Brown v. Board of Education of Topeka, 349 U.S. 294 (1955). (Hereafter, this case will be referred to in this text as Brown II.)

<sup>128</sup>Ibid., 301.      <sup>129</sup>Ibid., 299.

<sup>130</sup>Edward C. Bolmeier, Landmark Supreme Court Decisions on Public Social Issues (Charlottesville, Virginia: The Michie Company, 1973), 96.

The issue in Cooper v. Aaron<sup>131</sup> dealt with whether the legislature and the governor of the state of Arkansas could refuse to obey an order by the Federal Court to desegregate the public schools according to the Brown I decision. Chief Justice Earl Warren, who delivered the opinion of the Court, stated:

The constitutional rights of children not to be discriminated against in school admission on grounds of race or color declared by this Court in the Brown case can neither be nullified openly and directly by state legislators or state executive or judicial officers, nor nullified indirectly by them through evasive schemes for segregation whether attempted "ingeniously or ingenuously."<sup>132</sup>

Bolmeier observed that although Cooper received comparatively little publicity, it remains an important landmark decision for the following reason:

If the Supreme Court had upheld the defiant action of the Legislature and Governor of Arkansas, the very foundation of our federal government would have suffered. The decision in Brown, which struck down segregation of the races in the public schools, would have been nullified; the United States Constitution, which designates the United States Supreme Court as final arbiter to legal disputes, would have been ignored; and, in fact, the whole federal system of government, which has prevailed for nearly two centuries, would have been in jeopardy.<sup>133</sup>

In the mid-1960s, considered the transitional period of desegregation, federal funds were provided to schools along with guidelines for desegregation. The passage of the

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<sup>131</sup>Cooper v. Aaron, 358 U.S. 1 (1958).

<sup>132</sup>Ibid., 17.      <sup>133</sup>Bolmeier, 102.



Civil Rights Act of 1964 prompted the federal government to enforce desegregation of the schools further, with the judiciary reflecting these efforts. Even though school districts were moving at a slower pace than was desired, plans to comply with federal mandates were employed.<sup>134</sup>

Nonpublic schools are in a way "a second generation problem that has arisen in the course of attempts to circumvent desegregation."<sup>135</sup> Southern legislatures made early attempts to thwart desegregation action by directly and indirectly providing tuition grants to segregated nonpublic institutions.<sup>136</sup> Several cases involving schemes such as this were brought to Court, of which one of the best known is the case of Griffin v. County School Board of Prince Edward County.<sup>137</sup>

Griffin resulted from an effort to evade desegregation, in which

the defendant county officials closed the county public schools and contributed to the support of the private segregated white schools which took the place of the public schools; at the same time public schools in all the other counties of the state were being maintained.<sup>138</sup>

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<sup>134</sup>Hudgins and Vacca, 263.

<sup>135</sup>Clement, 15.

<sup>136</sup>Ibid., 15-16.

<sup>137</sup>Griffin v. County School Board of Prince Edward County, 377 U.S. 218 (1964).

<sup>138</sup>12 L. ed. 2d 256.

A "freedom of choice" program later replaced the "massive resistance" to desegregation.<sup>139</sup> Justice Hugo L. Black, who delivered the opinion of the Court, stated that action taken by the state of Virginia was unconstitutional and observed that

Whatever nonracial grounds might support a State's allowing a county to abandon public schools, the object must be a constitutional one, and grounds of race and opposition to desegregation do not qualify as constitutional.<sup>140</sup>

In order to assure immediate action, Justice Black added the following statement to his ruling of the case:

The time for mere "deliberate speed" has run out, and that phrase can no longer justify denying these Prince Edward County school children their constitutional rights to an education equal to that afforded by the public schools in other parts of Virginia.<sup>141</sup>

Both voluntary and mandatory techniques were used to desegregate school systems. Voluntary techniques can be a part of desegregation plans that are mandated;<sup>142</sup> however, unsuccessful attempts of open defiance to avoid desegregation prompted some Southern school districts to turn to more evasive tactics.<sup>143</sup> Among the voluntary techniques proposed and variously applied were the following:

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<sup>139</sup>377 U.S. 221-222.    <sup>140</sup>Ibid., 231.    <sup>141</sup>Ibid., 234.

<sup>142</sup>James B. Stedman, "Busing for School Desegregation," Issue Brief, Order Code IB81010 (Washington, D.C.: Library of Congress, Congressional Research Service, 1985), 6.

<sup>143</sup>Dianne Ravitch, "Desegregation: Varieties of Meaning," in Shades of Brown: New Perspectives on Desegregation, ed. Derrick Bell (New York: Columbia University, 1980), 38.

1. Freedom of Choice Plans or Open Enrollment Plans, whereby students may attend school where they and their parents choose;
2. Majority-to-Minority-Transfers, whereby students of a majority race at one school may transfer to schools where they will be in the minority;
3. Magnet Schools, whereby students of all races throughout a school system are attracted to schools with specifically designed programs and curricula.<sup>144</sup>

The result of the freedom of choice plans was often little or no desegregation within the school system. The Supreme Court was compelled "to look not at the legality of a plan in the abstract but to the effect that the plan had in accomplishing the intended purpose of creating a unitary system."<sup>145</sup>

The issue involved in the 1968 case of Green v. County School Board of New Kent County, Virginia,<sup>146</sup> as observed by the Supreme Court was that three years after the freedom-of-choice plan was put into effect in New Kent County, Virginia, no white students had elected to attend the

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<sup>144</sup>Stedman, 6.

<sup>145</sup>Hudgins and Vacca, 263.

<sup>146</sup>Green v. County School Board of New Kent County, Virginia, 391 U.S. 430 (1968).

all-black school and only 15 percent of the black students attended the formerly all-white school.<sup>147</sup>

In speaking for the Court, Justice William J. Brennan, Jr., noted that the school board must "come forward with a plan that promises realistically to work, and promises realistically to work now."<sup>148</sup> Furthermore, it must "fashion steps which promise realistically to convert promptly to a system without a 'white' school and a 'Negro' school, but just schools."<sup>149</sup>

Concerning the freedom of choice plan, the Court noted:

Where it offers real promise of aiding a desegregation program to effectuate conversion of a state-imposed dual system to a unitary, nonracial system there might be no objection to allowing such a device to prove itself in operation. On the other hand, if there are reasonably available other ways, such for illustration as zoning, promising speedier and more effective conversion to a unitary, nonracial school system, "freedom of choice" must be held unacceptable.<sup>150</sup>

#### Mandatory Desegregation Techniques

The mandatory reassignment and transportation of students to achieve desegregation of public schools caused social upheaval and controversy. Some of the plans employed by school districts throughout America for mixing the races in the schools follow:

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<sup>147</sup>Ibid., 441.

<sup>148</sup>Ibid., 439.

<sup>149</sup>Ibid., 442.

<sup>150</sup>Ibid., 440-441.

1. Neighborhood attendance zones, whereby students attend schools in their neighborhood or those closest to their homes;
2. Redrawn Attendance Zones, whereby the zones are redefined but the schools' grade structures remain intact;
3. Paired Schools, whereby a predominantly white school zone is "paired" with a predominantly black school zone creating a single attendance zone in which grades 1-3 are housed in one school and grades 4-6 in the other;
4. Clustered schools, whereby an extension of the pairing technique is applied to three or more schools;
5. Modified Feeder Schools, whereby a predominantly black elementary school and a predominantly white elementary school both send their students to the same higher-level school, thus creating an integrated middle or junior high school;
6. New School Construction, whereby sites for construction of new schools are selected with concern for accomplishing desegregation.<sup>151</sup>

In spite of the Brown decision, numerous school boards assigned students to schools "in such a manner as to

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<sup>151</sup>Stedman, 6-7.

perpetuate segregated schools."<sup>152</sup> Considerable "gradualism" was permitted. Consequently, the Federal Court of Appeals was flooded with court cases as local school boards attempted, with frequent reluctance, to convert their dual school systems to unitary systems.<sup>153</sup>

One year after the Green case, the issue of gradualism finally came to a head in the percurian opinion in Alexander v. Holmes County Board of Education<sup>154</sup> when the Court insisted that

continued operation of segregated schools under a standard of allowing "all deliberate speed" for desegregation is no longer constitutionally permissible. Under explicit holdings of this Court the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools.<sup>155</sup>

The two Brown decisions, as well as other Supreme Court decisions involving desegregation, directly affected the nonpublic schools. One noticeable result was the establishment of "segregation academies" in the South following the enactment of the Civil Rights Act of 1964. Thereafter, the schools were under increasing pressure from the federal government to desegregate. To avoid the integrated schools,

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<sup>152</sup>Edward C. Bolmeier, The School in the Legal Structure, 2d ed. (Cincinnati, Ohio: The W. H. Anderson Company, 1973), 78.

<sup>153</sup>Ibid.

<sup>154</sup>Alexander v. Holmes County Board of Education, 396 U.S. 19 (1969).

<sup>155</sup>Ibid., 20.

white parents turned more and more to nonpublic education, and by 1969 academies were mushrooming.<sup>156</sup>

### Busing

The device of using buses to bring about desegregated schools became a legal issue in the early 1970s after the Brown I and Brown II decisions "established legal doctrines and precedents that were to have long-range repercussions in American education and on busing as a traditional adjunct to education."<sup>157</sup> In large urban areas where segregated neighborhoods and schools were concentrated, it became necessary to bus children out of their neighborhood schools to other schools. Busing was no longer simply transportation; it had "acquired ascendancy in the 1970s as a symbol of desegregation."<sup>158</sup>

The 1971 case of Swann v. Charlotte-Mecklenburg Board of Education<sup>159</sup> was concerned with busing as a means of desegregating the nation's schools; indeed it had a direct impact on the issue.

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<sup>156</sup>John C. Walden and Allen D. Cleveland, "The South's New Segregation Academies," Phi Delta Kappan 53 (December, 1971): 234.

<sup>157</sup>Howard Ozmon and Sam Craver, Busing: A Moral Issue (Bloomington, Indiana: Phi Delta Kappa Educational Foundation, 1972), 20.

<sup>158</sup>Clement, Eisenhart, and Wood, 33.

<sup>159</sup>Swann v. Charlotte-Mecklenburg board of Education, 402 U.S. 1 (1971).

Swann identified four problem areas: racial quotas, one-race schools, attendance zones, and transportation. In delivering the opinion of the Court, Chief Justice Warren E. Burger, Jr., stated that "The Constitutional command to desegregate schools does not mean that every school in every community must always reflect the racial composition of the school system as a whole."<sup>160</sup>

". . . The existence of some small number of one-race, or virtually one-race, schools within a district" does not mean that the school system "still practices segregation by law." However, it is the court's responsibility to "scrutinize such schools," and it is up to the school authorities "to satisfy the court that their racial composition is not the result of present or past discriminatory action on their part."<sup>161</sup>

Remedial altering of attendance zones "as an interim corrective measure" was not considered "to be beyond the broad remedial powers of a court."<sup>162</sup> Therefore, because desegregation plans could not "be limited to the walk-in school," the busing of students was considered to be an acceptable desegregation tool.<sup>163</sup>

In Swann, Chief Justice Burger commented on what later became known as "white flight" when he referred to busing in the future:

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<sup>160</sup> Ibid., 24.      <sup>161</sup> Ibid., 26.

<sup>162</sup> Ibid., 27.      <sup>163</sup> Ibid., 30.



It does not follow that the communities served by such systems will remain demographically stable, for in a growing, mobile society, few will do so. Neither school authorities nor district courts are constitutionally required to make year-by-year adjustments of the racial composition of student bodies once the affirmative duty to desegregate has been accomplished and racial discrimination through official action is eliminated from the system. This does not mean that federal courts are without power to deal with future problems; but in the absence of a showing that either the school authorities or some other agency of the State has deliberately attempted to fix or alter demographic patterns to affect the racial composition of the schools, further intervention by a district court should not be necessary.<sup>164</sup>

If the Supreme Court had ruled in Swann that no difference existed between de facto and de jure segregation, Brown I would have applied to all states having de facto segregation.<sup>165</sup> As Joseph E. Bryson, professor at the University of North Carolina at Greensboro, indicated:

De jure and de facto segregation are distinctions without a difference. There never has been any real pragmatic difference--that is to say, they both end up with the same series of circumstances--black students in all black schools and white students in all white schools.<sup>166</sup>

Because of the minimal difference implication in the two types of segregations, the first Supreme Court desegregation case outside the South was Keyes v. School District No. 1.<sup>167</sup> The school system in Denver, Colorado,

<sup>164</sup> Ibid., 31-32. <sup>165</sup> Hudgins and Vacca, 264.

<sup>166</sup> Joseph E. Bryson, "'Salting the Bird's Tail' and the Question of 'Reasonableness' in Public School Desegregation," (unpublished paper, University of North Carolina at Greensboro, 1970), 9.

<sup>167</sup> Keyes v. School District No. 1, 413 U.S. 189 (1973).

had "never been operated under a constitutional or statutory provision that mandated or permitted racial segregation in public education."<sup>168</sup> The parents of Denver students stated that the

School Board alone, by use of various techniques such as the manipulation of student attendance zones, schoolsite selection and a neighborhood school policy, created or maintained racially or ethnically (or both racially and ethnically) segregated schools throughout the school district.<sup>169</sup>

Rather than rule on whether or not de facto segregation was constitutional, Justice William J. Brennan, Jr., who delivered the opinion of the Court, stated: "We emphasize that the differentiating factor between de jure segregation and so-called de facto segregation . . . is purpose or intent to segregate."<sup>170</sup> The Court further stated: "If the District Court determines that the Denver school system is a dual school system, respondent School Board has the affirmative duty to desegregate the entire system 'root and branch.'"<sup>171</sup>

In the 1974 interdistrict integration case of Milliken v. Bradley<sup>172</sup> certiorari was granted

to determine whether a federal court may impose a multi-district, areawide remedy to a single-district de jure segregation problem absent any finding that the other included school districts have failed to

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<sup>168</sup>Ibid., 191.      <sup>169</sup>Ibid.

<sup>170</sup>Ibid., 208.      <sup>171</sup>Ibid., 213.

<sup>172</sup>Milliken v. Bradley, 418 U.S. 717 (1974).

operate unitary school systems within their districts, absent any claim or finding that the boundary lines of any affected school district were established with the purpose of fostering racial segregation in public schools, absent any finding that the included districts committed acts which effected segregation within the other districts, and absent a meaningful opportunity for the included neighboring school districts to present evidence or be heard on the propriety of a multidistrict remedy or on the question of constitutional violations by those neighboring districts.<sup>173</sup>

Chief Justice Warren Burger, who delivered the opinion of the Court, pointed out:

Before the boundaries of separate and autonomous school districts may be set aside by consolidating the separate units for remedial purposes or by imposing a cross-district remedy, it must first be shown that there has been a constitutional violation within one district that produces a significant segregative effect in another district. Specifically, it must be shown that racially discriminatory acts of the state or local school districts, or of a single school district have been a substantial cause of interdistrict segregation. Thus an interdistrict remedy might be in order where the racially discriminatory acts of one or more school districts caused racial segregation in an adjacent district, or where district lines have been deliberately drawn on the basis of race. In such circumstances an interdistrict remedy would be appropriate to eliminate the interdistrict segregation directly caused by the constitutional violation. Conversely, without an interdistrict violation and interdistrict effect, there is no constitutional wrong calling for an interdistrict remedy.<sup>174</sup>

The Supreme Court relied on the Swann decision for its ruling in Pasadena City Board of Education v. Spangler.<sup>175</sup>

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<sup>173</sup> Ibid., 721-722.      <sup>174</sup> Ibid., 744-745.

<sup>175</sup> Pasadena Board of Education v. Spangler, 427 U.S. 424 (1976).

The District Court had set a standard stating that "no majority of any minority" of students could be enrolled in the Pasadena elementary, junior high or senior high schools.<sup>176</sup> Shifts in population had caused the black-white ratio in some of the schools to change.<sup>177</sup> Justice William H. Rehnquist, who delivered the opinion of the Court, stated that since the initial implementation of the desegregation plan was successful,

the District Court was not entitled to require the PUSD [Pasadena Unified School District] to rearrange its attendance zones each year so as to ensure that the racial mix desired by the court was maintained in perpetuity. For having once implemented a racially neutral attendance pattern in order to remedy the perceived constitutional violations on the part of the defendants, the District Court had fully performed its function of providing the appropriate remedy for previous racially discriminatory attendance patterns.<sup>178</sup>

Away from the courts, other opinions about busing emerged. William L. Pharis, a school principal, stated what the busing situation really should be in this practical manner:

The school is the reason for the bus ride. . . .

. . . . .  
If we can do these things--appreciate diversity, welcome differences, value every child, and create programs that help other people do the same--then the bus ride will be a good trip. If we do otherwise, busing will be a waste of gasoline and a cruel hoax for children.<sup>179</sup>

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<sup>176</sup>Ibid., 428.      <sup>177</sup>Ibid., 435-436.      <sup>178</sup>Ibid., 436-437.

<sup>179</sup>William L. Pharis, "Where the Bus Stops," National Elementary Principal 51 (January 1972): 97.

A black man, Miller Boyd from Tennessee, confused about busing to achieve integration in the early 1970s, stated:

When I read that bussing to achieve integration is such an awful sin, and I see angry faces on television that seem to prefer death to bussing, I tremble. For if bussing to achieve integration is so terrible, just think what all those years of bussing to achieve segregation must have done to my psyche--and just think, I never knew it.<sup>180</sup>

### White Flight

One of the most common and serious problems that occurred with desegregation was what came to be known as "white flight." White flight, as the name implies, involves white students leaving public schools in order to avoid desegregation. Two forms of white flight were "the transfer of students to private schools within the district and the movement of families out of the school district."<sup>181</sup>

The extent of the first form of white flight, student transfer to nonpublic schools, is easily assessed by examining trends in enrollment in public and nonpublic schools before and after desegregation. This type of white flight occurred in significant numbers in some areas such as

<sup>180</sup> Miller w. Boyd, "Bussing--The Other Side of the Coin," School and Community 59 (March 1973): 33.

<sup>181</sup> Christine H. Rossell, "Desegregation Plans, Racial Isolation White Flight, and Community Response," in The Consequences of School Desegregation, ed. Christine H. Rossell and Willis D. Hawley (Philadelphia: Temple University Press, 1983), 23.

Mississippi, where there was nearly 100 percent increase between 1968 and 1969 in student transfers to nonpublic schools within the same district.<sup>182</sup>

The second form of white flight, residential movement of households, was more serious for it could have a long-term effect on the segregation of housing and other social institutions, thus causing a white enrollment decline for the school district. A white flight variation involving residential movement occurred within a school district when the school assignment patterns tended to favor certain areas. Some areas required more transportation by bus than others, and to avoid this busing, whites often moved to a different attendance zone in the same district. During the height of the busing issue in Charlotte, North Carolina, newspapers advertised houses for sale that would not involve additional busing of students.<sup>183</sup>

Of these two types of white flight, student transfer was less damaging to a community than was the movement of families out of the school district, for students might return at a later time, but entire families would not be likely to relocate a second time. A counterargument, however,

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<sup>182</sup>J. Dennis Lord, Spatial Perspectives on School Desegregation and Busing, Resource Papers for College Geography, No. 77-3 (Washington, D.C.: Association of American Geographers, 1977), 28.

<sup>183</sup>*Ibid.*, 28.

was that those families might be replaced by others who would put their children in the public schools.<sup>184</sup>

It is difficult to determine which of these two forms of white flight had the greater impact on education, for most research fails to distinguish between them.<sup>185</sup> Certainly, the residential movement is more difficult to document than is student transfer, since numerous school districts, especially in large cities, had a decline in the number of whites enrolled even before desegregation.<sup>186</sup>

Summarizing the research on desegregation and white flight, Rossell reported in 1979 that the following propositions were characteristic of the white flight phenomenon:

1. The case studies find that most flight from desegregation takes the form of relocation to private schools within the district, rather than residential relocation outside the district.
2. The average court-ordered desegregation plan--about 30 percent black students and 5 percent white students reassigned, with a reduction in segregation of 30 points--results in an additional white enrollment loss of 8 to 10 percentage points in the year of implementation in school districts above 35 percent black.
3. White reassignments to formerly black schools result in two to three times the white enrollment loss of black reassignments to white schools.
4. Most studies find white flight to be a function of a first-order interaction effect between school desegregation and proportion black. Two studies show a threshold effect at 30 or 35 percent black.

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<sup>184</sup>Rossell, 23.      <sup>185</sup>Ibid., 23-24.

<sup>186</sup>Lord, 28.

5. White flight has no relation to the educational quality and social status of the minority receiving school.
6. The greater the busing distance, the greater the white flight, but only in the implementation years.
7. There is greater white flight from elementary school desegregation than from secondary school desegregation.
8. Phased-in plans may result in greater white flight than plans implemented in one year because the more advance notice white parents receive, the more white flight results.
9. Negative newspaper coverage of desegregation during the year before implementation increases white flight.
10. The greater the extent of protest demonstrations during the year before desegregation, the greater the white flight.
11. Those who withdraw their children from the public schools because of school desegregation tend to be of higher income and educational level than those who do not. White schools with higher achievement levels have greater loss rates with desegregation than those with lower achievement levels.
12. Metropolitan desegregation plans have less white enrollment loss than do city school district desegregation plans.
13. The long-term effect of school desegregation on white flight appears to be neutral or positive in countywide and suburban school districts.
14. There is a tendency for families already residing in the school district not to enroll preschool students when they reach school-age because of school desegregation, but it is difficult to estimate the long-term effect of this.
15. School desegregation continues to have a negative long-term effect on white enrollment change in large, central-city school districts above 35 percent minority.
16. The more extensive the school desegregation plan the greater the net benefit in terms of the instrumental goal of interracial contact (the proportion white in the average black child's school), despite implementation year losses in white enrollment. Moreover, this net benefit is evident as long as four years later and the effect is greatest in school districts with enrollments at or above 35 percent black, despite the fact that it is these districts that experience the greatest white enrollment loss upon desegregation.



17. Magnet-mandatory desegregation plans produce more interracial contact, despite greater white flight, than magnet-only plans, at least over the short run.<sup>187</sup>

Regardless of its impact on desegregation, white flight certainly had negative effects on education. The heavy loss in school enrollment of middle-income and high-income whites resulting from the flight caused a loss of support for public schools. The public schools' loss of high income families to nonpublic schools also resulted in a reduction of social contacts and interactions in the varying cultures and classes for students.<sup>188</sup>

White flight . . . worsens racial isolation and reduces community morale and support for desegregation. Thus slow, incremental change sets up patterns of behavior that interact to defeat several desegregation goals at once.<sup>189</sup>

By the 1960s, most of the nonpublic schools were operating peacefully, with little opposition from the public schools or the government.<sup>190</sup> However, about this time a new controversy arose concerning the place of religion, especially prayer, in the public schools. Policies concerned with major religious holidays were being rewritten by educational leaders to emphasize the secular aspects of the holidays, and any religious references were being handled

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<sup>187</sup>Rossell, 38-39.      <sup>188</sup>Lord, 27-28.

<sup>189</sup>Jennifer L. Hochschild, The New American Dilemma Liberal: Liberal Democracy and School Desegregation (New Haven: Yale University Press, 1984), 48.

<sup>190</sup>Lines, 374.

very cautiously. It was becoming clear that the public schools no longer reflected the Protestant nor even the nondenominational religious orientation they once had.<sup>191</sup>

### The New Right

As a result of this attitude toward the place of religion in the schools, court cases testing the relationship between education and religious beliefs began to occur, fostered by the new conservative political environment that had emerged with the election of President Richard Nixon.

Emerging with this conservatism was the "New Right" philosophy with its rebirth of fundamentalist religions, especially in the "Bible Belt" of the South. The New Right was frequently characterized by discontent with the secularism of the public schools.<sup>192</sup> A consequence of this unrest was the establishment of additional Protestant nonpublic schools.

To the New Right, basic education was more than a rejuvenation of reading, writing, and arithmetic skills; it was also "a politically and economically conservative movement based on moral absolutism . . . [which] values strict morality and discipline . . . and the sanctity of traditional definitions of the family."<sup>193</sup>

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<sup>191</sup>Ibid., 376.

<sup>192</sup>Joseph E. Bryson, "On Some Historical and Legal Considerations of America's Experience with Educational Vouchers" (unpublished paper, University of North Carolina at Greensboro, 1986), 15.

<sup>193</sup>Joe L. Kincheloe, Understanding the New Right and Its Impact on Education (Bloomington, Indiana: Phi Delta Educational Foundation, 1983), 32

In Current Trends in Educational Law, Joseph Bryson described the New Right Movement vividly and explained how the history of public education in America shows that pressure groups have consistently tried to remake the curriculum of the public school in their own philosophical-political image.

Extreme positions on either side of the political spectrum--the extreme left and/or the extreme right--cause serious abbreviation in the American society in general, and in the public schools specifically. Thus, it is not the normal conservative drift that is causing the pressure on the public school curriculum. It is the abreast conservative--the New Right--the religious fundamentalist New Right-Populists that are seeking a transformation of the public school curriculum which reflect their religious-political views. Specifically, the emerging concerns of the fundamentalists New Right-Populists focus on: (1) secular humanism--that the public school is teaching a Godless form of religion known as secular humanism; (2) scientific evolutionary creationism--the balanced treatment statute; (3) Bible clubs, prayer in classroom; (4) and most important, censorship of textbooks, library books, and instructional materials.<sup>194</sup>

Because of this new wave of religious conservatism, the once peaceful coexistence between public officials and nonpublic schools has again given way to tension. Opposition has come from some public officials who, because they consider nonpublic educational effort to be inadequate, have used compulsory education laws and other legal tools to require nonpublic schools either to meet the standards set by the state or

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<sup>194</sup> Joseph E. Bryson, "Current Trends in Education Law," in Sports and the Courts: Proceedings Summer Law and Sports Conference (Greensboro, North Carolina: Guilford College, 6-10 June 1983), 52.

to close. However, fundamentalist church leaders view the school as an extension of the church and feel that this is reason enough for the school not to be subject to regulations set by the state.<sup>195</sup>

Consequently, in an interesting historic turnabout, the Protestants in this century have found themselves in the same position the Catholics were in a century earlier. Like the Catholics, the Protestants have had two responses: change the public schools or establish schools of their own. Since the first response did not prove successful, the Protestants have successfully established their own schools. Some have even turned to home instruction, and the results are obvious:

The change in the religious orientation of public schools coincides with dramatic shifts within the private school population: the Catholic school population has declined, and the Protestant school population has increased. Many Catholics now regard public schools as safe for their children; some Protestants do not.<sup>196</sup>

Whereas nonpublic schools once served as a haven for Roman Catholics at a time when the public schools reflected Protestant values, today a number of Protestants send their children to nonpublic schools in order to avoid the secular public school values that have developed over the years from cultural pluralism and want of a common cultural base.<sup>197</sup>

Today, as in the nineteenth century, competition concerning values appears to be where the problem rests, since

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<sup>195</sup>Lines, 377.    <sup>196</sup>Ibid., 376.    <sup>197</sup>Ibid., 373-374.

the rise in the number of nonpublic schools has occurred during a period when there has been a change in public school values, and religious beliefs have had a tendency to influence the choice.<sup>198</sup>

With values rather than physical facilities given priority, especially among the Protestant fundamentalist schools, many of these schools are located in church facilities, and many do not seek or desire state accreditation. Some teachers disregard legal consequences and do not obtain teaching certificates even when they are certifiable. Since the principal interest of the parents is the teaching of certain values, facilities and teacher certification have not been major concerns.<sup>199</sup> Dennis Doyle observed that

Just as public schools in the 19th century were designed to compensate for the deficiencies of family and community, private schools today are the locus for reinforcement of community and family values. The private school can explicitly deal with the various streams of a pluralist society, and respond to those values that the public schools do not. And so we turn full circle; yesterday's solution is today's problem.<sup>200</sup>

Bryson explained why the public schools serve as a "convenient target" for dissatisfied American citizen groups, such as those concerned with the teaching of values in the schools:

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<sup>198</sup>Ibid, 378.

<sup>199</sup>Ibid.

<sup>200</sup>Dennis Doyle, "A Din of Inequity: Private Schools Reconsidered," American Education 18 (October 1982): 13.

Perhaps the answer is the accessibility of schools. People often feel that they cannot fight Washington, the state capitol, or even city hall. So when there is a multitude of national problems, school boards are accessible and they hold open meetings. The school is down the street and open to parents who can demand to see principals, teachers, and other school personnel. Newspapers, television, and the media, in general, give schools so much attention that citizens often feel that almost everything wrong with the American society stems from the schools.<sup>201</sup>

Doyle stated that today people often tend to view nonpublic schools, in contrast to public schools,

as undemocratic, unaesthetic, and antisocial. The voluntarism they represent is viewed as escapist and exclusive, rather than communitarian and normative. Independent day and boarding schools are viewed as bastions of privilege and elitism, high-tuition schools that enroll the children of the nation's power elite. Traditional parochial schools, principally Catholic and Lutheran, enroll not the elites of commerce and academe, but the shock troops of the working class, the "hard hats" of urban America. And Christian Academies are the special province of the evangelical red-neck, who, as he praises the Lord, condemns the blacks, and retreats into a white-flight academy.<sup>202</sup>

Doyle further observed that in the contemporary world of nonpublic education, these descriptors of reality do not have meaning, but their power as myths still remains.<sup>203</sup>

#### National Enrollment in Nonpublic Schools

The statistics in Table 1 reveal that both public and nonpublic school enrollment declined by 14 percent between 1970 and 1985. Although public school enrollment during

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<sup>201</sup>Bryson, "Current Trends in Education Law," 52.

<sup>202</sup>Doyle, 11.      <sup>203</sup>Ibid.

Table 1

Public and Private School K-12 Enrollment: 1970-85 \*

Year (fall)	Public school			Private school			Private school enrollment as a percent of total enrollment		
	Total K-12	K-8	9-12	Total K-12	K-8	9-12	Total K-12	K-8	9-12
	Enrollment (in millions)						Percent		
1970	46.2	32.6	13.5	5.7	4.5	1.2	10.9	12.1	8.0
1971	46.6	32.5	14.1	5.4	4.3	1.1	10.4	11.6	7.4
1972	45.3	31.3	14.0	5.2	4.0	1.2	10.3	11.4	7.6
1973	44.9	30.8	14.2	4.9	3.8	1.2	9.9	10.9	7.7
1974	45.0	30.7	14.3	4.9	3.7	1.2	9.8	10.7	7.6
1975	44.5	30.0	14.5	5.0	3.8	1.2	10.1	11.3	7.5
1976	44.2	29.7	14.5	4.8	3.6	1.2	9.8	10.8	7.6
1977	43.2	28.6	14.5	5.0	3.8	1.2	10.4	11.6	7.9
1978	42.0	27.7	14.2	5.0	3.7	1.2	10.6	11.9	8.0
1979	41.3	27.3	14.0	4.7	3.5	1.1	10.1	11.5	7.4
1980	—	27.1	—	—	3.5	—	—	11.5	—
1981	40.9	27.4	13.5	4.7	3.6	1.1	10.3	11.6	7.6
1982	40.1	27.1	13.0	4.7	3.6	1.1	10.5	11.7	7.9
1983	39.7	26.9	12.8	4.9	3.7	1.2	10.9	11.9	8.7
1984	39.8	27.1	12.7	4.3	3.2	1.1	9.8	10.7	7.7
1985	39.8	27.0	12.8	4.9	3.7	1.2	10.9	11.9	8.7

— Not available.

NOTE: Detail may not add to totals due to rounding.

SOURCE: U.S. Department of Commerce, Bureau of the Census, Current Population Reports, *School Enrollment—Social and Economic Characteristics of Students: October 1985, (Advance Report)* (Series P-20, No. 409) and *October 1984 (Advance Report)* (Series P-20, No. 404).

\*This table was copied from the following publication:  
The Condition of Education, edited by Joyce D. Stern and Mar-  
 jorie O. Chandler (Washington, D.C.: U.S. Department of Educa-  
 tion, 1987), p. 58.

that period declined steadily, nonpublic school enrollment fluctuated. The reverse is true in the 1980s. The public high school enrollment increased in the early and mid-1970s and then decreased through the first half of the 1980s, but the nonpublic school enrollment during the same period remained almost constant.<sup>204</sup>

A substantial majority of students attending nonpublic schools attend those with religious affiliation. Eighty-six percent of all nonpublic school students in grades 1-12 attended church-related schools in the years 1979, 1982, and 1985. Even though no decline in the proportion of nonpublic school students enrolled in church-related schools has been observed, these schools have changed in composition.<sup>205</sup>

Historically, Catholic schools have had the highest enrollment of any church-related schools; however, with recent Catholic enrollment on the decline, enrollment in other church-related schools has risen. Eighty-seven percent of all nonpublic students were enrolled in Catholic schools in the 1965-1966 school year, 64 percent in 1980, and 56 percent in 1983. An increase from 21 to 25 percent was noted in the

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<sup>204</sup> Joyce D. Stern and Marjorie O. Chandler, eds. The Condition of Education (Washington, D.C.: U.S. Department of Education, 1987), 58.

<sup>205</sup> Mary Frase Williams, "Private School Enrollment and Tuition Trends," in The Condition of Education, eds. Joyce D. Stern and Mary Frase Williams (Washington, D.C.: U.S. Department of Education, 1986), 189.



proportion of students enrolled in other religious-affiliated schools between the years 1980-1983. In recent years the non-Catholic religiously affiliated schools with the greatest increase in enrollment have been the evangelical, Calvinist, and Lutheran schools. Considerable growth has also occurred in independent schools.<sup>206</sup>

### Summary

Even though nonpublic education began in America almost solely for religious purposes, the early 1800s saw signs of a movement towards secular education that gained momentum throughout the century. In the 1920s public and nonpublic schools wrestled with state-imposed restrictions. A rather tranquil coexistence followed until the Supreme Court ruled in 1954 in Brown I that "in the field of public education the doctrine of 'separate but equal' has no place."<sup>207</sup> Then, the controversies in the 1960s and 1970s ushered in a new wave of religious conservatism. This New Right strengthened as public schools became more secular. Administrators of the religious nonpublic schools fought for the legal right to control their schools.

However, judicial resolution does not happen quickly, and the conflict continues today. The question remains: "Should the educational system in America nurture the growth of a pluralistic or a homogeneous society?"<sup>208</sup>

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<sup>206</sup>Ibid.    <sup>207</sup>347 U.S. 495.    <sup>208</sup>Lines, 379.

### CHAPTER III

#### NONPUBLIC EDUCATION IN NORTH CAROLINA

The phrase, few schools with poor attendance, provides an accurate description of North Carolina's educational system during the first sixty-five years of her history. The early settlers in North Carolina lived along the shores of the sounds and water-course banks. They professed several different religious beliefs, and consequently frequent problems arose as a result of sectarian disputes. To establish village schools like those in the New England colonies with their closely settled towns and common religious faith simply was not possible in the province of North Carolina.<sup>1</sup>

In spite of its varied sectarian beliefs,

The history of education in North Carolina is closely related to that of religion. For more than a century the preachers of North Carolina were also the school teachers. The Society for the Propagation of the Gospel made the first attempt to establish schools in the Colony. The first teacher to come to North Carolina, about whom any record has been found, was Charles Griffin, a lay reader of the Established Church. In 1705 he opened a school in Pasquotank County.<sup>2</sup>

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<sup>1</sup>Charles Lee Smith, The History of Education in North Carolina (Washington, D.C.: U.S. Government Printing Office, 1888), 13-14.

<sup>2</sup>Guion Griffis Johnson, Ante-Bellum North Carolina: A Social History (Chapel Hill: The University of North Carolian Press, 1937), 18.

Although few efforts to promote education were made during the colonial period, with even fewer efforts being successful,<sup>3</sup> North Carolina apparently did consider education a proper responsibility of the State, for Article 41 of the Constitution of North Carolina of 1776 declared

That a School or Schools shall be established by the Legislature for the convenient Instruction of Youth, with such Salaries to the Masters paid by the Public, as may enable them to instruct at Low prices; and all useful Learning shall be duly encouraged and promoted in one or more Universities.

However, with the exception of chartering the University of North Carolina in 1789, North Carolina did little for education.<sup>4</sup>

In the majority of cases, ministers of local churches served as teachers in the schools, with professional teachers being rare; and even when one was available, "he was under the church's auspices, and in many ways assisted in matters religious."<sup>5</sup> The church and schools assisted each other; however, since few schools existed, many children remained ignorant.

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<sup>3</sup>Edgar W. Knight, Public School Education in North Carolina (New York: Houghton Mifflin Company, 1916), 36.

<sup>4</sup>Charles Lee Raper, The Church and Private Schools of North Carolina: A Historical Study (Greensboro, North Carolina: Jos. J. Stone, 1898), 9.

<sup>5</sup>Ibid.

In the early 1800s, Archibald D. Murphy, Senator from Orange County and advocate of public education, devised a plan for a "system of public schools whereby every county in the State would have adequate schools maintained by public taxation."<sup>6</sup> In 1817 as a member of the Senate Committee on Education, Murphy presented his report in support of public education to the Legislature in which he outlined the course of studies for primary schools, academies, and the University of North Carolina.<sup>7</sup> Even though no action was taken to promote public education in North Carolina at this time, his efforts resulted in his being called the "father of the common schools."<sup>8</sup>

In spite of the efforts made to establish public schools in North Carolina in the early 1800s, it was not until 1825 that the Literary Fund and a Literary Board to manage that fund were created by the State for the purpose of establishing common schools.<sup>9</sup> The bill became law on January 4, 1826.<sup>10</sup> Sources for the fund were to be derived from

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<sup>6</sup>Johnson, 268-269.    <sup>7</sup>Ibid., 269.    <sup>8</sup>Knight, 69.

<sup>9</sup>Hugh Talmage Lefler and Albert Ray Newsome, The History of a Southern State: North Carolina, 3d ed. (Chapel Hill: The University of North Carolina Press, 1973), 332.

<sup>10</sup>M. C. S. Noble, A History of the Public Schools of North Carolina (Chapel Hill: The University of North Carolina Press, 1930), 45.

the dividends arising from the stock now held, and which may hereafter be acquired by the State in the Banks of Newbern and Cape Fear, and which have not heretofore been pledged and set apart for internal improvements; the dividends arising from stock which is owned by the State in the Cape Fear Navigation Company, the Roanoke Navigation Company, and the Clubfoot and Harlow Creek Canal Company; the tax imposed by law on licenses to the retailers of spirituous liquors and auctioneers; the unexpended balance of the Agricultural Fund, which by the Act of the Legislature, is directed to be paid into the public Treasury; all monies paid to the State for the entries of vacant lands, (except the Cherokee lands;) the sum of twenty-one thousand and ninety dollars, which was paid by this State to certain Cherokee Indians, for reservations to lands secured by them by treaty, when the said sums shall be received from the United States by this State; and of all the vacant and unappropriated swamp lands in this State, together with such sums of money as the Legislature may hereafter find it convenient to appropriate from time to time.<sup>11</sup>

In its early years, "poor investments, dishonesty, public indifference, and aversion to taxation kept the fund inadequate, but the legislature repeatedly refused to increase it."<sup>12</sup>

Nevertheless, it did have an impact on the adoption of North Carolina's first common school law, "An Act to divide the Counties into School Districts, and for other purposes," which was passed on January 8, 1839.<sup>13</sup> This law was the beginning of North Carolina's present public school system. It stated:

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<sup>11</sup>Charles L. Coon, The Beginnings of Public Education in North Carolina: A Documentary History, 1790-1840, vol. 1 (Raleigh, North Carolina: Edwards and Broughton Printing Company, 1908), 280-281.

<sup>12</sup>Lefler and Newsome, 367.

<sup>13</sup>Noble, 59.

It shall be the duty of the Sheriffs of the several Counties in this State, when they advertise the next election for members of Congress, to give notice, at the same time, by public advertisement in every election precinct that an election will be held to ascertain the voice of the people upon the subject of Common Schools; and all who are in favor of raising by taxation, one dollar for every two dollars proposed to be furnished out of the Literary Fund, for the establishment of Common Schools in each School district, will deposit their vote with the word "School" written on it; those opposed to it will vote "No School" upon their ticket; and all who vote for members of the House of Commons, shall be entitled to vote; and it shall be the duty of the poll keepers to count the votes given at each precinct for School or No School, and to return the same to the Sheriff who shall count together all the votes; and if a majority shall be found in favor of Schools, it shall be the duty of the Sheriff to furnish a certificate of the same to the next County court of his County.<sup>14</sup>

Out of the sixty-eight counties, sixty-one voted in favor of schools with the remaining seven counties later voting in the affirmative. The first public school in North Carolina was opened in Rockingham County on January 20, 1840, after which others followed. By 1846 at least one or more public schools existed in each county. "For the first time, the white children of the state had an opportunity to receive some education at public expense."<sup>15</sup>

The Literary Fund did survive and was instrumental in fostering and encouraging "the growth of the present concept of education as a public duty."<sup>16</sup> Even today, the State Board of Education still makes loans from the State Literary Fund

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<sup>14</sup> Charles L. Coon, The Beginnings of Public Education in North Carolina: A Documentary History, 1790-1840, vol. 2 (Raleigh, North Carolina: Edwards and Broughton Printing Company, 1908), 886.

<sup>15</sup> Lefler and Newsome, 368. <sup>16</sup> Knight, 85.

to counties for the local boards of education to use to build and equip school plants and maintain buildings and transportation garages.<sup>17</sup>

### Academies

One of the early types of schools chartered by the North Carolina Legislature was academies. Even though they obtained legislative charters of incorporation which formed a governing board of trustees and identified their powers and duties, these academies were nonpublic schools. Selecting teachers, prescribing curricula, administering exams, and applying discipline were the usual tasks of the trustees. These institutions were not operated for profit and were supported mainly by meager financial resources from tuition fees, donations, and lotteries.<sup>18</sup> In 1767 New Bern Academy was incorporated and was followed shortly by another academy at Edenton in 1770.<sup>19</sup>

The majority of schools in the early 1800s emphasized instruction in manners and morals for their students. In most of the academies students were required to attend public worship on Sundays, and many were required to spend the afternoons in "recitation of portions of the Bible and Westminster Catechism."<sup>20</sup>

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<sup>17</sup>North Carolina Gen. Stat. § 115C-458.

<sup>18</sup>Lefler and Newsome, 262.      <sup>19</sup>Johnson, 18.

<sup>20</sup>Charles L. Coon, North Carolina Schools and Academies, 1790-1840: A Documentary History (Raleigh, North Carolina: Edwards and Broughton, 1915), 173.

The North Carolina General Assembly chartered 287 academies from 1800 to 1860, with the majority of them lasting only a short time.<sup>21</sup> Nearly all of the academies closed following the Civil War due to lack of teachers or pupils.<sup>22</sup>

#### Governmental Support for Education

In spite of the fact that most of the academies were closed, North Carolina was concerned about the education and religious training of its children as is evidenced in its Constitution of 1868. Section I of Article IX stated: "Religion, morality, and knowledge being necessary to good government and happiness of mankind, schools, and the means of education, shall forever be encouraged." This section of the Constitution made two assumptions that would have a significant influence on both public and nonpublic education:

The first is that religion, morality, and knowledge are essential to good government and the happiness of mankind. The second is that schools and the means of education will enhance religion, morality, and knowledge.<sup>23</sup>

This attitude toward education was influential in obtaining public funds to support schools in North Carolina,

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<sup>21</sup>Lefler and Newsome, 404.    <sup>22</sup>Ibid., 530.

<sup>23</sup>Calvin L. Criner, "Nonpublic Schools in North Carolina," Popular Government 42 (Spring, 1977), 35.



as Section 2 of Article IX of the 1868 Constitution of North Carolina declared:

The General Assembly at its first session under this Constitution, shall provide by taxation and otherwise for a general and uniform system of Public Schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years.

Seven years later, in 1875, this Section 2 of the Constitution was amended to include black children, with the stipulation that

The children of the white race and the children of the colored race shall be taught in separate public schools, but there shall be no discrimination made in favor of, or to the prejudice of, either race.

#### Compulsory School Attendance

Another significant step in promoting education was noted in Section 17 of Article IX of the Constitution which mandated compulsory education:

The General Assembly is hereby empowered to enact that every child of sufficient mental and physical ability, shall attend the Public Schools during the period between the ages of six and eighteen years, for a term of not less than sixteen months, unless educated by other means.

In 1923 the General Assembly enacted a general compulsory attendance law applicable to all children of school age. This law was amended by the General Assembly in 1925 to include a definition of the term "school" in the first paragraph and to add a second paragraph concerning nonpublic schools.

§ 5757. Parent or guardian required to keep child in school; exceptions.--Every parent, guardian or other person in the state having charge or control of a child between the ages of seven and fourteen years shall cause such child to attend school continuously for a period equal to the time which the public school in the district in which the child resides shall be in session. The principal, superintendent, or teacher who is in charge of such school shall have the right to excuse the child from temporary attendance on account of sickness or distance of residence from the school, or other unavoidable cause which does not constitute truancy as defined by the state board of education. The term "school" as used in this section is defined to embrace all public schools and such private schools as have tutors or teachers and curricula that are approved by the county superintendent of public instruction or the State Board of Education.

All private schools receiving and instructing children of compulsory school age shall be required to keep such records of attendance and render such reports of the attendance if such children as are required of public schools; and attendance upon such schools, if the school or tutor refuses or neglects to keep such records or to render such reports, shall not be accepted in lieu of attendance upon the public school of the district, town or city which the child shall be entitled to attend: Provided, instruction in a private school or by private tutor shall not be regarded as meeting the requirements of the law unless the courses of instruction run concurrently with the term of the public school in the district and extend for at least as long a term. (C. S. 5758.) (1923, c. 136, s. 347; 1925, c. 226.)

In 1949 changes were made in the 1925 amendment to the compulsory attendance law that mandated the nonpublic schools to meet the same curriculum requirements as the public schools:

All private schools receiving and instructing children of compulsory school age shall be required to keep such records of attendance and render such reports of the attendance of such children and maintain such minimum curriculum standards as are required of public schools. (1949, c. 1033, s. 1.)

In 1975 the general compulsory attendance law was amended to specify approval only by the State Board of Education:

The term "school" as used herein is defined to embrace all public schools and such nonpublic schools as have teachers and curricula that are approved by the State Board of Education. (1975, c. 731, s. 3.)

Even though the State Constitution did require nonpublic schools to conform to the compulsory attendance laws, prior to 1955 North Carolina had no required standards for these schools to meet. As long as they satisfied the parents who paid for their children's tuition, the schools could continue to operate. While some nonpublic schools were accredited by the State Department of Public Instruction and even by the Southern Association of Colleges and Schools, the pursuit of such accreditation was and still is purely voluntary.<sup>24</sup>

#### Supervision of Nonpublic Schools

In 1955 the North Carolina Legislature gave the responsibility of supervising nonpublic schools to the State Board of Education. This provision protected the rights of parents to choose nonpublic schools for their children's education and the rights of those schools to teach religion as they wished, as long as the students also received a general education:

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<sup>24</sup>Ibid., 37.

§ 115-255. Responsibility of State Board of Education to supervise nonpublic schools; notice of intention to operate new school.--The State Board of Education, while providing a general and uniform system of education in the public schools of the State, shall always protect the right of every parent to have his children attend a nonpublic school by regulating and supervising all nonpublic schools serving children of secondary school age, or younger, to the end that all children shall become citizens who possess certain basic competencies necessary to properly discharge the responsibilities of American citizenship. The Board shall not, in its regulation of such nonpublic schools, interfere with any religious instruction which may be given in any private, denominational, or parochial school, but such nonpublic school shall meet the State minimum standards as prescribed in the course of study, and the children therein shall be taught the branches of education which are taught to the children of corresponding age and grade in the public schools and such instruction, except courses in foreign languages, shall be given in the English language. (1955, c. 1372, art. 31, s. 1.)

Ten years later, in 1965, an amendment to this legislation was passed stating that

New nonpublic schools shall file a notice of intention to operate a new school with the State Superintendent of Public Instruction prior to beginning of operation. (1965, c. 584, s. 20.)

That same legislation in 1955 that addressed the quality of nonpublic education made certain requirements of teachers and programs in these schools to make them equal to those of the public schools:

§ 115-256. Teachers must have certificates for grades they teach; instruction given must substantially equal that given in public schools.--All nonpublic schools in the State and all teachers employed or who give instruction therein, shall be subject to and governed by the provisions of law for the operation of the public schools insofar as they apply to the qualifications and certification of teachers and the promotion of pupils; and the instruction given in such schools

shall be graded in the same way and shall have courses of study for each grade conducted therein substantially the same as those given in the public schools where children would attend in the absence of such nonpublic school.

No person shall be employed to teach in a nonpublic school who has not obtained a teacher's certificate entitling such teacher to teach corresponding courses or classes in public schools. (1955, c. 1372, art. 31, s. 2.)

These same statutes provided for the reporting of information concerning enrollment and attendance in the nonpublic schools:

§ 115-257. Operators must report certain information.--The supervisory officer or teacher of all nonpublic schools shall report to the superintendent of the administrative unit in which such school is located within two weeks of the opening of such school, and within two weeks of the enrollment therein, the names of all pupils attending, their ages, parents' or guardians' names, and places of residence. Likewise, such officer or teacher shall report to such superintendent the withdrawal of any pupil within two weeks of such withdrawal. The supervisory officer or teacher of nonpublic schools shall make such reports as may be required of him by the State Board of Education, or such additional reports as are requested by the superintendent of the administrative unit in which such school is located; and he shall furnish to any court from time to time any information and reports requested by any judge thereof relating to the attendance, conduct and standing of any pupil enrolled in such school if said pupil is at the time awaiting examination or trial by the court or is under the supervision of the court. (1955, c. 1372, art. 31, s. 3.)

In 1956 a special session of the General Assembly was held to discuss the problem of desegregation following the Brown I decision. Based on a report of a committee headed by Thomas J. Pearsall, Section 1 of Article IX of the Constitution of North Carolina was amended to allow for education

expense grants and to permit local option to suspend operation of public schools.

This amendment, adopted by an overwhelming majority at a special election on September 8, was designed as a safety valve, so that parents who did not desire to send their children to schools with members of another race might withdraw them and receive private tuition grants from the state.<sup>25</sup>

The Constitutional Amendment, known as the Pearsall Plan, was also reinforced by legislative action in the 1956 Extra Session which provided tuition grants for students in nonpublic schools:

It is the purpose of the State of North Carolina to make available, under the conditions and qualifications set out in this article, education expense grants for the private education of any child of any race residing in this State. In so doing, it is the hope of the General Assembly of North Carolina that all peoples within our State shall respect deeply-felt convictions, and that our public school system shall be continually strengthened and improved, and sustained by the support of all our citizens. (1956, Ex. Sess., c. 3.)

Detailed information for obtaining tuition grants followed. However, the Pearsall Plan was never actually used, and the federal courts declared it unconstitutional in April of 1966. The Education Expense Grants in Article 35, §§ 115-274 to 115-295, were repealed by the Session Laws in 1969.

In 1961 a statute was passed by the North Carolina Legislature to establish an advisory committee for nonpublic schools and to establish the method of appointment of the

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<sup>25</sup>Lefler and Newsome, 689.

committee, its duties, and terms of membership of its members:

§ 115-252. Private schools advisory committee; appointment; duties.--(a) In the administration of this article, the Superintendent of Public Instruction shall appoint an advisory committee composed of not less than five members who shall serve at his will and pleasure and who are fairly representative of the types of private schools or educational institutions operated, conducted and maintained within this State, whose duties shall be to advise the Superintendent of Public Instruction regarding the criteria to be used in formulating standards and the rules and regulations thereunder to be prescribed for the administration of this article and the management and operation of the schools subject to the provisions hereof including the development of programs of instruction to be pursued in each type of institution subject to this article.

(b) The terms of the members shall be set by the Superintendent of Public Instruction. (1961, c. 1175, s.8.)

In 1977 the General Assembly passed the following statute regarding testing of nonpublic school students:

§ 115-320.27. Provisions for nonpublic schools.--The State Board of Education may require the implementation of the testing program contemplated by this Article in nonpublic schools supervised by it pursuant to the provisions of Article 32 of Chapter 115 of the General Statutes. (1977, c. 541, s. 9.)

This requirement met with strong opposition from some administrators of nonpublic schools who believed, as did Kent Kelly, a primary spokesman for fundamentalist Christians, "that schools which are non-tax supported private religious ministries of churches . . . must be granted exemption from any laws that extend beyond the normal police power of the State."<sup>26</sup>

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<sup>26</sup>Kent Kelly, State of North Carolina vs. Christian Liberty (Southern Pines, North Carolina: Calvary Press, n.d.), 19-10.

The 1978 case of State of North Carolina v. Columbus Christian Academy<sup>27</sup> resulted because approximately sixty administrators of nonpublic religious schools refused to submit to the State Board of Education the required annual fall report for the 1977-1978 school year. The administrators felt that their religious beliefs had been violated because of state regulation of their schools.<sup>28</sup>

Judge Donald L. Smith observed that the defendants had failed to prove "that any of the statutes or regulations governing nonpublic schools violated their rights."<sup>29</sup> Furthermore, Judge Smith stated that the State Board of Education was not authorized

to regulate, supervise or approve non-public schools or to require information therefrom except in the areas of teacher certification, curriculum, length of school year and such other areas as may be specifically referred to by statute, such as health certification and student inoculation.<sup>30</sup>

In spite of the 1978 court decision, the nonpublic school administrators continued to be discontented with supervision by the State. Consequently, in 1979 the General Assembly passed legislation that removed the supervisory authority of nonpublic schools from the State Board of Education. Instead, the governor was requested to appoint a

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<sup>27</sup>State of North Carolina v. Columbus Christian Academy, 78 CVS 1678 (1978) (Wake County Superior Court).

<sup>28</sup>Ibid., Judgment, 7.      <sup>29</sup>Ibid., 21.

<sup>30</sup>Ibid., Amendment to Judgment.



duly authorized representative of the State of North Carolina to whom reports of commencing operation and termination [of nonpublic schools] shall be made and who may inspect certain records.<sup>31</sup>

As a result of the 1979 legislation, Governor James B. Hunt assigned this responsibility to the Division of Nonpublic Education, a division within and under the jurisdiction of the Office of the Governor, where it has remained since 1979. While in the Department of Public Instruction, the Division of Nonpublic Education served as a regulatory agency, but since being in the Office of the Governor, it has become a service-oriented agency and the only authorized state office monitoring nonpublic elementary and secondary schools in North Carolina.<sup>32</sup>

The Division of Nonpublic Education presently consists of a Director and two Educational Field Consultants who travel to the nonpublic schools for consulting and monitoring purposes, and an Office Administrative Assistant.<sup>33</sup>

The authority of the Division of Nonpublic Education is derived from Article 39 of Chapter 115C of the North Carolina General Statutes. Policy, attendance, health and safety regulations, standardized testing requirements, high school competency testing, voluntary participation in the State

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<sup>31</sup>North Carolina Gen. Stat. §§ 115C-553 and 115C-561.

<sup>32</sup>Rod Helder, Director of the Division of Nonpublic Education, Office of the Governor of North Carolina, personal interview 27 January 1988.

<sup>33</sup>Ibid.

programs, new school notice, termination, and a duly authorized representative are discussed in this article. (See Appendix A.) Any person who desires may request from the Division of Nonpublic Education an information packet which includes nonpublic school requirements. (See Appendix B.)

### Home Schools

Efforts were made to form home schools following the 1979 deregulation of nonpublic schools. The State Board of Education relied for several years on the ruling by the attorney general in August of 1979 that home instruction of a child by his parents or a tutor was not a "school" under the Compulsory Attendance Law.<sup>34</sup>

Two North Carolina court cases, Duro v. District Attorney<sup>35</sup> and Delconte v. State<sup>36</sup> had an impact on home schooling. In Duro, Pentecostal parents by the name of Duro refused to send their children to public or nonpublic schools because they objected to the "unisex movement," "secular humanism," and the "use of physicians." The children were taught at home by their mother. Compulsory attendance

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<sup>34</sup>William W. Peek, "Home Instruction and the Compulsory Attendance Act," School Management Advisor, Series 3 (Raleigh: North Carolina Department of Public Instruction, 1986).

<sup>35</sup>Duro v. District Attorney, Second Jud. Dist. of N.C., 712 F.2d 96, (Fourth Cir., 1983), cert. denied 104 S.Ct. 998 (1984).

<sup>36</sup>Delconte v. State, 329 S.E. 2d 636 (N.C., 1985).

violations were brought against Duro but were later dropped because the warrants had technical flaws. Duro filed suit against the district attorney stating that the North Carolina compulsory attendance law "violated the First and Fourteenth Amendments to the United States Constitution because his religious beliefs prohibit[ed] him from sending his children to a public or nonpublic school."<sup>37</sup> The United States District Court for the Eastern District ruled in favor of Duro, but the district attorney appealed. The United States Court of Appeals for the Fourth Circuit reversed the judgment of the district court and ruled that the state's interest in compulsory attendance takes precedence over the parent's rights regardless of the state deregulation of nonpublic schools in 1979.<sup>38</sup>

In Delconte, a "parent sought declaratory judgment and injunctive relief which would permit him to educate his children through home instruction"<sup>39</sup> in lieu of public or nonpublic school. While the Harnett County Superior Court ruled in the parent's favor, an appeal was made by the State. The Court of Appeals reversed the decision and discretionary view was petitioned by the State.<sup>40</sup> The Supreme Court of North Carolina stated:

We find nothing in the evolution of our compulsory school attendance laws to support a conclusion that the word "school," when used by the legislature in statutes

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<sup>37</sup>Duro, 97.      <sup>38</sup>Ibid., 97-98.

<sup>39</sup>Delconte, 636-637.      <sup>40</sup>Ibid., 637.

bearing on compulsory attendance, evidences a legislative purpose to refer to a particular kind of instructional setting.<sup>41</sup>

.....  
The evident purpose of these recent statutes is to loosen, rather than tighten, the standards for nonpublic education in North Carolina. It would be anomalous to hold that these recent statutes were designed to prohibit home instruction when the legislature obviously intended them to make it easier, not harder, for children to be educated in nonpublic school settings.<sup>42</sup>

.....  
Without a clearer expression of legislative intent on this issue we are not prepared to hold that the statutes now under consideration prohibit home instruction as a means of complying with the compulsory school attendance law.<sup>43</sup>

Whether home instruction ought to be permitted, and if so, the extent to which it should be regulated, are questions of public policy which are reasonably debatable. Our legislature may want to consider them and speak plainly about them.<sup>44</sup>

The legislature did consider home schools and made provisions for them in Chapter 115C, Article 39, Part 3 of the North Carolina General Statutes on June 20, 1988. (See Appendix A.)

#### Nonpublic School Organizations

Nonpublic school organizations in North Carolina include the following: Carolina Conference of Seventh Day Adventists, Christian Schools of North Carolina, North Carolina Association of Christian Schools, North Carolina Association of Independent Schools, North Carolinians for Home Education, Roman Catholic Diocese of Charlotte, and Roman Catholic Diocese of Raleigh.

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<sup>41</sup>Ibid., 646.      <sup>42</sup>Ibid.

<sup>43</sup>Ibid., 648.      <sup>44</sup>Ibid.

### Summary

Although North Carolina took little official action in support of education until the nineteenth century, since that time the North Carolina Legislature has supported both public and nonpublic education. It has been sensitive to the rights of parents to choose the type of education they want for their children. At the same time it established certain standards for nonpublic schools and attempted until 1979 to supervise and regulate them to comply with the standards set for public schools. In this way the state has tried to respect the rights of parents and also to guarantee that children in nonpublic schools would receive an education equal in quality to that provided by the public schools.

CHAPTER IV  
METHODOLOGY AND ANALYSIS OF DATA

The Franklin Study

The present study has examined the history and fluctuations of nonpublic education in North Carolina in order to understand its present status. An earlier study of this subject conducted by Lewis Franklin in 1975 presented an overview of nonpublic education at both the national and regional levels and included an in-depth analysis of nonpublic education in North Carolina.<sup>1</sup> The purpose of Franklin's study was "to investigate the possibility that there is a direct relationship between court decisions and legislation involving desegregation and the increase in the number of private schools."<sup>2</sup>

In his study, Franklin concluded that a correlation existed between "the rapid increase in the numbers of the so-called Southern academies and the desegregation of public education and the use of forced busing to achieve racial quotas," but he went on to state that "the busing of students is not the real concern of parents. Having children attend the school of their choice is their main interest."<sup>3</sup> Since 1975, when Franklin's study was completed, circumstances

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<sup>1</sup>Franklin, 5.    <sup>2</sup>Ibid., 3.    <sup>3</sup>Ibid., 151.

have changed, as has the implementation of desegregation and busing. Thus, this study is not intended to be an exact replication of Franklin's study. Instead it seeks to determine the changes that have occurred in nonpublic education since Franklin's study was completed.

The phenomenon of the rapid increase in nonpublic education in recent years, specifically in North Carolina, can best be illustrated by the figures presented in Table 2. In the 1965-1966 school year, the number of students enrolled in nonpublic schools was 8,935; by the 1973-1974 school year, that number had increased to 53,489 students. This represents a 499 percent increase! Another indicator of the changes in nonpublic education is the number of schools. There were 83 nonpublic schools in existence in the 1965-1966 school year, and by the 1973-1974 school year the number had increased to 233, an increase of 181 percent.

However, this trend of significant increases in the number of schools and students did not continue from 1974 to 1986. Although during that period there was an increase in the number of nonpublic schools--93 percent, the number of students remained relatively stable.

### The Survey

In an effort to better understand these changes and to establish a comparative picture of nonpublic education in

Table 2  
North Carolina Nonpublic School  
Statewide Statistical History<sup>4</sup>

School Year	Students*	Schools*
1965-1966	8,935	83
1966-1967	16,904	95
1967-1968	18,300	101
1968-1969	21,802	115
1969-1970	27,471	140
1970-1971	36,820	192
1971-1972	49,686	235
1972-1973	52,265	243
1973-1974	53,489	233
1974-1975	53,602	257
1975-1976	54,653	276
1976-1977	55,551	286
1977-1978	55,289	253
1978-1979	56,194	250
1979-1980	56,855	343
1980-1981	58,000	377
1981-1982	58,560	384
1982-1983	59,150	413
1983-1984	58,715	425
1984-1985	58,661	450
1985-1986**	55,799	450

<sup>4</sup>State of North Carolina, Office of the Governor, Division of Nonpublic Education (Raleigh, 1987).

\*Figures were provided by the nonpublic schools to the state.

\*\*These figures include grades K-12 and do not include special school data.



the mid-1970s and the mid-1980s, this investigator conducted a survey of nonpublic schools in North Carolina.

A questionnaire (see Appendix C) for this survey was patterned after the one employed by Franklin in his study of North Carolina nonpublic schools. However, Franklin's questionnaire was altered methodologically to accomplish the goals of this study. In recent years, considerable research has been done on mail questionnaires and response rates, and the findings of that research were used to redesign the questionnaire in order to ensure a better response rate and more accurate information.<sup>5</sup> For example, since "no single question is more crucial than the first one,"<sup>6</sup> the order of the questions was changed, and a more interesting question was placed at the beginning to increase the likelihood that all who read the first question would answer it and would complete the questionnaire.<sup>7</sup> In addition, a change in the format reduced it from three to two pages; shorter questionnaires tend to elicit better response rates.

For purposes of this study, the population surveyed included administrators of all private church schools,

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<sup>5</sup>Don A. Dillman, Mail and Telephone Surveys: The Total Design Method (New York: John Wiley and Sons, 1978); L. R. Gay, Educational Research: Competencies for Analysis Application, 3d ed. (Columbus, Ohio: Charles E. Merrill Publishing Company, 1987).

<sup>6</sup>Dillman, 127.    <sup>7</sup>Ibid., 128.

schools of religious charter, and qualified nonpublic schools listed in the 1986 North Carolina Directory of Nonpublic Schools. As indicated in Chapter I, home schools and so-called special schools were eliminated from the survey.

A questionnaire was sent to the administrator of each known nonpublic school. Eleven of these questionnaires were returned unopened, and upon investigation it was learned that these schools had closed or moved. Thus, the population of nonpublic schools for this study was set at 419.

The questionnaires were coded with numbers in order to determine who had and had not returned them. The coding also enabled the author to contact those administrators who had omitted answers to questions.

The questionnaire and a letter (see Appendix D) were mailed on November 16, 1986. The questionnaire was returned by 126, or 30 percent, of the administrators. A second mailing of the questionnaire and another letter (see Appendix D) sent on December 7, 1986, elicited 167, or slightly under 40 percent response. During the first two weeks of January, 1987, this investigator made over 250 phone calls to persons not returning the questionnaire. The questionnaire and a letter (see Appendix D) reminding the administrator of the phone call were sent to the 180 administrators on January 16, 1987, who had agreed over the phone to complete the questionnaire. After this mailing 164 did respond, bringing the total responding to 331, or nearly 79 percent.

Upon receipt of the responses, data from the survey questionnaire were analyzed and compared to similar data from the Franklin research.

The questionnaire was designed to tap the following dimensions of nonpublic education:

1. Origin of Nonpublic Schools
2. Organizational Structure
3. School Facilities
4. Outside Relations
5. Transportation

It was anticipated that studying these five dimensions would give a better understanding of why there has been a continued increase in the number of nonpublic schools without a corresponding increase in student enrollment.

In 1974 Franklin had sent a similar questionnaire to 237 approved nonpublic schools in North Carolina and received a 70 percent return, with 166 approved nonpublic schools returning at least the form. Nine schools returned the questionnaire but did not provide the data requested.<sup>8</sup> Franklin also sent questionnaires to the twenty-four unapproved nonpublic schools, of which only eight were returned.<sup>9</sup>

In order to examine the changes in North Carolina nonpublic schools, this study compares present conditions revealed in this survey with the information about the approved nonpublic schools discussed by Franklin.

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<sup>8</sup>Franklin, 118-119.    <sup>9</sup>Ibid., 119.

## Origin of Nonpublic Schools

### Rationale for Nonpublic Schools

Why nonpublic schools are created is an important question and is at the heart of both the Franklin study and this current research. Table 3 provides information concerning the reasons nonpublic schools were established.

Just as Franklin discovered in his 1975 study of North Carolina nonpublic schools, this survey indicates that the main reasons for the founding of these schools are combined desires for quality education and for religious instruction.<sup>10</sup> Of the 331 nonpublic school administrators responding, a total of 182--nearly 55 percent--gave these combined reasons for establishment. This is a slight increase over Franklin's study, which showed 72 of 152 approved schools--around 47 percent--as being established for these combined reasons.<sup>11</sup> Eighty-two administrators--approximately 25 percent--in this study indicated that quality education alone was the major reason their schools were organized; this is very similar to the 43 out of 152 approved schools--approximately 28 percent--in Franklin's study who stated that quality education was their main reason for establishment.<sup>12</sup>

In this study, 29 schools--nearly 9 percent--stated that religious instruction alone was the primary reason for establishment, slightly more than the nearly 5 percent reported by Franklin.<sup>13</sup>

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<sup>10</sup>Ibid., 122.    <sup>11</sup>Ibid.    <sup>12</sup>Ibid.    <sup>13</sup>Ibid.

Table 3  
Rationale for Organization of Nonpublic Schools

Deciding Factors	Number of Schools
Quality Education	82
Religious Instruction	29
Quality Education and Religious Instruction	182
Quality Education, Religious Instruction, and Other Factors	10
Quality Education, Religious Instruction, and Experimental programs	2
Quality Education and Experimental programs	6
Quality Education and Other Factors	14
Experimental Programs and Other Factors	2
Miscellaneous Factors	<u>4</u>
Total	331

This study reveals that 10 respondents--3 percent--stated a combination of quality education, religious instruction, and "other factors" as the rationale for establishing their schools. This is slightly fewer in terms of percentage than Franklin's study indicated.

The various "other factors" cited by nonpublic school administrators cover a broad range of reasons. A frequently recurring one was the discontent with public education, exemplified by one administrator who stated that his school was established "to provide an alternative to public education."

This view is also translated as a need for moral training and protection of children from a humanist education. For example, one administrator stated that his school was created "to instruct students in a moral atmosphere." Another administrator revealed that the school was established "to avoid the evil influences of television programs, profanity, drugs, and sex education found in the public schools." One stated that the school was founded "to protect students from the teaching of evolution," and still another indicated that the school was founded "to combat the humanist philosophy that kids are being taught in government schools."

Many of the "other factors" revealed in this study were not major concerns of the public in 1975 and therefore did not appear in Franklin's study.

While nonpublic schools generally served to accommodate the whites who fled from public schools, it is interesting

to note that at least one nonpublic school administrator in this study admitted that the school was founded "to provide a school specifically for black children."

It is worth noting that some schools were created with experimental education as their rationales. While no administrator cited experimental education as the sole rationale, as Table 3 indicates, it sometimes served as one component in combination with others as a reason for the creation of nonpublic schools.

A large number of schools, fourteen, combined quality education with miscellaneous factors as the reasons for their organization. Many of these unique reasons are not easily categorized, but several "other factors" appear to be closely related to experimental programs and include the following: "to provide more prescriptive programming for kids who 'fall in the cracks' and bridge gaps between medical and educational models by integrating both in our treatment approach"; "to provide a truly holistic educational experience"; and "to provide alternative methods to the traditional teaching approach, such as the Montessori method."

In summary, the combination of quality education and religious instruction was the dominant rationale for the creation of nonpublic schools. This finding is consistent with the Franklin study. However, as Franklin also discovered, this combination was not the only reason for schools

being organized, but this study indicates a different kind of "other factors" as reasons for nonpublic education.

#### Classification of Nonpublic Schools

The results of this survey clearly show the close relationship between the establishment of nonpublic schools and religious institutions. Table 4 indicates that 240 of the 331 schools responding--nearly 73 percent--are private church schools or schools of religious charter, in contrast to the slightly over one-half reported by Franklin in his study.<sup>14</sup> This finding should not be too surprising, given the importance of religion as a rationale for the creation of nonpublic schools.

Table 5 reveals that 130 schools--nearly 40 percent--are affiliated with churches belonging to 19 different denominations, with 110 schools being nondenomination.\* The largest number, 36, are operated by Baptists. This number is followed closely by schools operated by Catholics and Seventh Day Adventists, 22 each. In Franklin's study, Baptists and Catholics each reported the operation of 29 schools, indicating a rise in the number of Baptist schools and a decline in the number of Catholic schools since his study.<sup>15</sup>

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<sup>14</sup>Ibid., 128.

\*Nondenominational refers to schools not affiliated with any particular religious denomination.

<sup>15</sup>Ibid.



Table 4

## Classification of Nonpublic Schools in North Carolina

Classification	Number of Schools
Private Church Schools	219
Schools of Religious Charter	21
Independent Schools	<u>91</u>
Total	331

Table 5  
Nonpublic Schools with Church Affiliation  
in North Carolina

Denomination	Number of Schools
African Episcopal Zion Church	1
Assemblies of God	12
Baptist	36
Church of Christ	1
Church of God	3
Church of God of Prophecy	1
Church of the Nazarene	1
Christian	1
Christian and Missionary Alliance	2
Episcopal	3
Free Will Baptist	12
Lutheran	5
Mennonite	1
Presbyterian	1
Roman Catholic	22
Seventh Day Adventist	22
Southern Baptist	3
United Penecostal Church International	1
Wesleyan	2
Nondenominational	<u>110</u>
Total	240

A striking difference in the two studies occurs in the number of schools operated by nondenominational religious groups. Franklin's study reported no nondenominational schools unless the one school that failed to indicate a denomination<sup>16</sup> was nondenominational. In contrast, the present study reveals that a much larger number of nonpublic schools, 110, are operated by nondenominational groups than are operated by any single denomination.

#### Year Nonpublic Schools Opened to Students

Of the 331 administrators returning the questionnaire, 296--nearly 90 percent--indicated the year that their schools were opened to students. This investigator made phone calls to the 35 administrators who failed to include the date. Eleven could not be reached, and the remaining 24 were unsure of the date because of a change in administrators or ownership or because of consolidation. Ten respondents who had indicated the date stated that they were not sure that it was correct.

Table 6 illustrates that only 49 nonpublic schools reporting were organized either during or prior to 1954. The only years in which no school was reported as being organized were 1960 and 1966. The table also shows that the two years in which the largest number of schools were organized were 1982, with 24 schools, and 1980, with 19

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<sup>16</sup>Ibid.

Table 6  
Year Nonpublic Schools Opened to Students

Year Opened	Number of Schools
1954 or earlier	49
1955	2
1956	4
1957	3
1958	2
1959	1
1960	0
1961	3
1962	3
1963	3
1964	4
1965	4
1966	0
1967	6
1968	10
1969	11
1970	10
1971	13
1972	7
1973	5
1974	10
1975	6
1976	11
1977	9
1978	14
1979	5
1980	19
1981	14
1982	24
1983	18
1984	14
1985	12
Total	296

schools. Eighteen schools were established in 1983, and 12 or more schools opened each year from 1980 through 1985.

### The Student Body

The composition of the student body revealed in Table 7 provides additional insight into the rationale for establishing nonpublic schools. An analysis of the racial composition of the 331 reporting schools indicates that they are currently made up substantially of the white population. Of the 47,145 students enrolled in nonpublic schools, 43,871--93 percent--are white, and 2,388--5 percent--are black.

A large number of schools, 111, have an all-white enrollment. Five private church school administrators responding to the questionnaire emphasized that their schools were open to all races, but either no non-white students had applied for admission or they had been enrolled earlier in the year and had since moved. Of the 111 all-white schools, 82--73 percent--are private church schools, 20 are independent, and 10 are schools of religious charter.

Only six schools with an all-black enrollment responded to the survey. All of these schools are private church schools.

Both black and white students are enrolled in 81 schools. Of these schools, 53 are church affiliated, 23 are independent, and 5 are religious chartered.

Table 7  
Nonpublic School Enrollment

Grades	American Indian/ Alaskan Native		Asian Pacific Islander		Hispanic		Black		White		Totals
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	
K-8	66	67	209	175	114	97	1047	1114	17,782	17,147	37,818
9-12	11	16	32	39	34	26	113	114	4,486	4,456	9,327
Totals	160		455		271		2,388		43,871		47,145

The remaining 133 schools have varying racial combinations of two or more of the following: white, black, Hispanic, Asian/Pacific Islander, and American Indian/Alaskan Native.

Franklin's questionnaire asked only for the black/white racial composition of students; therefore, students of other races were not identified in his study.

Table 7 of this study also reveals that there is little difference in the number of male and female students enrolled from kindergarten through twelfth grade. In his study, Franklin also noted a similar number of male and female students.<sup>17</sup>

In the past, the Division of Nonpublic Education has requested that nonpublic schools report student enrollment by grade level only. However, beginning with the 1988-1989 school year, nonpublic schools will be asked to report student enrollment by gender as well as by grade level. Reporting of enrollment figures is not mandated by state law.

### Organizational Structure

#### Policy-Making and Governing Boards

Although 291 of the 331 administrators responding--nearly 88 percent--stated that their schools do have a policy-making and governing board, these boards vary greatly in nature. Table 8 reveals that the largest number, 127, are simply called school boards and that 87 are called boards

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<sup>17</sup>Ibid., 130.

Table 8

## Schools with Policy-Making and Governing Boards

Policy-Making and Governing Boards	Number of Schools
Advisory Board	3
Advisory Council	1
Board of Advice	1
Board of Deacons	8
Board of Directors	87
Board of Education	2
Board of Trustees	18
Church	1
Church and Pastor	1
Church Board	5
Church Elders	3
Church Leadership, Elders and Pastor	1
Church/School Official Board	1
Committee	25
Governing Board	1
Leaders of the Chruch	3
Owners	1
Owners and Administrators	2
School Board	127
Total	291



of directors. Some of the remaining governing bodies are composed of deacons, directors, trustees, pastors, elders, church leaders, or owners.

It was discovered in this study that 40 schools--approximately 12 percent--had no governing board and were operated by only the chief administrator. This figure is somewhat higher than that reported by Franklin, when only five schools--slightly more than 3 percent--had no governing board.<sup>18</sup> Although a lower percentage of nonpublic schools have governing bodies today than in 1975, the present groups appear to vary more widely in their composition.

#### Chief Administrator

Nonpublic schools use a variety of titles when referring to their chief administrator, as is indicated by Table 9. Four of the schools responding commented that regardless of the title, the responsibilities generally remain the same. In his 1975 study, Franklin also found the same response to this question,<sup>19</sup> even though he found less variety in the titles used.

The title most often used, as reported by 136 schools--41 percent--is principal. Fifty-four schools use the title administrator, followed closely by 52 schools which use headmaster. One school noted that the title administrator had only recently been changed to head of the school.

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<sup>18</sup>Ibid., 127.    <sup>19</sup>Ibid., 124-125.

Table 9  
Titles of Administrators of Nonpublic Schools  
in North Carolina

Title	Number of Schools
Administrator	54
Administrator/President or Chief	2
Clerk	1
Coordinator	2
Director	32
Directress	1
Head of the School	2
Headmaster	52
Headmistress	4
Head Teacher	11
Minister or Minister/Administrator	8
President	9
Principal	136
Principal/Administrator	4
Principal/Minister	9
School Chairman	1
Superintendent	2
Supervisor	1
Total	331

One interesting difference in this and Franklin's survey occurred in the use of feminine titles. Franklin reported one school as indicating, "We call the head of the school principal because the title head mistress is distasteful."<sup>20</sup> Franklin noted the comment of Calvin Criner (former Coordinator of Nonpublic Schools) that the title of principal was generally used by schools where a female was the chief administrator.<sup>21</sup> No school in his study reported using a feminine title. However, in the present survey four schools indicated the use of the title headmistress, and one school listed the title directress.

#### Racial Composition of Faculty

As Table 10 shows, the faculty members of the 331 nonpublic schools in this study represent several ethnic backgrounds, but the majority of the 4,574 faculty members are white females--3,434, or 75 percent. Of the 170 black teachers, 128 are females. Additionally, there are 14 Hispanic teachers, one of whom is male, and two are Asian/Pacific Islanders.

Since Franklin's study, the number of nonpublic schools has increased substantially, and the number of faculty members has increased proportionately. One significant difference between the 1975 study and this one is notable: the increase in the number of black teachers. In 1975 Franklin

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<sup>20</sup>Ibid., 124.      <sup>21</sup>Ibid.

Table 10  
Faculty

Race	Male	Female	Total
American Indian Alaskan Native	0	0	0
Asian/Pacific Islander	1	1	2
Hispanic	1	13	14
Black	42	128	170
White	954	3434	4388
Total	998	3576	4574

reported a total of 43 black teachers.<sup>22</sup> That number had increased to 170 at the time of this study.

In the current study all-white faculties were reported in 249 schools, with 102 of these having only white students and 56 having both black and white students. However, no school with only black students has an all-white faculty.

Only 14 schools reported having an all-black faculty. Six of these enroll both black and white students, and three have only black students enrolled. The remaining five schools have a multi-racial composition of students.

Forty-four schools reported having both black and white faculty members. One of these schools has an all-white enrollment; 17 have both black and white students, and two schools have an all-black enrollment. The remaining 24 schools have a mixed faculty of two or more races and a mixed student enrollment.

Since Franklin did not request information regarding gender of faculty or composition other than black and white, there is uncertainty as to whether nonpublic school faculty members of other races existed in North Carolina at the time of his study.

#### School Facilities

The findings in this study related to the previous use of facilities closely resemble those of Franklin. However,

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<sup>22</sup>Ibid., 130.

this present survey reveals a much wider variety of structures used to house nonpublic schools than did his, perhaps because of the larger number of schools included in this report.

Table 11 indicates that 191, or nearly 58 percent, of the nonpublic schools surveyed in this study are housed in facilities that were originally constructed for their use. This percentage is considerably lower than the nearly 75 percent of facilities built for the schools reported by Franklin.<sup>23</sup> Table 12 of this study reveals that the remaining 140 structures have served a variety of purposes before being used as a school.

Forty-five of these 140 schools are housed in churches; 10 others use both the church building and other facilities, such as educational buildings or Sunday School rooms. Seventeen schools are housed solely in church fellowship halls, and 12 use only Sunday School rooms.

The facilities that are not church-related vary widely in number and type. Twenty schools are located in private homes; 7 use day care centers, and 6 use old public school buildings. The remaining facilities are so varied that they include 17 different types of structures. Some of the most unusual ones are a chicken house, a broom factory, a building for the criminally insane, a dormitory, a funeral home, and even a skating rink and motel.

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<sup>23</sup>Ibid., 135.

Table 11  
Facilities Originally Constructed for Use  
as Nonpublic Schools

Yes	191
No	<u>140</u>
Total	331

Table 12

Previous Use of Facilities Not Originally  
Constructed for Nonpublic Schools

Type	Number of Schools
Broom Factory	1
Building for the Criminally Insane	1
Chicken House	1
Church	45
Church and Educational Building	5
Church and Sunday School Rooms	5
Church Fellowship Hall	17
Club House	1
College	1
Day Care Center	7
Dormitory	1
Former Home	3
Funeral Home	1
Garage	1
Mobile Home	3
New Facility Added to Church	2
Office Space	2
Old Public School	6
Parsonage	1
Private Home	20
Restaurant	1
Savings and Loan Building	1
Skating Rink and Motel	1
Sunday School Rooms	12
VFW Home	1
Total	140



Ten schools indicated that they are in the process of adding to their present facility or are building a new one.

Table 13 indicates that the conventional self-contained classroom proved to be the type of facility used most often by nonpublic schools. Franklin also found this to be true. Of the 331 schools reporting in this study, 186, or 56 percent, use the conventional self-contained facility as compared to 68 percent reported by Franklin.<sup>24</sup>

One difference is noted in the use of church facilities. Table 13 establishes that 49 schools use the church facility alone. However, another 51 schools use the church and self-contained classrooms; 7 use the church and open space; and 8 others combine the church facility with open space and conventional classrooms. These total 115--nearly 35 percent--of all reporting schools using church facilities, a larger percentage than was reported in the 1975 study.

Another interesting difference in the two studies is the increase of open-space facilities being used as reported in the current survey. Twenty-seven schools indicate that they use open-space facilities entirely as contrasted with only five that did so in the 1975 study.<sup>25</sup>

### Outside Relations

#### Local School Board and Superintendent Involvement

This survey reveals little involvement between the nonpublic schools and local public school boards and

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<sup>24</sup>Ibid., 131.    <sup>25</sup>Ibid., 133.

Table 13  
Types of Facilities Used by Nonpublic Schools

Type	Number of Schools
Conventional Self-Contained Rooms	186
Open-Space Facility	27
Church Facility	49
Conventional Self-Contained Rooms and Open-Space Facility	3
Conventional Self-Contained Rooms and Church Facility	51
Open-Space Facility and Church Facility	7
Conventional Self-Contained Rooms, Open-Space Facility, and Church Facility	<u>8</u>
Total	331

superintendents of public schools. As Table 14 shows, the major involvement between the nonpublic and public schools has been in federal programs, with 34 schools reporting participation in these. Twenty-one other schools indicated some involvement with attendance, 14 with reports, and 13 with records. Two schools indicated that they wanted nothing to do with public schools and had no contact with them.

Franklin also found little involvement between nonpublic and public schools except where reports, records, and federal programs were concerned.<sup>26</sup>

Until 1979, nonpublic schools were required by law to submit reports of student enrollment and withdrawal to the superintendent in the administrative unit where the school was located. This law has since been rescinded.

### Accreditation

The desire for independence from the State by many of these nonpublic schools can be observed from the analysis of whether the schools are accredited by the North Carolina Department of Public Instruction or by the Southern Association of Colleges and Schools.

Table 15 reveals that only 50 of the 331 nonpublic schools responding to the survey--15 percent--are accredited by the North Carolina Department of Public Instruction.

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<sup>26</sup>Ibid., 140.

Table 14

Involvement of Nonpublic Schools with Local Public School  
Superintendents and School Boards

	Yes	No
Reports	14	317
Records	13	318
Books	2	329
Attendance	21	310
Curriculum	1	330
Supplies	2	329
Transportation	2	329
Federal Programs	34	297
Speech Therapy	1	330
Testing	2	329

Table 15  
Accreditation

Accreditation	Schools
Accreditation by North Carolina Department of Public Instruction	50
Accreditation by the Southern Association of Colleges and Schools	31
Candidate for Accreditation by the Southern Association of Colleges and Schools	0

In his study, Franklin found a discrepancy in the number of schools reporting accreditation by the North Carolina Department of Public Instruction. Twenty-nine stated that they were accredited. However, Calvin Criner, who was Coordinator for Nonpublic Schools at that time, stated that only 22 of all North Carolina nonpublic schools were accredited by the North Carolina Department of Public Instruction in 1975.<sup>27</sup>

This investigator checked each school returning the questionnaire for accreditation by the North Carolina Department of Public Instruction and by the Southern Association of Colleges and Schools. Two schools which reported that they were accredited by both the North Carolina Department of Public Instruction and the Southern Association of Colleges and Schools were found to be accredited by neither.

In some instances there appears to be little interest in accreditation by the North Carolina Department of Public Instruction. Four private church schools indicated that they were not accredited by the North Carolina Department of Public Instruction and did not seek accreditation. Still another private church school stated that it was proud of the fact that it was not accredited.

Thirty-one schools in this study--over 9 percent--reported being accredited by the Southern Association of

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<sup>27</sup>Ibid., 136.

Colleges and Schools. No schools reported being candidates for accreditation by the Southern Association of Colleges and Schools.

Franklin reported that 15 of those responding to his questionnaire were accredited by the Southern Association of Colleges and Schools.<sup>28</sup>

#### Transportation

The final area of investigation looks at how the schools meet the transportation needs of the students. A rather large majority of nonpublic schools, 254 out of 331--nearly 77 percent--provide no transportation to and from school for their students. Table 16 reveals that 77 schools, or around 23 percent, do provide transportation in some form. Thirty-two nonpublic schools own buses that transport students to and from school at no additional cost to parents. Ten additional schools also own buses that transport students to and from school, but the parents must pay an additional fee for this service.

In addition to school-owned buses, seven schools transport students in buses owned by affiliated churches at no additional cost to parents, while 25 schools transport students to and from school if parents pay an additional fee. Three schools provide transportation other than buses if parents pay an additional fee.

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<sup>28</sup>Ibid., 138.

Table 16  
Transportation of Nonpublic School Students

Schools	Number of Schools
Own buses that transport students to and from school at no additional cost to parents	32
Own buses that transport students to and from school if parents pay additional fee	10
Operate buses owned by an affiliated church to transport students to and from school at no additional cost to parents	7
Operate buses owned by an affiliated church to transport students to and from school if parents pay additional fee	25
Provide transportation other than buses if parents pay additional fee	<u>3</u>
Total	77



Franklin's study indicated that of the 56 schools reporting the utilization of buses to transport students to and from school, 26 owned or operated their own buses. The remaining 30 schools used a variety of transportation, among which were buses owned by an affiliated church and privately owned buses.<sup>29</sup>

#### Summary

The survey revealed a number of significant facts, but two are of special significance. First, although the combined reasons of quality education and religious instruction were the main reasons given in both studies for the establishment of nonpublic schools, other factors include protection of children from the drug culture, profane language, television programs, sex education, and the teaching of evolution. These suggest that administrators are redefining their reasons for establishing nonpublic schools.

Secondly, the significant growth in the number of nonpublic schools since 1968 indicates that these schools will continue to be an important component in the field of education.

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<sup>29</sup>Ibid., 145.

## CHAPTER V

### SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

In 1975 Lewis Franklin made a study of nonpublic education at the regional and state levels with emphasis on North Carolina. This current study was undertaken in order to determine the changes that have occurred since that time. By examination of the previous study, a comparison is made between current conditions and those conditions existing in the mid-1970s.

Literature dealing with nonpublic education was reviewed in Chapter II in order to trace the historical development of nonpublic education in America. The schools established in America in the seventeenth and eighteenth centuries composed what could be termed a nonpublic church-related school system; however, as time passed, the difference in public and nonpublic schools was less distinct. The diversity of schools in the colonial period, the rise of academies and Catholic and Protestant schools in the nineteenth century, the Progressive Movement, and the problems of desegregation and busing in the twentieth century are all a part of the history of nonpublic education.

The history of education in North Carolina discussed in Chapter III shows that early schools were church-related.

Even though education was encouraged in the North Carolina Constitution of 1776, little official action was taken in support of education. In 1923, an act was passed to make school attendance compulsory for all children of school age. The responsibility of supervising nonpublic schools was given to the State Board of Education in 1955; however, the deregulation of nonpublic schools by the General Assembly in 1979 placed the Division of Nonpublic Education within the Office of the Governor.

Chapter IV explained the methodology used in this study to survey nonpublic schools in North Carolina. A questionnaire similar to the one used by Franklin in his 1975 study was sent to the 419 nonpublic school administrators in order to compare and contrast nonpublic education in the State of North Carolina in the mid-1970s and the mid-1980s. The questionnaire consisted of fourteen questions seeking information as to the origin of nonpublic schools, organizational structure, school facilities, outside relations, and transportation. A total of 331 administrators--nearly 79 percent--responded.

The basic research question of this study was addressed in Chapter I: What are the recent trends in nonpublic education in North Carolina, and how do these compare with the trends disclosed by Franklin's 1975 study? In Chapter IV an analysis of Franklin's 1975 study, when compared with the present study, provides the response to this question.

### Summary

This study reveals that the major reasons for establishing nonpublic schools were the combined desires for quality education and religious instruction. This is the same finding reported by Franklin in 1975. In addition, the second most frequently cited reason was the single theme of quality education. Again, this was similar to the Franklin study. Even though some of the various "other factors" are similar in both studies, the current study reflects a recent concern about issues that were not greatly significant when Franklin's study was made. These include avoiding the influence of television programs, profanity and sex education, and the teaching of evolution.

The present study indicates that of the schools responding to the survey, the number of religious schools among them increased from slightly over one-half in the mid-1970s to over two-thirds in the mid-1980s. Other than 110 nondenominational nonpublic schools, Baptist schools with 36 compose the largest number, followed by 22 each of Roman Catholic and Seventh Day Adventist schools. In Franklin's study, the Baptist and Roman Catholic schools alone composed the majority of religious schools.

Both Franklin's study and this study show that although the number of nonpublic schools increased after 1954, the growth was slow but steady until 1966. A notable increase

began in 1968 and continued through 1985. Over one-half of the nonpublic schools responding to this survey were established between 1966 and 1985.

This study reveals that 93 percent of students enrolled in nonpublic schools are white, and approximately 5 percent are black. One hundred and eleven schools have an all-white enrollment, and six have an all-black enrollment. While these are sizable numbers, nearly two-thirds of the schools surveyed are integrated among two or more races.

In his study Franklin referred only to black and white enrollment in the nonpublic schools; however, the present study reveals that at least three other racial groups are currently enrolled in these schools.

Both studies, the present one and that of Franklin, indicate a striking similarity in the number of male and female students enrolled at each grade level.

A higher percentage of nonpublic schools in this study than in Franklin's study reported that they had no governing board. However, the boards in this study vary more widely in composition.

As was found in the earlier study, but more so in this study, the nonpublic school administrator is called by a variety of names. Regardless of the title, however, the responsibilities remain the same. No feminine titles were reported in Franklin's study, but five were noted in this study.

The majority of faculty members in this study are white females. However, one notable trend is an increase in the number of black faculty members, from 43 in 1975 to 170 in the present study. Also, 14 Hispanics and 2 from the Asian/Pacific category were reported as faculty in this survey.

The percentage of facilities originally constructed for use as nonpublic schools is considerably higher in Franklin's study than in this one. Even though some original uses of facilities are the same in both studies, this study does reveal more variation in the types of facilities used.

There has been an increase in the number of schools that are conducted in church-owned buildings. A greater number of open-space classrooms are evident in this study, but the number of physical plants used by nonpublic schools in both studies indicates the predominant use of conventional self-contained classrooms.

Both this study and Franklin's reveal that the nonpublic schools have little involvement with the local public school board and superintendent of public schools. There was more involvement concerning reports and records at the time of Franklin's study, since the nonpublic schools were required by law at that time to submit formal reports to the local school administrative unit.

This study indicates that only about 15 percent of nonpublic schools are accredited by the North Carolina

Department of Public Instruction, and around 10 percent are accredited by the Southern Association of Colleges and Schools.

Nearly 77 percent of nonpublic schools surveyed in this study provide no transportation for students. Thirty-nine schools transport students in buses to and from school at no additional cost to parents, while 35 transport students by bus to and from school if parents pay an additional fee. Three schools provide transportation other than buses for students if parents pay an additional fee. Franklin found that 56 schools used buses to transport a portion of their students to and from school.

### Conclusions

Based on an analysis of these data, the following conclusions are drawn:

1. Although quality education and religious instruction were the main reasons found in both Franklin's study and this study for establishing nonpublic schools, other factors not mentioned in the 1975 study are evident slightly over a decade later. The new factors which include protection of children from the drug culture, profane language, television programs, sex education, and the teaching of evolution suggest that nonpublic schools were established in order to meet the desires of parents regarding their children's education.

2. The number of religious schools has increased since Franklin's study, and there is greater diversity in the types of denominations that support nonpublic schools. Nevertheless, 110 nondenominational schools were reported in this study, while Franklin reported none. The emerging trend is for nonpublic schools to be supported by a greater variety of denominations and for an increasing number to operate as nondenominational schools.

3. The significant growth in the number of nonpublic schools since 1968 indicates that these schools will continue to be an important component in the field of education.

4. This study shows that 111 of the 331 schools reporting still have an all-white enrollment, while 6 have an all-black enrollment. Although desegregation and busing are not the overt issues they were in the 1970s, given the large number of segregated schools, it would appear that a number of families find segregated education an attractive alternative.

5. The inclusion of races other than black and white in this study could indicate that more schools currently are attracting students from other races than was true when the earlier study was made.

6. Based on the comparative enrollment figures of male and female students in the two studies, it would appear that nonpublic schools consistently hold no greater attraction for one sex than for the other.



7. Even though a higher percentage of schools in this study report that they have no governing board, the composition of the boards now is more varied and yet appears to be more clearly defined.

8. The majority of schools with no governing board are smaller and more recently established. If these schools remain open, they may in time find it necessary to establish a policy-making and governing board appropriate to meet their respective needs.

9. Regardless of the title given the chief administrators of the nonpublic schools, the responsibilities of that position are practically the same in all schools. While no feminine titles were reported being used in Franklin's study, five were used in this study. Apparently, the traditional title of headmistress has been restored to respectability (if indeed it was ever lost!) since four administrators reported using it, and one used directress. This fact indicates that the role of female administrator is becoming more accepted in the mid-1980s and that women are increasingly assuming roles of leadership in the nonpublic schools.

10. Although the majority of faculty members in nonpublic schools are white, the number of black faculty members is increasing. It is possible also that the number of Hispanic and Asian/Pacific Islanders is increasing, but there is no available comparison to Franklin's study. These

findings indicate that faculties in nonpublic schools have become more integrated and are more diversified than was true in the mid-1970s.

11. This study reveals a lower percentage of facilities constructed for use as nonpublic schools than did Franklin's. The larger variety of structures used as nonpublic schools may be attributed to the fact that a notable number of the more recently established schools have small enrollments and may not have the funds for constructing school facilities.

12. Both studies indicate that the majority of nonpublic schools have conventional self-contained facilities, apparently the preferred type of facility in the mid-1970s and the mid-1980s. A slight trend is indicated toward the increased use of open-space facilities which was not evident in the previous study.

13. Both studies indicate that the nonpublic schools have little involvement with the local public school board and the superintendent of public schools. Less involvement was found in this study concerning reports than in Franklin's study. Therefore, it can be assumed that these schools will continue to operate as they have since 1979 unless they are required to do otherwise.

14. This study reveals that few North Carolina nonpublic schools are accredited by the North Carolina Department of Public Instruction--about 15 percent--or by the Southern

Association of Colleges and Schools--around 10 percent. Through phone conversations and correspondence with administrators of nonpublic schools, it was learned that many private church schools do not desire accreditation by either the North Carolian Department of Public Instruction or the Southern Association of Colleges and Schools.

15. The current study and Franklin's study both reveal that few students in nonpublic schools are transported by bus to and from school. It is possible that the cost of busing is so great as to make it virtually impossible for nonpublic schools, especially the smaller ones, to provide transportation for their students. For whatever reason, the schools do not generally provide transportation. The likelihood is that parents will continue to provide transportation for their children who attend nonpublic schools.

#### Recommendations

The findings of this study support the following recommendations:

1. that the personnel employed by the State to supervise and assist nonpublic schools in their operation be increased in number;
2. that the State consider more closely regulating the reporting required of nonpublic schools;
3. that the State more closely supervise the curriculum offered in nonpublic schools;

4. that the state supervise more closely the qualifications of teaching personnel in nonpublic schools.

#### Recommendations for Further Study

Based on the findings and conclusions of this study, the following recommendations are made:

1. A study of nonpublic education in North Carolina similar to the present study should be conducted every ten years in order to determine progress and show ongoing trends in nonpublic education.
2. A study of nonpublic education using a questionnaire similar to the one used in this study should be conducted in each of the fifty United States.
3. An in-depth study, of both the private church schools and schools of religious charter and of independent schools, should be conducted with emphasis on curriculum, promotion, and graduation requirements.
4. A comparative study of teacher certification, teacher salaries, and class size in nonpublic schools throughout the state should be encouraged.
5. A comparison of the standardized test scores of nonpublic school students and public school students needs to be assessed.
6. A study of students who transfer from nonpublic schools to public schools should be conducted in order to determine if adjustment problems exist.

7. A study needs to be conducted using either an interview or a survey questionnaire designed for parents in order to gain insight into why they send their children to nonpublic schools.

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APPENDIX A  
NORTH CAROLINA NONPUBLIC SCHOOL STATUTES

## SUBCHAPTER X. PRIVATE AND PROPRIETARY SCHOOLS.

## ARTICLE 39.

Nonpublic Schools.

## Part 1. Private Church Schools and Schools of Religious Charter.

## § 115C-547. Policy.

In conformity with the Constitutions of the United States and of North Carolina, it is the public policy of the State in matters of education that "No human authority shall, in any case whatever, control or interfere with the rights of conscience," or with religious liberty and that "religion, morality and knowledge being necessary to good government and the happiness of mankind . . . the means of education shall forever be encouraged." (1979, c. 505; 1981 c, 423, s. 1.)

## § 115C-548. Attendance; health and safety regulations.

Each private church school or school of religious charter shall make, and maintain annual attendance and disease immunization records for each pupil enrolled and regularly attending classes. Attendance by a child at any school to which this Part relates and which complies with this Part shall satisfy the requirements of compulsory school attendance: Provided, however, that such school operates on a regular schedule, excluding reasonable holidays and vacations, during at least nine calendar months of the year. Each school shall be subject to reasonable fire, health and safety inspections by State, county and municipal authorities as required by law. (1979, c. 505; 1981, c. 423, s. 1.)

## § 115C-549. Standardized testing requirements.

Each private church school or school of religious charter shall administer, at least once in each school year, a nationally standardized test or other nationally standardized equivalent measurement selected by the chief administrative officer of such school, to all students enrolled or regularly attending grades three, six and nine. The nationally standardized test or other equivalent measurement selected must measure achievement in the areas of English grammar, reading, spelling and mathematics. Each school shall make and maintain records of the results achieved by its students. For one year



after the testing, all records shall be made available, subject to the provision of G.S. 115C-196, at the principal office of such school, at all reasonable times, for annual inspection by a duly authorized representative of the State of North Carolina. (1979, c. 505; 1981, c. 423, s. 1; 1987, c. 738, s. 180(b).)

§ 115C-550. High school competency testing.

To assure that all high school graduates possess those minimum skills and that knowledge thought necessary to function in society, each private church school or school of religious charter shall administer at least once in each school year, a nationally standardized test or other nationally standardized equivalent measure selected by the chief administrative officer of such school, to all students enrolled and regularly attending the eleventh grade. The nationally standardized test or other equivalent measurement selected must measure competencies in the verbal and quantitative areas. Each private church school or school of religious charter shall establish a minimum score which must be attained by a student on the selected test in order to be graduated from high school. For one year after the testing, all records shall be made available, subject to the provision of G.S. 115C-196, at the principal office of such school, at all reasonable times, for annual inspection by a duly authorized representative of the State of North Carolina. (1979, c. 505; 1981, c. 423, s. 1.)

§ 115C-551. Voluntary participation in the State programs.

Any such school may, on a voluntary basis, participate in any State operated or sponsored program which would otherwise be available to such school, including but not limited to the high school competency testing and statewide testing programs. (1979, c. 505; 1981, c. 423, s. 1.)

§ 115C-552. New school notice requirements; termination.

(a) Any new school to which this Part relates shall send to a duly authorized representative of the State of North Carolina a notice of intent to operate, name and address of the school, and name of the school's owner and chief administrator.

(b) Any school to which this Part applies shall notify a duly authorized representative of the State of North Carolina upon termination of the school. (1979, c. 505; 1981, c. 423, s. 1.)

§ 115C-553. Duly authorized representative.

The duly authorized representative of the State of North Carolina to whom reports of commencing operation and termination shall be made and who may inspect certain records under this Part shall be designated by the Governor. (1979, c. 505; 1981, c. 423, s. 1.)

§ 115C-554. Requirements exclusive.

No school, operated by any church or other organized religious group or body as part of its religious ministry, which complies with the requirements of this Part shall be subject to any other provision of law relating to education except requirements of law respecting fire, safety, sanitation and immunization. (1979, c. 505; 1981, c. 423, s. 1.)

Part 2. Qualified Nonpublic Schools.

§ 115C-555. Qualification of nonpublic schools.

The provisions of this Part shall apply to any nonpublic school which has one or more of the following characteristics:

- (1) It is accredited by the State Board of Education.
- (2) It is accredited by the Southern Association of Colleges and Schools.
- (3) It is an active member of the North Carolina Association of Independent Schools.
- (4) It receives no funding from the State of North Carolina. (1979, c. 506; 1981, c. 423, s. 1.)

§ 115C-556. Attendance; health and safety regulations.

Each qualified nonpublic school shall make, and maintain annual attendance and disease immunization records for each pupil enrolled and regularly attending classes. Attendance by a child at any school to which this Part relates and which complies with this Part shall satisfy the requirements of compulsory school attendance: Provided, however, that such school operates on a regular schedule, excluding reasonable holidays and vacations, during at least nine calendar months of the year. Each school shall be subject to reasonable fire, health and safety inspections by State, county and municipal authorities as required by law. (1979, c. 506; 1981, c. 423, s. 1.)

§ 115C-557. Standardized testing requirements.

Each qualified nonpublic school shall administer, at least once in each school year, a nationally standardized test or other nationally standardized equivalent measurement selected by the chief administrative officer of such school, to all students enrolled or regularly attending grades three, six and nine. The nationally standardized test or other equivalent measurement selected must measure achievement in the areas of English grammar, reading, spelling and mathematics. Each school shall make and maintain records of the results achieved by its students. For one year after the testing, all records shall be made available, subject to the provision of G.S. 115C-196, at the principal office of such school, at all reasonable times, for annual inspection by a duly authorized representative of the State of North Carolina. (1979, c. 506; 1981, c. 423, s. 1; 1987, c. 738, s. 180(c).)

§ 115C-558. High school competency testing.

To assure that all high school graduates possess those minimum skills and that knowledge thought necessary to function in society, each qualified nonpublic school shall administer at least once in each school year, a nationally standardized test or other nationally standardized equivalent measure selected by the chief administrative officer of such school, to all students enrolled and regularly attending the eleventh grade. The nationally standardized test or other equivalent measurement selected must measure competencies in the verbal and quantitative areas. Each qualified nonpublic school shall establish a minimum score which must be attained by a student on the selected test in order to be graduated from high school. For one year after the testing, all records shall be made available, subject to the provision of G.S. 115C-196, at the principal office of such school, at all reasonable times, for annual inspection by a duly authorized representative of the State of North Carolina. (1979, c. 506; 1981, c. 423, s. 1.)

§ 115C-559. Voluntary participation in the State programs.

Any such school may, on a voluntary basis, participate in any State operated or sponsored program which would otherwise be available to such school, including but not limited to the high school competency testing and statewide testing programs. (1979, c. 506; 1981, c. 423, s. 1.)

§ 115C-560. New school notice requirements; termination.

(a) Any new school to which this Part relates shall send to a duly authorized representative of the State of North Carolina a notice of intent to operate, name and address of the school, and name of the school's owner and chief administrator.

(b) Any school to which this Part applies shall notify a duly authorized representative of the State of North Carolina upon termination of the school. (1979, c. 506; 1981, c. 423, s. 1.)

§ 115C-561. Duly authorized representative.

The duly authorized representative of the State of North Carolina to whom reports of commencing operation and termination shall be made and who may inspect certain records under this Part shall be designated by the Governor. (1979, c. 506; 1981, c. 423, s. 1.)

§ 115C-562. Requirements exclusive.

No qualifying nonpublic school, which complies with the requirements of this Part, shall be subject to any other provision of law relating to education except requirements of law respecting fire, safety, sanitation and immunization. (1979, c. 506; 1981, c. 423, s. 1.)

GENERAL ASSEMBLY OF NORTH CAROLINA  
1987 SESSION  
RATIFIED BILL

CHAPTER 891  
HOUSE BILL 837

AN ACT TO PERMIT HOME INSTRUCTION, UNDER CERTAIN CONDITIONS,  
AS A MEANS OF COMPLYING WITH COMPULSORY SCHOOL  
ATTENDANCE REQUIREMENTS.

The General Assembly of North Carolina enacts:

Section 1. Article 39 of Chapter 115C of the  
General Statutes is amended by adding a new Part to read:

"Part 3. Home Schools.

§ 115C-563. Definitions.--As used in this Part or  
Parts 1 and 2 of this section:

(a) 'Home school' means a nonpublic school in which  
one or more children of not more than two families or house-  
holds receive academic instruction from parents or legal  
guardians, or a member of either household.

(b) 'Duly authorized representative of the State' means  
the Director, Division of Nonpublic Education, or his staff.

"§ 115C-564. Qualifications and requirements.--A home  
school shall make the election to operate under the qualifi-  
cations of either Part 1 or Part 2 of this Article and shall  
meet the requirements of the Part elected, except that any  
requirement related to safety and sanitation inspections  
shall be waived if the school operates in a private residence  
and except that testing requirements in G.S. 115C-549 and  
G.S. 115C-557 shall be on an annual basis. The persons  
providing academic instruction in a home school shall hold  
at least a high school diploma or its equivalent.

"§ 115C-565. Requirements exclusive.--No school which  
complies with this Part shall be subject to any other pro-  
vision of law relating to education except requirements  
of law respecting immunization."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and  
ratified this the 20th day of June, 1988.

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Robert B. Jordan III  
President of the Senate

---

Liston B. Ramsey  
Speaker of the House of Representatives

APPENDIX B  
PRIVATE SCHOOL REQUIREMENTS

## PRIVATE SCHOOL REQUIREMENTS

Each private elementary/secondary school in North Carolina must:

1. BEFORE BEGINNING INITIAL OPERATION, (preferably four weeks or more) report its name, mailing and location addresses, phone number, county and names of its chief administrator and owner(s) to the Division of Non-Public Education (DNPE). A specific form is available from DNPE for official use in providing this notification. Include with it a photocopy of the inspector-completed fire, safety and sanitation inspection forms. Keep originals at school.
2. Meet the fire, safety and sanitation standards established by State and local authorities. Before initially beginning classes and annually thereafter, have the County Fire Marshall and the County Health Department inspect the school facility. Prior to initial occupancy, the local building inspector must also inspect the building(s). Thereafter, he will need to inspect again only when structural changes are made to the building(s). Allow up to possibly a month or more for the inspections to be completed. Sample fire and sanitation inspection forms are available from DNPE. Keep original inspector-completed forms on file at the school. (If the county has no fire marshall, contact the local fire chief.)
3. Require that beginning teaching and non-teaching staff members (first year at the school) have an initial physical examination by a North Carolina physician licensed to practice medicine in this State. The physical exam should be administered within 90 days before classes begin and must include a TB test. A doctor-completed health examination certificate must be on file at the school for every staff member (including the school's chief administrator). Official health examination certificate forms may be obtained from DNPE.
4. Operate for a school term of at least nine calendar months on a regular schedule excluding reasonable holidays and vacations. (DNPE strongly advises a school term of at least 180 school days; typical school days of at least 5 1/2 hours in length; and, typical class periods for grade 9-12 students of 50 minutes each.)

5. Keep accurate attendance records on file at its office.
6. Maintain current and accurate disease immunization records on file at its office for each pupil enrolled. All pupils must be properly immunized with these vaccine minimum dosages before entering kindergarten and grade 1:
  - a. Diphtheria, tetanus and whooping cough (DTP)--3 doses by age 1; 1st booster at age 2; 2nd booster at age 4;
  - b. Polio--3 doses by age 2; 1 dose at age 4;
  - c. Measles--1 dose of live vaccine by age 2;
  - d. Mumps--1 dose by age 2;
  - e. Rubella--1 dose by age 2.
7. Administer to all students in grades 3, 6 and 9, each school year, a nationally standardized achievement test in the subject areas of English Grammar, Reading, Spelling and Math. Keep test results on file at the school for at least one calendar year for annual review by a DNPE representative.
8. Administer to all grade 11 students each school year, a nationally standardized test which measures competencies in the verbal and quantitative areas. Keep test results on file at the school for at least one calendar year for annual review by a DNPE representative. Establish a minimum score on the test for high school graduation.
9. Notify DNPE immediately upon termination of the school.

Division of Non-Public Education  
Office of the Governor  
532 North Wilmington Street  
Raleigh, NC 27604  
Phone: (919) 733-4276



APPENDIX C  
QUESTIONNAIRE

- [illegible]

7. Please provide below the faculty membership by race and sex. Leave the space blank if not appropriate.

American Indian/ Alaskan Native		Asian/Pacific Islander		Hispanic		Black		White	
Male	Female	Male	Female	Male	Female	Male	Female	Male	Female

8. Are the local public school board and the local superintendent of public schools involved in the operation of the school? (Circle number)

1 NO  
2 YES

(If yes) How is the local public school board and local superintendent of public schools involved in the operation of your school? (Circle YES or NO)

1	REPORTS	YES	NO	6	SUPPLIES	YES	NO
2	RECORDS	YES	NO	7	TRANSPORTATION	YES	NO
3	BOOKS	YES	NO	8	FEDERAL PROGRAMS	YES	NO
4	ATTENDANCE	YES	NO	OTHER . . . (specify) _____			
5	CURRICULUM	YES	NO				

9. What facility type(s) best describe(s) the school? (Circle more than one number of your answer if appropriate)

1 CONVENTIONAL - SELF-CONTAINED ROOMS  
2 OPEN SPACE FACILITY  
3 CHURCH FACILITY  
4 OTHER . . . (specify) \_\_\_\_\_

10. Was the school facility originally constructed for the school? (Circle number)

1 NO . . . (specify original use) \_\_\_\_\_

2 YES

11. Does the school transport students to and from school? (Circle number)

1 NO  
2 YES

(If yes) Does the school: (Circle number)

1 OWN BUSES THAT TRANSPORT STUDENTS TO AND FROM SCHOOL AT NO ADDITIONAL COST TO PARENTS  
2 OWN BUSES THAT TRANSPORT STUDENTS TO AND FROM SCHOOL IF PARENTS PAY ADDITIONAL FEE  
3 OPERATE BUSES OWNED BY AN AFFILIATED CHURCH TO TRANSPORT STUDENTS TO AND FROM SCHOOL AT NO ADDITIONAL COST TO PARENTS  
4 OPERATE BUSES OWNED BY AN AFFILIATED CHURCH TO TRANSPORT STUDENTS TO AND FROM SCHOOL IF PARENTS PAY ADDITIONAL FEE  
5 OTHER . . . (specify) \_\_\_\_\_

12. Is the school accredited by the North Carolina Department of Public Instruction? (Circle number)

1 NO 2 YES

13. Is the school accredited by the Southern Association of Colleges and Schools? (Circle number)

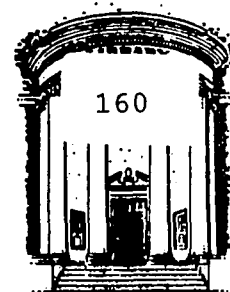
1 NO 2 YES

14. Is the school a candidate for accreditation by the Southern Association of Colleges and Schools? (Circle number)

1 NO 2 YES

APPENDIX D  
LETTERS TO ADMINISTRATORS

# THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO



*School of Education*

November 16, 1986

Dear

Nonpublic education has been an important aspect of American education from our country's inception. As an administrator you are in a unique position to share vital information concerning your school and to help tell the story of nonpublic education in North Carolina.

Your completion of the enclosed questionnaire would be much appreciated. Data derived from your answers will be used in my doctoral dissertation at the University of North Carolina at Greensboro. You may be assured of complete confidentiality since these data will be reported in such a way as to avoid the identification of any individual administrator or school.

A stamped and addressed envelope is enclosed for the return of the questionnaire. You may receive a summary of results by writing "copy of results requested" on the back of the return envelope and printing your name and address below it.

It would be helpful if this questionnaire could be returned by November 30. If you have any questions or concerns, please write or call collect (919) 227-3567 between the hours of 6:00 p.m. and 11:00 p.m.

Thank you for your assistance.

Sincerely,

Rebecca W. Graves

GREENSBORO, NORTH CAROLINA / 27412-5001

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# THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO



*School of Education*

December 7, 1986

Dear

Several weeks ago I wrote to you seeking information on your school since you are in a unique position to share vital information and to help tell the story of nonpublic education in North Carolina.

If you have completed the questionnaire and returned it, please accept my sincere thanks. In the event that your questionnaire has been misplaced, a replacement is enclosed along with an envelope stamped and addressed for your convenience and ease of return. You may receive a copy of results by writing "copy of results requested" on the back of the return envelope and printing your name and address below it.

You may be assured of complete confidentiality since these data will be used as a part of my doctoral dissertation at the University of North Carolina at Greensboro and will be reported in such a way as to avoid the identification of any individual administrator or school.

If you have questions or concerns, please write or call collect (919) 227-3567 between the hours of 6:00 p.m. and 11:00 p.m.

Your contribution to the success of this study will be appreciated greatly.

Sincerely,

Rebecca W. Graves

GREENSBORO, NORTH CAROLINA / 27412-5001

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# THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO



*School of Education*

January 16, 1987

Dear

Enclosed is the questionnaire that I discussed with you on the phone. By filling it out you can help tell the story of nonpublic education in North Carolina. You may be assured of complete confidentiality since these data will be used as a part of my doctoral dissertation at the University of North Carolina at Greensboro and will be reported in such a way as to avoid the identification of any individual administrator or school.

An envelope is enclosed for the return of the questionnaire and has been addressed and stamped for your convenience. You may receive a summary of results by writing "copy of results requested" on the back of the return envelope and printing your name and address below it.

If you have any questions or concerns, please write or call collect (919) 227-3567 between the hours of 6:00 p.m. and 11:00 p.m.

Your cooperation is greatly appreciated.

Sincerely,

Rebecca W. Graves

GREENSBORO, NORTH CAROLINA / 27412-5001

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