

THE ISLAND

Court upholds private school computer aid

■ Staten Island religious schools hail ruling as a big boost to programs here

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WASHINGTON — The U.S. Supreme Court has endorsed the use of taxpayer money to buy computers for religious schools — a move that bolsters an ongoing federally funded program to connect private schools on Staten Island and elsewhere to the Internet.

In a 6 to 3 decision yesterday, the justices upheld a 1965 congressional measure — the Elementary and Secondary Education Act — giving public school districts money for instructional equipment and requiring them to share it — “in a secular, neutral and non-ideological” — with students attending local private schools.

The decision overturned two court rulings of the 1970s banning the provision of many materials to parochial schools, and a recent appeals court ruling cutting off the flow of federal computer aid to parochial schools in a Louisiana school district. The appeals court concluded that giving materials

other than textbooks to religious schools violated the constitutional ban on “an establishment of religion.”

The aid issue is a major one on the Island because of the borough's approximately 50,000 school children, about 20,000 attend private schools, most of them religious.

Mayor Rudolph W. Giuliani intervened in the case, filing a “friend of the court brief” warning that an adverse decision would threaten a city effort to purchase Internet equipment for parochial schools and public schools with federal education aid.

In the case of the religious schools, the city Board of Education pays a vendor to supply the students with the material. The material is made available as a “loan” but is kept in the schools.

The mayor argued that the program passed the constitutional test because the money was being spent on the “secular purpose” of affording educational opportunities to all children in the state.

Private school administrators on the Island hailed the new Supreme Court decision as a breakthrough. “It is very gratifying decision,” said Rabbi Dr. Richard Ehrlich, the head of the Jewish Foundation School in Westerleigh.

Dr. Ehrlich said that since the ruling specifically approved the purchase of computers for religious schools, it could be used to justify an expansion of the current publicly funded Internet programs for religious schools.

Until now, he explained, the federally financed assistance had been limited to the wiring of these schools to give them access to the information highway, and to providing them with computer software. “Software is nice but the actual computer is nicer,” he said.

John Fodera, the principal of St. Peter's Boys High School in New Brighton, said the latest ruling could not have come at a better time for his school because it was breaking ground in less than two weeks on a \$3 million science building that will house, among other things, a computer center.

“For us, it is a monumental decision,” said Fodera, explaining that although “we have the money for the bricks and mortar” part of the science building project, the school was still looking for funding for acquiring the computer equipment.

Dr. Ehrlich also said he believed that the Supreme Court ruling strengthened the hand of religious school officials who have been calling for tuition vouchers. “The court seems to be saying that every child, to a limited degree, is entitled to a certain amount of every tax dollar, even if he or she is not attending a public school,” he said.

“I don't know how significant this is, but it is a step in the right direction,” Dr. Ehrlich said.

Officials for teachers' unions, which had entered the case in opposition to the parochial school aid program for computer purchases, expressed disappointment with yesterday's decision. “What troubles us is that there aren't adequate safeguards [in this ruling] to prevent the use of the computers for religious purposes,” said Thomas Murphy of Great Kills, the legislative affairs director of the United Federation of Teachers.

Murphy said while his union had a policy of supporting equipment aid to religious schools, “we always want adequate safeguards to make sure [the materials] are used for secular purposes.”

The backers of the decision in-

cluded Jerry Cammarata, Staten Island's representative to the Board of Education. “The Board needs to be a conduit for passing through money to provide support services to the parochial schools,” he said.

“And computers are no different than buses or lunch,” Cammarata added, referring to two other Board-backed support programs for private schools.

The Louisiana case began in 1985 when three local taxpayers, acting at the urging of the American Civil Liberties Union, sued federal, state and local officials to stop them from providing equipment — slide projectors — to parochial schools. Parents of pupils in the private schools intervened to defend the program. They were later backed by the Clinton administration.

The Supreme Court rulings of the 1970s and the more recent appeals court ruling were nullified yesterday in an opinion by Justice Clarence Thomas that seemed to open the door to almost any kind of government assistance to private schools. He was joined by Chief Justice William Rehnquist and Justices Anthony Kennedy and Antonin Scalia.

But in a separate concurring opinion written by her, Justice Sandra Day O'Connor and Stephen Breyer argued that the “expansive scope” of Thomas' opinion was “troubling.” Justice O'Connor said that any financial aid had to be allocated “on the basis of neutral, secular criteria.

“Regardless of whether these factors are constitutional requirements, they are surely sufficient to find that the program at issue here does not advance religion,” she added.

Justices David Souter, John Paul Stevens and Ruth Bader Ginsberg dissented.