Congress's Opportunity To Restore Parental Rights

by Phyllis Schlafly March 21, 2007

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The reauthorization of the No Child Left Behind Education Act offers Congress a splendid opportunity to enforce parents' rights that have been outrageously trampled on by the public schools.

When the Ninth Circuit Court of Appeals ruled that parents' right to control the upbringing of their children "does not extend beyond the threshold of the school door," the House erupted in unprecedented bipartisan criticism. On Nov. 16, 2005, by a vote of 320 to 91, the House passed H.Res. 547 to reassert the settled law of the Meyer - Pierce doctrine affirmed by the U.S. Supreme Court in the 1920s.

Since Congress is doling out hundreds of millions of dollars a year to public schools, it's perfectly proper to attach strings to the receipt of taxpayers' money. The easy way to do this is to require all schools receiving federal funds to sign compliance statements similar to the compliance statements by which grantees pledge not to discriminate on account of race or sex.

In November 2005, the House passed the Child Medication Safety Act, sponsored by Rep. John Kline (R-MN) by 407 to 12. If this bill had become law, it would

have prevented public schools from denying entry to a child whose parents refuse to medicate him with psychotropic drugs (such as Ritalin).

Such a lopsided majority proves that this type of legislative defense of parental rights is possible even in the Democratic-controlled Congress.

The most urgent need at the present time is for Congress to require public schools to sign a pledge that no child can be denied entry because of refusal to be vaccinated against human papillomavirus, and also require that any school with an HPV program may offer the vaccine only on a parental "opt in" basis, not "opt out." Congress should also require the schools to get written parental consent before subjecting their children to mental health screening.

Although the Ninth Circuit softened its bombastic "threshold" rhetoric after Congress lambasted it, the court did not change its ruling that a public school can impose on students "whatever information it wishes to provide, sexual or otherwise." Five federal circuits have handed down anti-parent, pro-public school decisions, and not one of them even offered parents an "opt out" option to the courses or materials that parents found offensive.

In Kentucky, a federal court put its stamp of approval on a public school forcing students and staff to watch a one-hour video that included dogmatic claims that homosexuality is immutable and that it is wrong to object to the gay lifestyle. A federal court in Massachusetts just ruled against a father, David Parker, who had the temerity to demand that he be notified before his kindergarten son was given a "Diversity Book Bag" containing a book illustrating and describing same-sex couples. Diversity has become the code word not only for favorable teaching about homosexuality, but also for silencing anyone who criticizes homosexuality.

In California, a federal court approved the public schools' requirement that a course in Islam be taught to 7th-graders. The course included giving the students Muslim

names, having them recite Muslim prayers and passages from the Koran, wear Arab clothing, and write a "positive" essay about Islamic culture.

Parents lost their case and the Supreme Court refused to hear their appeal. Where is the ACLU when we need them to assert separation of church and state — or is that phrase used only to silence Christians?

The aforementioned "threshold" case and a much-litigated case in Ridgewood, NJ both involved a privacy-invading, self-incriminating nosy questionnaire about teenage sex and use of illegal drugs, which the schools required students to answer. Again, the parents were not accorded any right to opt-out or even to be informed in advance about the objectionable survey. The T-shirt cases illustrate the hypocrisy of the schools and the courts. The Ninth Circuit ruled against parents in upholding the power of a public school to prohibit a kid from wearing an anti-homosexual T-shirt, even though the school was carrying out a pro-homosexual program and even though the Second Circuit had held that a public school could not ban an anti-Bush T-shirt.

Congress could require public schools to confirm that they have a policy of requiring parental permission for a student to join an extra-curricular school club, like the law just passed in Utah. This could safeguard students from being recruited into high school gay clubs.

One more rider that Congress should add to the education bill is a requirement that schools give parents a yes-or-no choice about putting their children into "bilingual education." That language apartheid is a federally funded mistake which keeps children speaking a foreign language for years, thereby making it extremely difficult to assimilate into the American culture.

Parents are looking for advocates in the new Congress, and they don't care whether they are Republican or Democratic. Who will answer their plea for help?