Activist Court Protects Mental Screening Of Kids

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The recent Ninth Circuit decision proclaiming that parents' rights over the education of their children terminate at "the threshold of the school door" has understandably stirred up a tremendous backlash. But in asserting the public schools' right to overrule parents, the decision in Fields v. Palmdale School District is much broader than the matter of a nosy questionnaire interrogating elementary schoolchildren about their assumed sexual activities.

The decision appears to be inventing a judicial argument for the new federally proposed mental health screening of all schoolchildren. In dicta wholly unnecessary to the decision, Judge Stephen Reinhardt casually asserted that the school's power extends to "protecting the mental health of children."

The school had sent a letter to parents stating that if a child felt uncomfortable about answering nosy questions, the school would assist in "locating a therapist for further psychological help." First, third and fifth-grade children would be provided with therapists to enable them to cope with a classroom activity.

An activist court has thus brought out in the open a trend that started years ago. When Samuel Hayakawa was a U.S. Senator urging passage of the Protection of Pupil Rights Amendment in 1978, he predicted that the schools were succumbing to "a heresy that rejects the idea of education as the acquisition of knowledge and skills . . . [and] regards the fundamental task in education as therapy."

One of George W. Bush's first initiatives upon becoming President was to create the New Freedom Commission on Mental Health. The Commission issued its report in 2003 and it is being implemented by SAMHSA (Substance Abuse & Mental Health Services Administration).

SAMHSA proudly asserts that its goal is a "fundamental transformation" of the mental health system. SAMHSA says that "the word transformation was chosen carefully" because it empowers new federal action in "policy, funding, and practice, as well as for attitudes and beliefs."

The federally funded activities announced on SAMHSA's website are awesomely comprehensive and expensive. SAMHSA is planning "a national effort focused on the mental health needs of children and early intervention for children identified to be at risk for mental disorders."

Ask yourself: How are these federal bureaucrats going to "identify" children at risk, and where will "early intervention" take place? The original report of the New Freedom Commission was blunt in stating that the plan is to make the public schools "partners," and conduct "routine and comprehensive" mental health examinations linked with "state-of-the-art treatments" using "specific medications."

As a result of grassroots opposition, SAMHSA now denies that the plan is universal or mandatory, but it's difficult to see how else they can achieve their national goal of "transformation."

A study by Harvard University and the National Institute of Mental Health released in August claims that 46 percent of all Americans will, at some point in their lives, develop a mental disorder. Such an extraordinary statement by so-called experts indicates that mental diagnoses are unscientific, and the people pushing screening of all schoolchildren are, well, probably crazy -- or are shilling for the manufacturers of the psychotropic drugs that will be prescribed for kids who flunk the TeenScreen test.

The Protection of Pupil Rights Amendment, which was reaffirmed in the No Child Left Behind Act, prohibits schools from interrogating students about "mental or psychological problems" without prior informed written parental consent. The Department of Education has sent a letter to every school superintendent setting forth the school's obligations.

House Judiciary Committee Chairman James Sensenbrenner (R-WI) emphatically stated, "It is not, and should not be, the role of government to subject children to arbitrary mental health screenings without the consent of their parents." Right on, Rep. Sensenbrenner!

Congress should make compliance with the law about parents' rights a condition of federal funding to schools just like other civil rights requirements.