

Do Parents' Rights End at the Schoolhouse Gate?

Written by John W. Whitehead
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Do parents have a right to control the upbringing of their children, especially when it comes to what their children should be exposed to in terms of sexual practices and intimate relationships?

That question goes to the heart of the battle being played out in school districts and courts across America right now over parental rights and whether parents essentially forfeit those rights when they send their children to a public school. On one side of the debate are those who believe, as the U.S. Supreme Court has ruled, that “the child is not the mere creature of the state” and that the right of parents to make decisions concerning the care, custody, and control of their children is a fundamental liberty interest protected by the U.S. Constitution. On the other side are government officials who not only believe, as the Ninth Circuit Court of Appeals ruled in *Fields V. Palmdale School District PSD* (2005), that “[s]chools cannot be expected to accommodate the personal, moral, or religious concerns of every parent,” but go so far as to insist that parents’ rights do “not extend beyond the threshold of the school door.”

A recent incident in Fitchburg, Massachusetts, clearly illustrates this growing tension over whether young people, especially those in the public schools, are wards of the state, to do with as government officials deem appropriate, in defiance of the children’s constitutional rights and those of their parents. On two separate occasions this year, students at Memorial Middle School in Fitchburg were administered surveys at school asking overtly intimate and sexually suggestive questions without their parents’ knowledge or consent. Students were required to complete the Youth Risk Behavior Survey (YRBS) at school, a survey that asks questions such as “Have you ever tried to kill yourself?”, “Have you ever sniffed glue, or breathed the contents of spray cans, or inhaled any paints?”, and “With how many people have you had sexual intercourse?” Older students were also given the Youth Program Survey, which asks true/false

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questions about a student's beliefs about contraception ("I feel comfortable talking with any partner I have about using a condom") and sexual activity ("I have had oral sex at some point in my life").

While the survey questions are explicit enough in terms of their content, the multiple-choice answers are actually quite informative – at least, in the sense that they educate young test-takers about a host of practices and terms with which they might not actually be familiar and provide them with suggestions on how to go about acquiring drugs, sex, etc. This is a not-so-subtle form of indoctrination into behaviors that no parent would want for their children. Moreover, instead of acquiring written consent from parents, which is required under federal law, before subjecting students to these invasive surveys, Memorial Middle School officials relied on so-called "passive consent," by which parents are presumed to have given their approval if they do not return the opt-out form sent home with students.

Unfortunately, Fitchburg, Massachusetts, is not the only locality using young people as test subjects for the purpose of mining data. In fact, as of 2009, the only states that did not participate at all in the survey were Oregon, Washington, and Minnesota. The national Centers for Disease Control & Prevention (CDC), the government agency responsible for creating and distributing the survey, states that the main purpose of the survey is to monitor "priority health-risk behaviors and the prevalence of obesity and asthma among youth and young adults." However, many parents are understandably up in arms over these tests.

First, there are concerns about how the tests are administered. While the CDC insists that local parental-permission procedures are followed, many school systems use the passive parental notification procedures. But passive notification is merely a surreptitious way to avoid obtaining written parental consent. And in the end, whether due to the child losing the notification form or forgetting to give it to the parents, parents are often left in the dark, unaware that their children are being subjected to such invasive tests.

Second, the manner in which these tests are administered puts them in violation of the Protection of Pupil Rights Amendment (PPRA), a federal law that was intended to protect the rights of parents and students. PPRA, which covers educational entities that receive federal funds, applies whenever students are asked to submit to any survey, analysis, or evaluation that seeks *private* information about the student, such as political affiliations, sexual activity, illegal activities, or religious beliefs. The PPRA allows parents to inspect their children's instructional materials and requires that schools obtain "written parental consent" before schools engage in such programs as mental-health screening.

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Third, critics of these risk-assessment tests insist that they're aimed at advocating antidepressant drugs for teenagers. For example, TeenScreen, which is similar to YRBS in its intent to identify suicidal tendencies and social disorders, has been labeled by the Alliance for Human Research Protection as a "duo-drug promotion scam" that declares "otherwise normal children to be mentally ill." As a result, an increasing number of children are being medicated with antidepressants, despite FDA warnings about the increased risk of suicidal thinking and behavior in children who take them.

Finally, legitimate questions remain about whether such tests really help students achieve healthier lifestyles. TeenScreen, for example, has an 84-percent false-positive rate. This means that 84 percent of teens diagnosed as having some sort of mental-health or social disorder are, in fact, perfectly normal teenagers. Furthermore, although the CDC insists that there is no danger in asking students highly suggestive questions about sex, drugs, and suicide, most parents prefer to decide the timing and content of such a sensitive discussion.

Helping America's teens make positive, healthy, and responsible lifestyle choices is a worthy goal, but it must start with parents within the home. If the schools are to be part of the process, they must ensure that parents are fully informed and involved at every step of the way.

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