

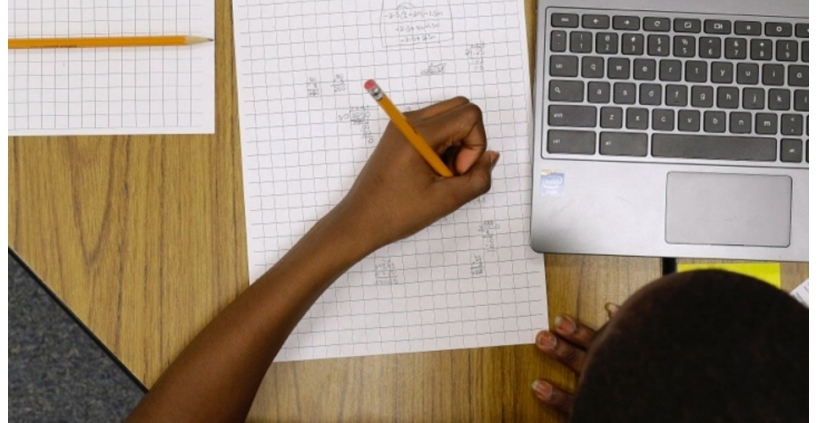


Written by [Joe Wolverton, II, J.D.](#) on July 19, 2015

## Education Bill: Parents Cannot Opt Kids Out of Federally Mandated Tests

The U.S. Senate voted July 14 to deny parents the right to opt-out of standardized tests administered as part of the federal government's education mandates.

By a vote of 32-64, senators defeated Senator Mike Lee's (R-Utah) amendment to the Every Child Achieves Act that would have added language to the bill specifically protecting parents' right to opt their children out of standardized tests used by the federal government for data mining and fund allocation.



"Parents, not politicians or bureaucrats, will have the final say over whether individual children take tests," Lee [said](#), as reported in the *Washington Post*.

Would have had, but have now lost thanks to the Republican majority in the upper chamber.

Specifically, the Lee amendment would required schools that receive federal Title I money to notify parents in advance of the planned administration of any standardized test, including the subjects covered by the tests. Once they received the information, parents could then keep their kids from taking the federally-mandated "assessments."

Undeterred, Senator Lee took another shot at returning power to parents over education of their children.

The measure was included in the final version of the bill passed by the Senate and it prohibits schools (or the federal Department of Education) from restricting parents' right to decide how their kids get to school. Here's the exact language:

Subject to subsection (b), nothing in this Act shall authorize the Secretary to, or shall be construed to (1) prohibit a child from traveling to and from school on foot or by car, bus, or bike when the parents of the child have given permission; or (2) expose parents to civil or criminal charges for allowing their child to responsibly and safely travel to and from school by a means the parents believe is age appropriate.

You read that right. The federal government actually debated a provision to a \$23 billion nationalized education bill about how whether parents should be allowed to decide how their kids get to school.

Believe it or not, such a measure was necessary as government has grabbed kids who were walking home and punished their parents for neglect. Here's a story of one such encounter as reported in April by [The New American's](#) Warren Mass:

Ten-year-old Rafi Meitiv and his six-year-old sister, Dvora, were picked up by police while walking home from the park in their Silver Spring, Maryland, neighborhood on Sunday afternoon, April 12. The children were about a third of a mile from home when the police intercepted them.



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While the children's parents, Danielle and Alexander Meitiv, waited anxiously for them to return home, police — who were acting on a tip from a "concerned citizen" — held the children in their patrol car for three hours before dropping them off at a local Child Protective Services Crisis Center. The children were kept at the center for another two and a half hours, without being fed anything, though it was well past the normal dinner hour when they arrived.

Fox News cited the Meitivs' account of how this bizarre scenario played out. They said that CPS didn't call them to let them know they had their children until about 8:00 p.m. — three hours after the police picked them up. (Remember, they were just a few minutes' walk from their home at the time.) The Meitivs drove to CPS, thinking it would be a simple matter of picking them up and taking them right home. But in today's world of the all-knowing nanny state, nothing is that simple.

The decision to let parents decide to let their kids walk home or ride bikes actually has a name: Free Range Kids movement.

That's right. We live in an era of such obscene overreaching on the part of the government — federal, state, and local — into every possible facet of family life, where the act of letting kids walk to school actually has a name!

Obviously, there is something rotten in the state of education in the United States and that something is statism.

Statism is the belief that finding solutions to problems is part of the exclusive jurisdiction of government. And, if there aren't enough problems to match the millions of solutions debated by the despots, then problems can be created, such as the horror of children walking to school.

Here's how Frederic Bastiat so elegantly and accurately described this process in his seminal pamphlet *The Law*, published in 1850:

When a politician views society from the seclusion of his office, he is struck by the spectacle of the inequality that he sees. He deplores the deprivations which are the lot of so many of our brothers, deprivations which appear to be even sadder when contrasted with luxury and wealth.

Perhaps the politician should ask himself whether this state of affairs has not been caused by old conquests and lootings, and by more recent legal plunder. Perhaps he should consider this proposition: Since all persons seek well-being and perfection, would not a condition of justice be sufficient to cause the greatest efforts toward progress, and the greatest possible equality that is compatible with individual responsibility?

Would not this be in accord with the concept of individual responsibility which God has willed in order that mankind may have the choice between vice and virtue, and the resulting punishment and reward?

But the politician never gives this a thought. His mind turns to organizations, combinations, and arrangements — legal or apparently legal. He attempts to remedy the evil by increasing and perpetuating the very thing that caused the evil in the first place: legal plunder.

Plunder is the perfect word for it. In the post-Common Core United States, when it comes to education, the government giveth and the government taketh away.

It seems odd, therefore, that conservatives and constitutionalists would praise these gifts from the government.



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For proponents of individual liberty, the goal would be for parents to keep the fruits of their labor and then be free to spend that money in any way they see fit, including on the education of their children. That goal is far from being reached, however. For now, government keeps creating programs that take the property of parents and shift it to others.

Such a redistribution of wealth, even when it is done for an arguably good cause, is a perversion of the law, which should be to protect, not violate, basic rights. As Bastiat explained in *The Law*: “Since an individual cannot lawfully use force against the person, liberty, or property of another individual, then the common force — for the same reason — cannot lawfully be used to destroy the person, liberty, or property of individuals or groups.”

Ultimately, even Senator Lee could not vote for the final version of the Every Child Achieves Act.

The focus now must be on the rejection by states and school districts of any and every act of government on any level to dictate to parents the boundaries of the natural right of sovereignty they possess over their children.

Whether it’s how they get to school or what they learn when they get there, parents have the God-given right to rule over their children and now they must fight fearlessly to retain those rights.

The Every Child Achieves Act as passed by the Senate (81-17) will now be sent to the House of Representatives for consideration there.

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