



Written by [Joe Wolverton, II, J.D.](#) on July 9, 2015

GOP Passes \$23-Billion Federal Education Bill

On July 8, the House of Representatives passed a new federal education bill, and the speaker of the House couldn't be happier. Echoing similar statements made earlier by Democratic presidential hopeful Hillary Clinton, Speaker John Boehner (R-Ohio) said, "Education ought to be the civil right of the 21st century, and it will be so as long as we make sure our students have the freedom to fulfill their potential."



In a strictly party line vote, the House sent the Student Success Act to the Senate, where a companion bill is working its way to a vote.

The bill is being branded as a "rewrite" of No Child Left Behind. Boehner described it as replacing "top-down mandates with conservative reforms that empower the parents, teachers, and administrators at the heart of our education system."

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What this \$23-billion behemoth really is is a just another example of unconstitutional federal meddling in education.

The New American's Alex Newman, an authority on the federal government's usurpation of jurisdiction over the education of the nation's children, [exposes the Student Success Act](#) for what it is:

Rather than abolishing harmful and unconstitutional federal involvement in education, Congress is considering passage of the "Student Success Act" that would, among other provisions, re-authorize much of the No Child Left Behind and Elementary and Secondary Education boondoggles until 2021. While some conservative organizations have highlighted portions of the legislation that would supposedly diminish the giant Washington, D.C., boot print on government schools, critics are warning that other elements of the bill essentially represent a further takeover of education by the federal government.

Boehner paints a different picture:

If we make this bill law, Washington will have fewer programs, less power, and no authority to coerce states into adopting Common Core. If we make this bill law, there will be real local control, more high-quality charter schools, and more flexibility for Title I funds to follow low-income children to the school of their family's choosing.

Evidence that the bill isn't exactly the return to local control of education that Boehner boasts is found in the *Washington Post*:

The House GOP bill, which also would change how federal funds are dispensed to educate poor students, sets up the far-right boundary for negotiations with the Senate, which is working its way through its own bill, one written with bipartisan support.

And:

Conservative groups including Heritage Action, FreedomWorks and the American Principles Project



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were opposed to the House bill because it would not reduce the federal role in education enough. They supported an amendment that would have allowed states to opt out of almost all federal requirements, except for civil rights laws, without losing federal funding. That amendment was defeated.

Activists anxious to remove the federal government from the classroom completely, explain just how little local control is returned by the measure. Again, from Alex Newman:

Among other concerns, critics say the bill continues to unconstitutionally mandate that states use dubious “cookie cutter standards” and assessments that bypass the authority of local officials elected by parents and communities. The legislation also purports to continue ordering states to test students every year as part of what is almost universally acknowledged to be a failed federal accountability scheme — in reality, a scheme to usurp control over education by dictating what is on tests, and thereby what is taught.

Beyond the Republicans perpetuation of Washington’s control over curriculum, there is something more sinister buried in the bill that could pull even private schools into the sphere of federal mandates.

One of the most alarming new developments in the bill is the “portability” provision. That provision is one that on the surface would seem to provide parents with the ability to send their children to high-performing schools by providing school choice.

“Portability” refers to the portability of federal funding. Under the Republicans’ system, federal funding would “follow” individual students and could be used to put students in “charter schools” or other government schools. (The money could not be used to send children to private schools — yet.) While there are plenty of well-meaning conservatives and libertarians who support the “school choice” mantra, experts warn that there are numerous severe dangers associated with it. Among the chief concerns: The federal government eventually could expand the “portability” scheme to include private schools and then foist Common Core or something similar on private and religious schools by tying the money to adherence to government programs. As well, when it comes to charter schools, education experts warn that they lack accountability to the voters who fund them through their taxes.

So while Republicans crow about “this first step into real momentum and meaningful progress for the country,” those who understand their oath of office would never vote for legislation that lengthens Washington’s shadow over the country’s schools.

And, the question remains: Is there a “civil right” to receive a free education?

While it seems certain that parents possess a natural right to educate their children, there is just as certainly no right to take money from other parents to make sure that education is “free.” As I recently wrote:

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.

Taking money from a person against that person’s will — even if that money is used for an arguably good cause — is theft. And, if it is illegal for an individual to do something, it is equally illegal for government to do that thing, as the government is nothing more than collective organization of the rights of individual members of the society.



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This process of government-sponsored thievery is known as “legal plunder.”

As French political economist Frederic Bastiat explained in his 1850 pamphlet, *The Law*:

Man can live and satisfy his wants only by ceaseless labor; by the ceaseless application of his faculties to natural resources. This process is the origin of property.

But it is also true that a man may live and satisfy his wants by seizing and consuming the products of the labor of others. This process is the origin of plunder.

Speaking specifically of the use of plunder in the propping up of public education, Bastiat said:

You say: “There are persons who lack education,” and you turn to the law. But the law is not, in itself, a torch of learning which shines its light abroad. The law extends over a society where some persons have knowledge and others do not; where some citizens need to learn, and others can teach. In this matter of education, the law has only two alternatives: It can permit this transaction of teaching-and-learning to operate freely and without the use of force, or it can force human wills in this matter by taking from some of them enough to pay the teachers who are appointed by government to instruct others, without charge. But in this second case, the law commits legal plunder by violating liberty and property.

Were Speaker Boehner and the House Republicans committed to the Constitution and relinquishing federal control over education, they would begin by scrapping the Student Success Act and all other bills purporting to assert authority over the nation’s schools.

Next, they would spend their substantial political capital on a bill that really improves education: one abolishing the federal Department of Education.



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