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Court Sides with Family in 'TeenScreen' Case

"TeenScreen" is a public school program that subjects teenagers to psychological evaluation, labeling, stigmatizing and ultimately mind-altering medications. TeenScreen is marketed as a "voluntary mental health check-up," ostensibly to identify teenagers at risk for suicide in order to channel them into profitable and potentially harmful medication. It is a marketing dream-come-true for the drug industry anxious to increase sales. Though supposedly voluntary, and despite assurances that parental rights would be respected, the psychological evaluation is given to students without meaningful notice and consent. Schools in 43 states have adopted TeenScreen or other, similar mental health screening programs.

Chelsea Rhoades, a 15-year-old sophomore at Penn High School in Indiana, was given the TeenScreen psychological assessment on Dec. 7, 2004. It did not seem to be voluntary to her. She stated that after being pulled out of class, she was told to sign a form quickly, and was never told that the test was voluntary.

When Chelsea had completed the screening, she was pulled aside and told she had "Obsessive Compulsive Disorder for cleaning and social anxiety disorder," and that she should seek treatment from a specific group. She was thereby stigmatized as having been diagnosed with a psychiatric disorder. Apparently, these diag-

noses followed from Chelsea's answers on the test stating that she liked to clean and didn't like to "party."

Chelsea Rhoades and her parents, Teresa and Michael Allen Rhoades, filed suit against the school explaining that their rights under Indiana (and constitutional) law were violated when the school gave the test without obtaining their consent. The Rhoades family sought damages due to the defendants' not obtaining affirmative consent before testing, and for their diagnosing Chelsea without due care.

The public school defendants moved for summary judgment, expecting to win as they usually do. The defendants insisted that "TeenScreen" was optional and confidential, and that there was no compulsion or harm.

The so-called consent was merely a form printed in the November issue of the school's newsletter, *Kingsman Notes*. In a scenario known as "passive" consent, the school presumes consent unless parents happen to notice and fill out this form and return it to the school. The school also has the child sign a consent form before

(See *TeenScreen*, page 4)



Chelsea and Teresa Rhoades

International Comparison Shows Gains from School Choice

A new study compares education systems in 29 countries and finds a connection between diverse education options and average student achievement. The study, by Harvard researcher Martin West and University of Munich researcher Ludger Woessmann, is "the first effort to establish whether the relationship between private school competition and academic performance is causal," according to Dr. West.

West and Woessmann traced the historical roots of the private education sector in the 29 countries. The more Catholic schools each nation had in 1900, when the Catholic Church called on its members to favor parochial schools over state-run schools, the more private schools that nation had in 2003.

Every 10% increase in the size of a nation's pri-

ivate education sector in 2003 correlated with an increase of almost half a year of high school learning, as demonstrated by 15-year-olds on the 2003 PISA assessment, the best-known international test. A 10% larger private education sector was also associated with lower educational spending: a 5.6% reduction in the amount of money spent on education per student over the course of his or her educational career.

These effects remained when West and Woessmann factored private school students out and examined only the scores of public school students in each nation. "The results suggest that public school students profit nearly as much from increased private school competition as do a nation's students as a whole," they concluded. "It therefore appears that much of the increased performance of education systems with higher levels of private school competition accrues to students who attend public schools."

Friends and foes of school choice have long debated the effect of a strong private education sector on the education that students still attending traditional

(See *School Choice*, page 4)

Push for '21st-Century Skills'

A variety of groups is calling on President Obama to make drastic changes in American education across all levels. Just as "Hope" and "Change" were the mantras of the new president's successful campaign, these groups have a mantra of their own: "21st-century skills."

The Partnership for 21st Century Skills describes itself as the "leading advocacy organization focused on infusing 21st century skills into education." The Department of Education worked with corporate giants such as Dell, Apple, Microsoft and AOL Time Warner, along with the National Education Association teachers union, to found the Partnership in 2002. This group has become very active in calling for legislators to promote these skills in schools.

The group links education and the economy and calls for the new president and Congress to take unprecedented control of both. The group calls for the government to create "more equitable economic and educational opportunity for less-skilled and low-income young people and adults."

The American Society for Quality (ASQ), a 90,000-member professional association, surveyed 500 teachers in the fall of 2008 on what they wanted from the new presidential administration. 52% of teachers said 21st-century skills should be the new administration's top educational priority. One objective to which the teachers gave the lowest priority was "eliminating budget waste and inefficiency in K-12 schools."

Maurice Ghysels, chair of ASQ's K-12 Education Advisory Committee, belittled the quality-and-standards movement's effort to hold schools accountable for improvement. "While No Child Left Behind has strived to improve test scores, it's clear that more needs to be done to improve problem-solving and critical thinking skills evident in these subjects," he said.

"Critical thinking" is one of the skills most often cited as an example of a 21st-century skill. Temple University professor Stephen Zelnick, for one, challenges the current use of the term "critical thinking" to indicate thinking skills divorced from the acquisition of knowledge.

According to Zelnick, the "critical thinking" movement arose as a movement to teach sound logic, a worthy goal by anyone's judgment. "The movement's novelty was in separating the goal of developing good thinking habits from the study of any particular body of knowledge," Zelnick writes. When college pro-

fessors and other educators can't agree on what to teach — because the academy has rejected the idea of a canon of essential knowledge, such as Shakespeare, the Bible, and the classics — this "disagreement on content causes us to turn instead to a rubric of skills."

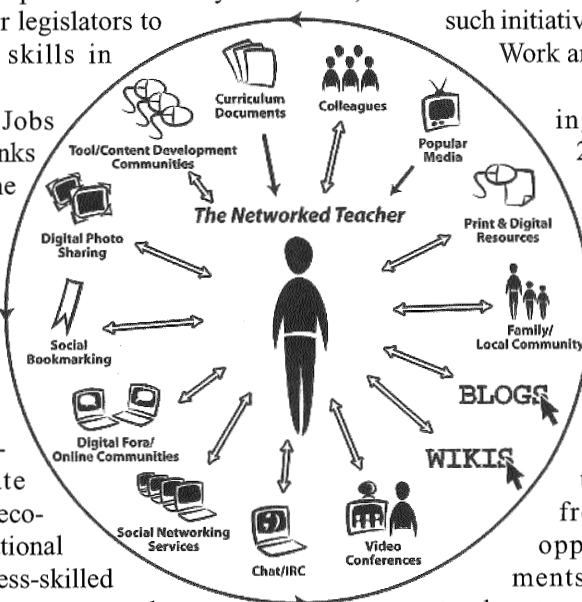
The 21st-century skills movement largely repackages such skills — critical thinking, information processing, problem-solving, and similar skills, often called "soft skills" because they don't normally require students to learn any hard facts. "Outcome Based Education," "criterion-referenced testing," and "mastery learning" were the 20th-century equivalents, translated into federal law through such initiatives as School-to-Work and Goals 2000.

"Critical thinking" and other 21st-century skills are far from ideologically neutral, as taught in most classrooms, says Zelnick. Students could learn critical thinking skills from analyzing opposing arguments, but instead, teachers too often hand them

reading materials that summarize only one side of an argument. Because the materials criticize American institutions and history, teachers act as if students can learn "critical thinking" from reading these materials, without ever being exposed to authors who defend America's history, activities in the world, or Constitution.

"In my experience at Temple — a large state-related university — 'critical thinking' is intended to recruit the next generation of students into an oppositional force to carry out the struggle for social justice, a renovation thought to be urgently needed in an ideologically blind-folded America," writes Zelnick. "If colleges really want students to be able to think critically, they could start by insisting that professors not use books in which all the authors are pushing the message that students should be unfailingly hostile to our culture and institutions. Teaching students to regurgitate anti-American sentiments is not the same as teaching them critical thinking skills," he concludes. (Popecenter.org, 11-25-08)

In the K-12 classroom, the pursuit of 21st-century skills usually means that teachers emphasize technology, group work, and project-based learning. "In a project-based-learning unit, teachers are no longer the focal point of the classroom or the expounders of information," explains a recent *Education Week* article (1-7-09). "For the most part, students rely on their classmates' expertise, on experimentation, and on outside sources of information to solve the problem at hand."



EDUCATION BRIEFS

Teenagers and young adults today think much more highly of themselves than teens did 30 years ago. Modern teens are more likely to predict they will be “very good” spouses, workers, and parents. “You hear from coaches and teachers who have been at it for a while that kids have become more fragile. They don’t take criticism well,” says Roy Baumeister, a Florida State University psychologist. “Thinking you’re God’s gift to the world is nice for you. It’s a little harder for everyone else around you,” said Baumeister. (*USA Today*, 11-18-08)

In a large Friedman Foundation survey, only one in every ten Montanans selected traditional public schooling as the best educational choice for their children. “There is a disconnect between private preferences and public reality,” said study author Paul DiPerna. 76% of children in Montana attend traditional public schools. 63% of survey respondents favored making tax-credit scholarships for education available to all families. 55% said they wanted the legislature to introduce charter schools in the state. (*School Reform News*, Jan. 2009)

Three out of four universities limit their students’ free speech, a new report from the Foundation for Individual Rights in Education (FIRE) shows. 77% of public universities “brazenly maintain policies that violate students’ and faculty members’ fundamental rights,” said FIRE president Greg Lukianoff. (www.thefire.org/speechcodereport.php)

Washington, D. C.’s groundbreaking school voucher program faces an uncertain future as the new Congress and Obama administration start to work. The D. C. school system spends \$15,000 per student per year, but is one of the worst-performing districts in the nation. In 2007-8, the voucher program provided 1,900 children with \$7,500 scholarships for private school. Four times more students applied for vouchers than were able to receive them in the program’s first four years. (*School Reform News*, Jan. 2009)

(See Briefs, page 3)

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Economic Recovery Package Marks \$2.1 Billion for Head Start

Before his inauguration, President Obama pledged he would prioritize “early childhood education” despite the pressing economic issues the new president and Congress now face. The 111th Congress demonstrated its concurrence with Obama’s plans by dedicating \$2.1 billion to Head Start and Early Head Start in the latest version of the American Recovery and Reinvestment Bill. Head Start is the U.S. Department of Health and Human Services program that provides day care and other services to 3- to 5-year-old children from low-income backgrounds. Early Head Start is the similar program for infants and toddlers, established in 1995.

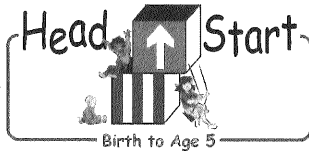
The National Head Start Association (NHTSA) had called for Congress to deliver \$4.3 billion to the two programs through the recovery bill, but NHTSA nevertheless applauded the plan to provide the smaller amount. “We continue to believe strongly that the full \$4.3 billion in additional funding is needed for Head Start and Early Head Start. As such, we see the \$2.1 billion in the economic recovery bill as an important ‘down payment’ on the \$4.3 billion needed and is consistent with President-elect Obama’s early childhood priorities,” wrote NHTSA.

NHTSA’s statement claims that money for Head Start and Early Head Start will

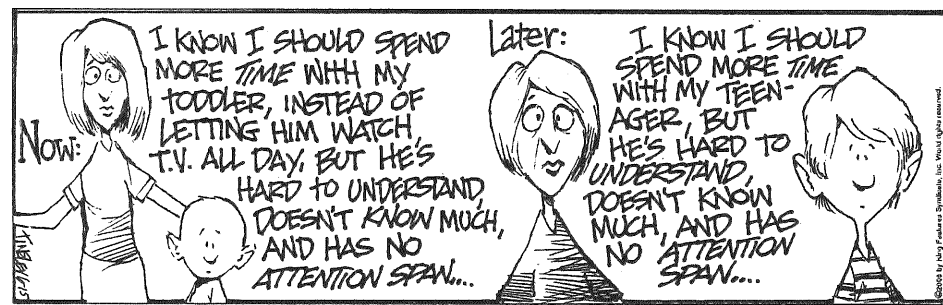
prove to be “one of the strongest possible ‘kick start’ investments that the federal government makes.” To support this assertion, NHTSA cites studies that have attempted to demonstrate the two programs’ academic and other benefits for children who participate. The group gave, however, a very partial glimpse of the total body of research on Head Start.

For example, NHTSA cites a study of 600 Head Start graduates in San Bernardino County, California (Meier, 2004). This study concluded that society receives nearly \$9 in return for every \$1 expended on Head Start. Studies calculating returns for tax dollars are notoriously unreliable and subject to the bias of the researcher, who decides what counts as a return on the investment. Other studies have claimed far more modest returns on tax dollars spent on preschool for low-income children. In the 1990s, President Bill Clinton frequently cited a study that found a \$3 return on the dollar. That study used a small sample of 58 extremely disadvantaged, low-IQ children who attended a model, program, the Perry Preschool Project in Ypsilanti, Michigan. Advocates return again and again to the Perry program, but even universal preschool advocate Craig Ramey, director of Georgetown University’s Center on Health and Edu-

(See Head Start, page 4)



MALLARD FILLMORE / by Jeff Tinsley



Judge Rules Against Moment of Silence

A federal district judge declared a law requiring a moment of silence at the beginning of the school day in Illinois unconstitutional. The law, the Illinois Silent Reflection and Student Prayer Act, requires public schools to allow students a brief time of silence to pray, meditate, or reflect on the day ahead of them. It passed in the Illinois General Assembly with bipartisan support.

“The statute is a subtle effort to force students at impressionable ages to contemplate religion,” said U.S. District Judge Robert W. Gettleman in the ruling. Talk-radio show host Rob Sherman and his daughter Dawn filed the lawsuit challenging the statute.

Rob Sherman, who has described himself as “the best-known atheist-activist in the Midwest,” has gone to court a number of times over issues related to religion in the public square. In 1989 he challenged an Illinois law requiring public school students to recite the Pledge of Allegiance. Sherman claimed the words “under God” made the Pledge of Allegiance unconstitutional in schools. Judge

Gettleman ruled in Sherman’s favor in two previous decisions related to moments of silence in school. In May 2008, Gettleman issued a preliminary injunction barring schools from carrying out the law.

Gettleman’s most recent ruling implied that legislation requiring a moment of silence might be acceptable to him if it did not mention prayer as one possibility for what students might do during the moment of silence.

The American Civil Liberties Union had criticized the Silent Reflection and Student Prayer Act, and was pleased with the ruling. ACLU Senior Staff Counsel Adam Schwartz said the law “coerced children to pray as part of an organized activity in our public schools.”

State Sen. Kimberly Lightford (D-Chicago), the legislation’s chief sponsor, said she hoped Illinois’ Attorney General, Lisa Madigan, would appeal Gettleman’s ruling. “I strongly feel and I still believe that children should have a moment of silence at the beginning of the school day,” said Lightford. (*Associated Press*, 1-22-09)

Book of the Month



Great Quotations that Shaped the Western World, Carl H. Middleton, Paragon House 2008, 784 pps., \$29.95.

“It’s a good thing for an uneducated man to read books of quotations,” said Winston Churchill, who read them himself — perhaps proving that the man who does so won’t remain uneducated for long. In *Great Quotations that Shaped the Western World*, Carl H. Middleton provides a useful guide to the Western tradition, and a gateway to its great books and thoughts.

There are several books of quotations on the market, but this latest offering is distinguished by its focus on the Western tradition, its more readable size, and the perspective of the compiler, a conservative businessman. Middleton worked on the book with his three sons in mind, hoping that this reference book would acquaint them and other seekers with wise words from Ancient Greece up to the present day.

The first section of the book is chronological, and the second section is topical. Concise descriptions introduce each set of quotations. Middleton also summarizes important terms and events, under entries such as “Congress of Vienna” and “Feminism.”

Middleton includes quotations from across the political spectrum, but the high value he places on liberty, democracy, and capitalism differentiates this anthology from others. The editor of *Bartlett’s* 16th edition, for example, selected dozens of quotations from John F. Kennedy and Franklin D. Roosevelt but only three from Ronald Reagan. Editor Justin Kaplan said in his own defense, “I’m not going to disguise the fact that I despise Ronald Reagan.”

This liberal bent deprives readers of other anthologies of many great quotes of interest to conservatives — such as this one, from Reagan’s first inaugural address, 28 years ago: “In this [economic] crisis, government is not the solution, it’s the problem.” Or this, from Robert Bork: “The judge’s authority derives entirely from the fact that he is applying the law and not his personal values.”

Middleton’s *Great Quotations* skips over the trivial pop-culture references that appear in recent editions of *Bartlett’s* (such as “Me want cookie” and “Tennis, anyone?”).

Middleton intends the book for a broad audience, especially for students from high school to graduate school. The browser-friendly format and several indices make the 8,000 quotations surprisingly accessible. This treasury of great thoughts and wise words will improve users’ writing and add to their knowledge. “But beware of using it on deadline,” warns journalist Suzanne Fields — “you can get lost in it for hours!”



FOCUS: Teaching Religion: U.S. Textbooks Distort History, and Christianity

by Tony Blankley

I recently read a book that deserves the widest possible readership. The book is *The Trouble with Textbooks — Distorting History and Religion*, by Gary A. Tobin and Dennis R. Ybarra. I have never met or talked with either of these gentlemen, but I can't say enough good things about this book. For all who believe that there is a fairly objective rendition of history that we are obliged to teach our children, this book reveals how shockingly far from that objective American education — and particularly school textbooks — have fallen.

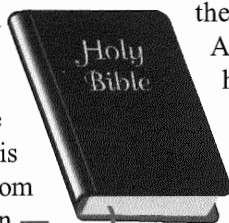
In their conclusion, the authors quote the great historian of Islam Bernard Lewis's observation concerning the willful bending of history: "We live in a time when great efforts have been made, and continue to be made, to falsify the record of the past and to make history a tool of propaganda; when governments, religious movements, political parties, and sectional groups of every kind are busy rewriting history as they wish it to have been, as they would like their followers to believe that it was."

I discuss some of the findings of Mr. Tobin's and Mr. Ybarra's study in my latest book (*American Grit — What It Will Take to Survive and Win in the 21st Century*, which will be released in January). *The Trouble with Textbooks* identifies a system of self-censorship and cultural equivalence that celebrates everybody and omits many unpleasant historic facts.

The grievance group that has become particularly adept at influencing textbook publishing is the organized Muslim lobby. The founder of the Council on Islam-

ic Education, the chief Islamic group for vetting textbooks in the United States, refers to his work as a "bloodless revolution . . . inside American junior high and high school classrooms."

He is, regrettably, right. While these days one may expect "sensitive deference" to Muslim sensitivities,

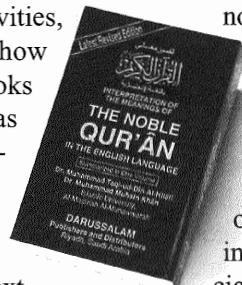


the authors show how American textbooks have gone so far as to proselytize Islam outright.

As *The Trouble with Textbooks* shows, text-

books relate Christian and Jewish religious traditions as stories attributed to some source (for example, "According to the New Testament . . ."), while Islamic traditions are related as indisputable historic facts. The authors cite the textbook *Holt's World History*, where one can read that Moses claimed to receive the Ten Commandments from God, but Muhammad simply "received" the Koran from God. In the textbook *Pearson's World Civilizations*, the book instructs that Jesus of Nazareth is "believed by Christians to be the Messiah" — which would be a fine comparative religion study observation if the book didn't also disclose that Muhammad "received revelations from Allah."

The Trouble with Textbooks is filled with such shocking examples. It reports on a textbook, *McDougal Littell's World Cultures and Geography*, which relates that "Judaism is a story of exile" and that "Christians believe that Jesus was the promised Messiah," but that the Koran "is the collection of God's revelations to Muhammad." As *The Trouble with Textbooks* makes only too clear, one instance could



perhaps be overlooked, but in fact there is a consistent, malicious practice that Islam — and only Islam — is repeatedly described in numerous prominent public school textbooks as historical truth. In those textbooks, Christianity and Judaism are equally consistently described as mere notions of their believers.

I have no problem with religions being taught in public school textbooks on a comparative basis. But to see Islam, alone, taught as the "truth" is an outrage. This is only one small part of the assault on truth in textbooks by organized Muslim special pleaders analyzed in *The Trouble with Textbooks*. As you might expect, there are constant examples of American textbooks describing recent Middle East Israeli/Palestinian history in a manner consistent with the late Yasser Arafat's version rather than with anything approaching honest and accurate history.

I understand that perfect objectivity

in the study of history is never possible. And it would not surprise anyone that each country tends to teach its children its history — and the history of the world — in a manner that makes the country look better than it perhaps is. What is particularly galling in this report on American textbooks is that some fraction of the five million or so Muslims in America is winning the battle for textbook writing against the interest and tradition of the 275 million or so Judeo-Christian Americans.

The Trouble with Textbooks is a wake-up call to the parents of America to fight back to re-insert the truth of our history in our children's textbooks and classrooms. Is it too much to ask that in American schools our traditions and faith not be denigrated, but rather get equal treatment with other faiths and traditions?

Tony Blankley is a syndicated columnist. This column is reprinted with permission from the author.

The 2008 EIA Public Education Quotes of the Year



The Education Intelligence Agency (www.eiaonline.com) is proud to present the 2008 Public Education Quotes of the Year, in countdown order. Enjoy!

way it works in most non-unionized professions? But the teachers union apparently exists in some alternate universe where everyone is rewarded equally regardless of the quality of their work." — Leonard Pitts Jr. (November 16 *Miami Herald*)

10) "I don't think we should ever lay off teachers." — Manchester, New Hampshire Alderman Mark Roy. (May 29 *Manchester Union-Leader*)

5) "Until we really do bust the teachers unions, the next generation of kids in public schools is at risk." — Andrew Sullivan. (November 13 *Daily Dish*)

9) "What an a**h***." — Madison Teachers Inc. Executive Director John Matthews, offering a terse commentary on Stan Johnson, former president of the Wisconsin Education Association Council. (March 27 *Isthmus Daily Page*)

4) "With increasing cost of college loans and health care and the fact that the buying power of the teacher dollar is no more than what it was 20 years ago, we're pretty much back to where we were when I started teaching in the 1960s. I had to work in the summer to eat." — Cheryl Umberger of the Tennessee Education Association. (May 23 *Tennessean*)

8) "Obama's right that the NCLB-inspired testing mania is out of control, but wrong to give teachers 'ownership over the design of better assessment tools.' That's a recipe for no assessment, because the teachers unions, for all their lip service, don't believe their members should be judged on performance. They still believe that protecting incompetents is more important than educating children." — Columnist Jonathan Alter. (July 21 *Newsweek*)

3) "If this is about morality, our president-elect has admitted to doing crack, and he's our president. Does that make him a bad person?" — Louisa C. Tuck, New Jersey elementary school cafeteria and playground aide, responding to parental complaints about her past employment in the adult entertainment industry under the name Crystal Gunns. (November 21 *Vineland Daily Journal*)

7) "I had an experience in the past couple of weeks that really evolved my thinking about charter schools. I used to think charters were the epitome of all evil, and just created solely to bring down public schools. After my experience, I find I need to alter that view a lot. The people I met at this charter conference, I must say, are just like me, just like you. People who were simply fed up with the status quo and were tired of hitting their head against a system that will not change." — Julie Washington, elementary vice president of United Teachers Los Angeles. (August 6 *Socialist Worker*)

2) "By the way, had the teachers union been around when Sam Adams threw tea into the harbor, they would have run ads against him." — Carla Howell, whose ballot initiative to eliminate the Massachusetts income tax was defeated by a well-funded union campaign. (November 5 *Standard-Times*)

6) "You'd think it would be a no-brainer that people who don't perform get the axe and those who do get raises. Isn't that the

1) "When the scores go up, it's not just meaningless. It's worrisome." — Alfie Kohn. (October 18 *Salt Lake Tribune*)

Briefs (Continued from page 2)

A Pennsylvania appellate court recognized homeschooling as an option equally as valid as public schooling, in a dispute between divorced parents. The father, Brian Staub, asked the court to "adopt a bright line rule in favor of public schooling over homeschooling" when divorced parents with joint custody disagree about homeschooling. Mr. Staub argued that allowing one parent to homeschool would exclude the other from the children's education. "We decline to adopt a bright line rule or presumption in favor of public schooling," replied the court. Family courts have the power to make educational decisions for children when their divorced parents disagree, but they should not assume that public schooling is necessarily in the children's best interest, according to this ruling. (*Staub v. Staub*, 2008)

Two Alabama educators filed a complaint with the Federal Election Commission, claiming that their teachers union forced them to contribute money to the Obama campaign. The educators, Jeanne Fox and Claire Waites, were elected delegates to the National Education Association (NEA) Annual Meeting in July. At the convention, the two wom-

en were told that part of the money they were supposed to receive to reimburse their travel had to go instead to "a children's fund." They later confirmed that their money had gone to the NEA Fund for Children and Public Education, a political action committee that supported Obama's campaign. "The union money-laundering scheme makes a mockery of federal election law," said Stefen Gleason of National Right to Work, the group representing Waites and Fox in the complaint. "We suspect this scheme was widely used by the NEA union hierarchy and could involve hundreds of thousands of dollars. We urge the FEC to take decisive action." (*Press-Register*, 1-15-09)

Evan Gaebler, a homeschooled student in Cedar Rapids, Iowa, became the fifth child in his family to earn a perfect score of 800 on the SAT Math 2 test. The Math 2 subject test is several levels more difficult than the regular SAT math section. "I don't expect this, but if they want to, they should sure try for it," said Evan's mother, Sally, who has homeschooled Evan, his four older brothers, and his two younger siblings. (*Cedar Rapids Gazette*, 12-16-08)

Essay Contest Reveals Bias

An essay contest sponsored by the *St. Louis Post-Dispatch* opened an interesting window onto the state of high school political education in this red-state Midwestern city. The contest asked students to write on the topic, "If I were president, here's what I would change." The finalist essays revealed not only political and historical ignorance and a low level of writing skills, but also a strong predilection for leftist ideas and policy goals. Twelve of the 14 finalist essays were strongly left-leaning. Whether the liberal bias arose primarily from the students' education or from the voting process that selected these 14 finalists is uncertain, but both probably had their roles to play.

Most of the essays named key policy goals of the left: government-subsidized or -enforced alternative fuel, universal government health care, subsidies for higher education, or greatly increased federal power over the economy. One student said she would establish a "task force to oversee large corporations." The students seemed confident that increased public sector spending would create jobs, and would be the best (and perhaps only) way to stimulate the economy. Could this perception result from how the Great Depression and the legacy of Franklin Delano Roosevelt are taught in history classes and textbooks?

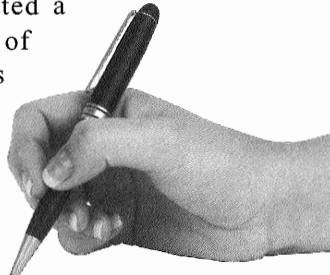
Most authors of the finalist essays

demonstrated a total lack of awareness of the separation of powers or the existence or importance of state or local governments — let alone of the private sector or mediating institutions. One recommended that Obama make a high school diploma necessary for all job applicants. Another advised requiring parenting classes for all.

The environment loomed large in the finalists' essays. Several mentioned alternative fuel, and none seemed to envision a future in which such fuels would become popular through demand rather than through government mandate. One essay recounted alarmist scenarios from Al Gore's *An Inconvenient Truth*.

The essayists did not lack the extreme self-confidence their generation is known for (see brief). "Presidential power would overwhelm most, but not me," declared one.

Only one finalist mentioned the Constitution, in an essay titled "To Preserve, Protect, and Defend." "I would veto all laws which are unconstitutional; I would refuse to let Congress usurp the power of the States," wrote senior Joseph Gazzoli. (*St. Louis Post-Dispatch*, 1-11-09)



Opposition to Parents' Vaccine Rights Gathers Momentum

In a recent feature, the *New York Times* heralded the rise of a countermovement against the vaccine rights movement. Advocates of parents' rights argue that parents, not the government, should decide whether and when to vaccinate their children. Currently, 20 states allow some parents to exempt their children from mandatory vaccination for religious, philosophical or medical reasons. In 28 other states, parents may obtain exemption only for religious or medical reasons, not for philosophical or personal ones.

The *New York Times* article spotlighted Paul A. Offit, a pediatrician and the developer of the Rotavirus vaccine RotaTeq. Offit recently published a book called *Autism's False Prophets: Bad Science, Risky Medicine, and the Search for a Cure*. The book confirmed Offit's status as a leader of a mounting backlash against parents' rights with respect to childhood vaccines. *Autism's False Prophets* denounces advocacy groups, doctors and others who promote alternative medicine and non-mainstream treatments for autism. Offit especially condemns those who believe it is possible that childhood vaccines are linked in some way to autism-spectrum disorders.

Last year, the federal Division of Vaccine Injury Compensation acknowledged a link between autism and mercury in vaccines for the first time, in the case of 9-year-old Hannah Poling. The division's "vaccine court" ruled that Hannah deserved compensation, because the vaccinations she received "significantly aggravated" an underlying mitochondrial disorder and pushed her into symptoms of extreme autism. Hannah, whose parents did not know of her disorder, was a perfectly normal and even "precocious" toddler before receiving nine routine childhood vaccinations in one day at the age of 18 months. Several of the shots contained thimerosal, a mercury derivative, which is now banned from routine childhood vaccines (with the exception of some flu vaccines).

The recent *New York Times* article, entitled "Book is Rallying Resistance to Anti-Vaccine Crusade," came down firmly on the side of Paul Offit and other advocates of mandatory vaccination. "Many doctors now argue that reporters should treat the antivaccine lobby with the same indifference they do Holocaust deniers, AIDS deniers and those claiming to have proof that NASA faked the Moon landings," the article reported. (*New York Times*, 1-12-09)

Every Child by Two, a group started

by former First Lady Rosalynn Carter in 1991, is another important player in the campaign to make vaccine exemptions more rare. Every Child by Two lobbies for nationwide electronic vaccine registries, among other policy goals. Celebrity Amanda Peet, the group's recently acquired spokeswoman, upset parents rights advocates when she labeled parents who don't vaccinate as "parasites" in an interview last year. Peet later apologized, but the incident demonstrated the animosity this issue has generated.

Debates about specific vaccine requirements and changes to the mandatory vaccine schedule have arisen in numerous states in the past few years. Last year, New Jersey became the first state to mandate the flu shot for all children under age six who attend preschool or day care. Some New Jersey parents object vehemently to the new requirement.

Few parents who object to such laws actually oppose vaccination as a medical advance or preventative measure. Even those who hail vaccination as one of the most important and beneficial medical advances in history may not want their children to receive nine vaccines on the same day. "This is not an anti-vaccine rally — it's a freedom of choice rally," said Louise Habakus, who helped to organize a rally outside the New Jersey Statehouse in October. "This one-size-fits-all approach is really very anti-American," she said.

The *Associated Press* article covering the rally showed a graph stating that flu-associated deaths had risen 87% since the 2005-2006 flu season. Perhaps the article intended to imply that children were dying as a result of vaccine non-compliance. The 87% increase, however, resulted in only 86 total deaths in 2007-8. To put this number in perspective, research appearing last year in *Pediatrics* showed that over-the-counter children's cough and cold medicines were causing more than 500 deaths per year. Even more importantly, the graph showed only four years of data. In the year just before the graph data, 2003-2004, at least 153 children died from flu-related causes, in a particularly bad year for the flu. Including one additional year of data would have destroyed the impression that flu deaths among children were on the rise. (*Associated Press*, 10-17-08)



TeenScreen (Continued from page 1)

the test, stating that the teen screen was voluntary. But that can hardly be considered meaningful.

To the school's amazement, the court rejected its motion and held in favor of parental rights in *Rhoades v. Penn-Harris-Madison School Corp.* The court was impressed by the absence of any evidence that any students were able to decline taking the test. The court also found it significant that the form signed by the students stated, "If I have any further questions about this project, I may call NAME, NUMBER OF PROJECT COORDINATOR." The name and number of a project coordinator had not been filled in, and apparently no one had read the form closely enough to realize this. "Therefore, it is a further indication that the students sim-

ply signed the form because they were told to do so, and did not understand that they had a choice," the court held.

The court expressly rejected the Ninth Circuit's "no-rights-beyond-the-threshold-of-the-school-door" approach taken in *Fields v. Palmdale School District*. Instead, the court recognized that a Third Circuit decision, which quoted Eagle Forum Education & Legal Defense Fund's amicus brief, declared that *Fields'* rejection of parental rights is "not of comparable gravity to [the parental rights] protected under existing Supreme Court precedent." (*C.N. v. Ridgewood Board of Education*, 2005)

This case proceeds to trial if the school does not offer an attractive settlement to the family.

Head Start (Continued from page 2)

has rebuked other activists for using the Perry program to "overstate the economic return" and raise "unrealistic expectations" for other preschool programs. (*Education Next*, Fall 2008)

In a *Wall Street Journal* editorial last year (8-22-08), Shikha Dalmia and Lisa Snell of the Reason Foundation briefly explored the research on Head Start and universal preschool. "Studies by the Department of Health and Human Services have repeatedly found that although Head Start kids post initial gains on IQ and other cognitive measures, in later years they become indistinguishable from non-Head Start kids," they write. "Head Start Fade," as the phenomenon is sometimes called, even appears in some of the very studies

NHSA states to support its case for billions of dollars in additional funding for the program, which currently runs at a cost nearing \$7 billion a year.

"One inescapable conclusion from the existing research is that [preschool] is not for everyone," write Dalmia and Snell. "Kids with loving and attentive parents — the vast majority — might well be better off spending more time at home than away in their formative years. The last thing that public policy should do is spend vast new sums of taxpayer dollars to incentivize a premature separation between toddlers and parents." Expansion of Early Head Start, which is high on Obama's "Zero-to-Five" early education agenda, would do exactly that.

School Choice (Continued from page 1)

public schools receive. Opponents of school choice say that families who accept vouchers or tax credits are abandoning the public school system, and robbing remaining public school students of tax dollars and involved parents who would otherwise prevent the schools from getting even worse. School choice proponents, on the other hand, claim that increased competition from private schools, through choice programs that break the government school monopoly, will eventually force public schools to reform and improve in order to compete for their share

of the market.

Dr. West says that this study supports the claims of free market and school choice proponents. "There is nothing to fear with the experience of other countries to think that private school sectors will undermine the performance of public school systems. In fact, quite the opposite."

West and Woessmann reported their results in an article, "School Choice International," in the winter 2009 edition of the Hoover Institution's *Education Next* journal. (www.hoover.org/publications/ednext/31105709) (*School Reform News*, Jan. 2009)