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Values and Basics — Parents and Schools

Regulations for the "Pupil Rights" Act

Now that the Supreme Court has clamped down on Congress' use of the Legislative Veto to enforce its hindsight judgment on bureaucratic regulations, we should examine the matter of the bureaucracy's use of its own brand of "veto" to impose its hindsight judgment on laws passed by Congress. There is no better place to start than with the "Protection of Pupil Rights" section of the Education Amendments.

The bureaucracy exercises its "veto" by a devious method which involves no written order, no signature, no responsibility, no press releases; it's done by the nothingness of inaction. The statute is effectively ignored, buried, and killed by the simple device of failing to issue regulations. If a statute has no regulations, then there are no teeth in it, nobody is charged with the responsibility of implementing it, there are no penalties for failing to obey it, and the public has no way to file a complaint.

Such is the current status of a Federal statute entitled "Protection of Pupil Rights," subtitled "Inspection by parents or guardians of instructional material," 20 U.S. Code 1232h. It was enacted in 1974 as Section 439 of the General Education Provisions Act, and unanimously amended by Section 1250 (known as the Hatch Amendment) of the Education Amendments of 1978.

The 1974 section allows parents or guardians to inspect all instructional material to be used in connection with any research or experimentation program. The 1978 section prohibits requiring a student (without the prior written consent of his parents) to submit to psychiatric or psychological examination, testing, or treatment in which the primary purpose is to reveal certain information concerning specified subjects, including political affiliations, embarrassing mental or psychological problems, sex behavior and attitudes, self-incriminating behavior, critical appraisals of family members, legally privileged information, or income.

Despite the fact that one section is nine years old and the other section is five years old, no regulations

have ever been issued to implement this statute. Regulations have been written by the Department of Education, but Secretary Terrel H. Bell has not issued them.

When asked about this matter, Secretary Bell gives a disingenuous answer. He wrote Senator Orrin Hatch, "We believe we have been successfully responding to public inquiries about the parental consent amendment. We have yet to identify any violations of it."

That reply ranks with the typical equivocal response some Congressmen make to constituent mail: "Thank you for your letter. I am glad to have your views and will give them careful consideration." Secretary Bell, a longtime bureaucrat, knows full well that, without regulations, the statute isn't worth the paper it is written on, because parents now have no way of knowing about the statute and no way to register their complaints.

A Federally-funded, Federally-promoted curriculum called "Facing History and Ourselves," which is now used in eighth and ninth grades, is an example of a public school course which violates the Pupil Rights statute. The course guides the students through a discussion of moral and ethical issues, and requires them to turn over to the teacher "journals" in which they record their thoughts and feelings after each class.

Various professors and researchers in the Harvard Graduate School of Education were then allowed to develop "a scheme for analyzing student journals" and to test the students to uncover the attitudinal changes they experienced while taking the course. Professor Marcus Lieberman, who wrote proudly of his connection with this program in a journal published by Hunter College, CUNY, admitted that the curriculum was "controversial," that his evaluation of the students was "experimental," that the students "complained bitterly about the difficulty in answering the questions" and had an "emotional response to what students perceived as a high level of abuse," but that he proceeded with his research in order to "cast the widest possible net to capture changes in the stu-

dents' moral, ego and social development."

If you think that public school pupils should be taught the basics instead of being used as guinea pigs for curricula designed to change their attitudes and provide a record of their private thoughts to the academic establishment, ask your Senators and Congressmen to insist that Secretary Bell immediately issue the regulations for the Pupil Rights act.

Oklahoma's Innovative Education Laws

Oklahoma has become a pace-setter for innovative legislative ideas in the field of education and parental rights. Since 1981, the Legislature has passed three separate acts aimed at solving current problems in education.

The Parents' Consent Law, enacted June 1, 1981, requires that all instructional material used in connection with a "program designed to explore or develop new or unproven teaching methods or techniques" be made available for inspection by parents or guardians of students in that program. It was modeled after Section 1282h of 20 U.S. Code.

The Oklahoma statute further requires parental consent for psychological or psychiatric testing, and for examination or treatment of any minor student. In the absence of parental consent, it prohibits any school staff member from eliciting by written survey or examination personal or private information concerning religious beliefs, sexual behavior and attitudes, critical appraisals of family members, or legally privileged communication.

This law is an effective tool to stop "values clarification": a process widely used in schools to force pupils to choose new values independent from those of their parents; the tools of the process are usually self-disclosure, role-playing, peer pressure, and situation ethics.

At the beginning of the 1981 and 1982 school years, the State Curriculum Director sent all schools a strong letter spelling out the provisions of the Parents' Consent Law and urging schools to avoid the use of values clarification techniques. As a result, almost all obvious forms of psychological instruction were discontinued by the schools. In some cases, values clarification moved "underground" into courses in which it is harder to isolate and detect. In most instances, however, when parents became aware of a violation of the law and brought it to the attention of the teacher or principal, the courses were modified to exclude the unlawful elements.

In March 1982, Oklahoma passed a Textbook Guidelines Resolution setting standards and guidelines for the selection of textbooks used in Oklahoma public schools. This resolution issues a strong directive to the State Textbook Committee to approve textbooks and teaching materials which (1) are objective in content, (2) do not encourage civil disorder or disrespect for the law, (3) teach high moral standards, including honesty, respect for those in authority, the value of work, and the existence of absolute right and

wrong, (4) emphasize the importance of the family and do not degrade traditional roles, and (5) teach principles of free enterprise.

Since this resolution does not have the force of law, it is not causing a significant change in textbook standards. The resolution is valuable, however, because it enables citizens to return to the legislature and show whether the guidelines have been followed or not, and to demonstrate the need for an enforceable textbook standards law.

Oklahoma's Back to Basics Law went into effect on June 1, 1982. It mandates basic subjects, including reading, writing, the use of numbers, citizenship, history, and government. It returns to the discretion of local school boards the continuance and management of all previously mandated "non-basic" programs.

"Non-basics" include health, safety, conservation of natural resources, physical education, vocational education, economic education, drug abuse education, and the history of minority races. The Back to Basics Law also encourages local school boards to involve parents in the curriculum evaluation process.

The Back to Basics law untied the hands of local school districts so that they are no longer required to mandate certain non-essential courses. Some districts have used this new discretion to strengthen their academic standards; others have changed nothing. The results of the law vary from district to district, but an overall improvement is expected because the competitive edge of students in districts with higher academic standards provides an incentive for other districts to follow suit.

Ultimately, school education depends on the quality and the dedication of the teachers. But intelligent and reasonable legislation such as Oklahoma's can point the way to constructive parental involvement and improved teaching materials.

State Control in Nebraska and Louisiana

The U.S. Supreme Court half a century ago resolved a fundamental social/governmental issue in America: the state may not force children to attend a public school. The powerful interests that wanted to force a secular conformity on all Americans through a mandatory public school system failed in their effort in the case called *Pierce v. Society of Sisters* (1925).

During the last ten years, one of the significant social phenomena in America is the flight of children from public schools to an ever-increasing number and variety of private schools (both religious and secular). There are various causes for this movement, but in our free society the parents have the right to transfer their children without having to explain or defend their reasons.

The forces with a vested interest in the public schools system are now trying a different approach to slow or stop the mushrooming of private (especially religious) schools. It's called government certification of private schools: a requirement that private schools be certified by the state under threat that the state will

use force to close all non-certified schools.

"Force" means, first, court action and, secondly, police action. In Nebraska, Maine and Iowa, disputes about state regulation of church-operated schools have erupted into court battles. In Louisville, Nebraska last year, a non-certified religious school was closed at Faith Baptist Church by police action.

The Nebraska conflict came to a pitch of drama at 6:09 a.m. on Oct. 18, 1982 when, under court order, Nebraska Sheriff Fred Tesch, accompanied by 5 deputies and 12 state troopers, entered Faith Baptist Church during a prayer meeting and dragged 85 weeping worshipers from the church as they knelt in the pews in prayer. The ejected worshipers were then dropped on the sidewalk, the church doors were chained and padlocked, and armed guards were stationed to prevent the people from reentering the church.

Many moderates on both sides of this controversy regret the recalcitrance on both sides which provoked such an unprecedented confrontation. The pastor, Rev. Everett Sileven, claiming separation of church and state, refused to submit to any certification procedures at all. So the certification advocates saw nothing wrong with arresting Sileven right in his church pulpit while he was conducting a chapel service, and keeping him in jail; they had even planned to tear-gas the fundamentalists out of their church.

While refusing to submit to various certification requirements specified for his curriculum and teachers, Sileven repeatedly said he was willing to submit test scores to the state to prove that his students are being well educated. The public school lobby is further enraged anytime anyone demonstrates that children can get a better education by a methodology not in vogue in the public schools, or from teachers who did not take all those education courses mandated in the rigid teacher certification process.

The certification advocates argue that certification is essential to quality education. It can't be all that essential, however, since only 8 of the 50 states require certification, and enforcement in some of those states is minimal.

Another aspect of parental rights in education that may prove even more explosive is home teaching by parents. In Minnesota, North Carolina, and Arkansas, the state has taken parents into court to stop the home teaching of their own children and to force the children to attend school.

In an innovative approach to this question, Louisiana passed the Private Education Deregulation Act in 1980 which requires certification only for schools that receive public funds, redefines "school" to allow very small schools to function, and legalizes home education if the curriculum is at least equal in quality to the public schools.

Some 300 new private schools have been formed in Louisiana in the last two years, and a constructive interaction has developed between private schools and home education. Those involved in these new programs are enthusiastic about the results and have

resisted all lobbying efforts to repeal the 1980 statute.

Since I taught all my own six children to read at home and did not enter them in school until the second grade, I highly recommend home teaching. If the schools are doing their job, they have nothing to fear from competition from private schools and parents who want to teach their own children.

The Shame of Illiteracy

The first time I saw the figure, I thought it was a newspaper's typographical error. The second time I saw it, I thought it was a wild exaggeration of sensational journalism. But the figure is now so widely quoted and used in authoritative articles that it must be close to the truth.

The incredible figure is that 23 million Americans — one in every five adults — is functionally illiterate. They simply do not have the reading and writing skills necessary to cope with life in American society.

But how can our society cope with such an appalling number of Americans who cannot take a written exam to get a driver's license, cannot read road signs, cannot read the "help wanted" sections, cannot fill out a job application, cannot read a bus schedule, cannot read instructions on a medicine bottle, and of course cannot read instructions to operate the simplest kind of machinery? At the same time, modern society is getting more complex. Our economy has fewer and fewer jobs available that require no reading at all.

The Coalition for Literacy estimates that functional illiteracy costs our country more than \$225 billion a year in incompetent job performance, unrealized tax revenues, remedial education in business and the military, and in welfare payments and crime. One can pick up almost any paper now and read about the plight of the new illiterates in their twenties and thirties, each with his own brand of horror story about the way he was promoted through grade and high school but, somehow, was never taught to read.

Newspapers and magazines have been filled for years with millions of words about various aspects of education, its problems, and its claimed need for more and more taxpayers' money. One would get the impression from the volume of articles that the principal goals of the school system are forced busing, the total elimination of all prayer and reference to religion, sexuality classes, the elimination of sex "stereotypes," and more spacious and costly buildings and equipment. If all the energy that has gone into those goals had been put into teaching children to read, our children would be tremendously better off. We need some righteous indignation at the way the children have been cheated, at the way the parents have been deceived, and at the way the taxpayers have been ripped off. Consumers' lobbies wouldn't tolerate in any commercial product such a failure to provide the service which consumers thought they were buying.

Mountains of commentary have been written

about racial injustice in America. Liberal writers have engaged in collective breast-beating and finger pointing about the many facets of the race question, including segregated schools and housing, employment discriminations, and inhibitions on voting. But all those injustices together cannot add up to the injustice of failing to teach reading to the children of racial minorities while at the same time forcing them to spend 12 years sitting at desks in schools.

If some magician could remedy overnight all the injustices of discrimination against minorities in education, employment, housing, and voting, all those leap-forwards combined could not add up to what could have been done for minorities by teaching their children to read.

Whether a child sits next to a black child or a white, whether a child says a prayer in class or doesn't, whether the building is beautiful and modern or ugly and out-of-date — all those things pale into insignificance before the preeminent question. Did the child learn how to read; or will he come out of high school with false expectations that can never be realized because he lacks the essential skills to exist as an independent citizen in modern society?

The U.S. educational system started down the slippery slope to failure when it pushed phonics and discipline out the door, and replaced basics skills with unproven reading methods, "life adjustment," "values clarification," "progressive education," and accommodation to the group rather than personal achievement. It isn't any surprise that the high illiteracy rate is matched by the failure to learn math and science skills. The students can't read the math and science books.

If General Motors is forced to recall millions of automobiles at GM's expense in order to make good its mistakes, then the schools should be required to recall their illiterate graduates and give them the skills for which they (and parents and taxpayers) have already paid.

Report Card on the Schools

The National Commission on Excellence in Education made a great many headlines in early 1983 with its report called "A Nation At Risk: The Imperative for Educational Reform." It is obvious that reform is demanded by the depressing facts about education today: the 23 million adult illiterates, the 17-year decline in SAT scores, the U.S. failures in national and international competitions.

The Commission recommends requiring four years of English in high school so that students will be equipped to comprehend what they read, write effective papers, discuss ideas intelligently, and know our literary heritage. But the biggest problem is that the students are illiterate; so it will hardly do them any good to sit in English literature classes and be exposed to "our literary heritage."

The Commission is worried about the teaching of social science in high school, arguing that students should be taught the broad sweep of ancient and con-

temporary ideas, the fundamentals of how our American system operates, and how to grasp the difference between free and repressive societies. Of course, students should learn all those good things. But unless we are going to convert our high schools into children's story-telling hours, the student must read that history themselves. So we are back to square one with their inability to read at all.

The Commission wants high schools to teach students how to apply mathematics and science to everyday situations, and to teach them about the social and environmental implications of scientific development. Those are very good objectives, but are absolutely dependent on the student's ability to read at all.

The Commission's primary contribution to this continuing debate is to recommend that all high school graduates be required to take the "Five New Basics," which are defined as four years of English, three years of mathematics, three years of science, three years of social studies, and one-half year of computer science. Those are all good things, but they are basically irrelevant if the child isn't a good reader.

The Commission makes frequent use of the term "basics." However, as parents and the public understand the term, "basics" does not mean the reading of high school-level literature, history, or science. "Basics" means the skills of reading, writing and spelling the English language; plus the arithmetic skills of adding, subtracting, multiplying and dividing, and of applying those skills to daily life such as getting the proper change at a checkout counter.

Instead of talking about tightening up standards for admission to college, the Commission would have done more for education if it had urged tightening up standards for admission to the Second Grade. The basic skill of reading should be taught in the First Grade, and, if it isn't, the child spends the rest of his school years building castles in the sand which cannot survive the next wave.

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