

EDUCATION REPORTER

NUMBER 364

THE NEWSPAPER OF EDUCATION RIGHTS

MAY 2016

They Think They're 'Smarter'

Republican Senator Lamar Alexander recently expressed surprise that the federal Department of Education isn't planning to implement the Every Student Succeeds Act in the way he expected. The legislation was supported by Barack Obama, Harry Reid, and Nancy Pelosi. It was passed by the House and the Senate in December of 2015, although it was widely opposed by conservatives, concerned parents, and grassroots organizations. Over 200 of them signed a letter to Congress that detailed their objections last October. The Every Student Succeeds Act (ESSA) was flawed even before its passage in December of 2015, by which time many important provisions had been stripped from the 1,061-page bill.

In April, during the first oversight hearing about the implementation of ESSA law, Sen. Alexander told newly confirmed Education Secretary John King, "Already we are seeing disturbing evidence of an Education Department that is ignoring the law that the 22 members of this committee worked so hard to craft."

Despite his apparent inattention to warnings that the bill was a monstrosity that contained no binding provisions meant to contain or decrease federal power in favor of state and local control, Sen. Alexander now accuses the new chief of the Education Department of doing exactly what many observers expected the overbearing feds to do.

Several hearings are scheduled in order to determine how ESSA will be enacted. Over 1,000 pages of legislation apparently didn't provide space for such mundane details.

Congress failed to listen to those who said that John King was disrespectful to New York parents and was a disaster as that state's Commissioner of Education. Instead, they confirmed President Obama's pick to be national Education Secretary. "King led a series of reforms in New York for 3½ years that were so badly administered that he abruptly left his position in late 2014 amid a tornado of criticism and moved to Washington to become No. 2 to then-education secretary Arne Duncan, who didn't seem to mind King's controversial N.Y. tenure." (*Washington Post*, 4-13-16)

During the hearing about the implementation of ESSA, Alexander said to King:

I don't think that I need to rehearse the fact that this bill passed by a huge margin, 359-64 in the House. And 85-12 in the Senate. . . . The reason we were able to achieve such unusual unanimity and consensus is, to put it bluntly, that local school boards, classroom teachers in states, had gotten tired of the U.S. Depart-

ment of Education telling them so much about what to do.

Alexander continued,

So the legislation we passed not only got rid of those things, we went further in a remarkable way and have explicit prohibitions on what a future [education] secretary might do. This was all a dramatic change; it's called the 'largest devolution of responsibility for education from the federal government to the states in 25 years.'

What Senator Alexander seems to miss is that just *calling* it something doesn't make it so. Common Core was called "higher, better standards," which were "evidence-based." They were actually lower and worse standards, which had never been tested in any manner whatsoever, anywhere. In the real world, attention to what is actually happening is more important than claims made to fool the public. And legislators.

Among things the oversight committee is distressed about in the Department of Education drafts that indicate how they intend to implement ESSA are demands that states must prove to the federal government that there is an equivalent amount of money spent in every school district within a state. Congress debated this policy and it was rejected. But the feds have found a way to interpret the law differently than was intended.

In fact, Arne Duncan boasted last year in a *Politico* article that his team was smarter than the legislators, and that they had language in the law that would continue and expand federal control of education. Arne Duncan said, "Candidly, our lawyers are much smarter than many of the folks who were working on this bill." (*PoliticoPro.com*, 12-2015)

The ESSA law includes major flaws, about which legislators were warned before they passed it. Many hadn't even read the bill, the final draft of which was released only hours before voting was to take place. But concerned groups of parents divided it up into sections and they did read it. Then they made lawmakers aware of the gaps, tricks, and errors that were included. Lawmakers didn't listen.

ESSA mandates that 95% of students participate in state tests. This changes the main way parents were able to protect their children from too much or unnecessary testing. If parents believe the tests are bad or there are too many of them, they could opt out. The new law effectively eliminates that option.

During the hearing, John King tried to get tricky with language. Sen. Alexander at one point said, "Mr. King, do you know how ridiculous the statement is you just made? If I read you plain English, if I say A, B, C and you say it's

(See *Smarter?*, page 4)

Judicial Supremacy and the Bathroom Wars

Accommodating transgender students, those who believe or wish themselves to be a sex different than their biological sex, is a big issue in schools across the nation. Districts are being bullied into going against common sense and biology. Out of fear of lawsuits, punishment by the Washington, D.C. Department of Education, or being called bigoted and prejudiced,

school administrators are deciding to let anatomically male people into girls' bathrooms, locker rooms, and showers. And vice versa. In April, a young person with female genitalia won the right to use male facilities at a Virginia school.

Title IX Egregiously Misapplied

An 11th-grade Gloucester, Virginia female student who is transgender, and now believes she is a male, demands use of the restroom, locker room, and showers reserved for biologically male students at Gloucester High School. School administration originally granted this wish. Later the local school board approved a policy requiring use of facilities

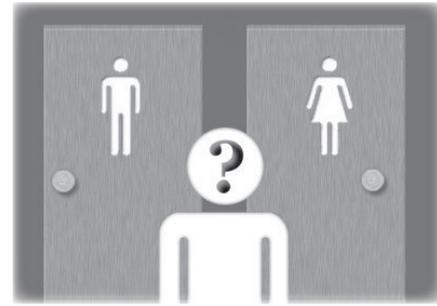
according to biology.

But an April ruling by two members of a three-judge panel from the United States Court of Appeals for the Fourth Circuit has overturned the lower court's refusal of a preliminary injunction to allow the student to use the preferred facilities. The lower court ruling meant that this female could use female only or unisex bathrooms, showers, or changing areas. Now that decision must be reevaluated because two judges believe to otherwise is a Title IX violation.

Title IX is a collection of federal laws that were originally designed to eliminate possible discrimination against women in public schools. This decision by two Richmond, Virginia judges represents the first time that a federal appellate court has ruled that Title IX protects the rights of transgender students to use the bathroom that corresponds with their "gender identity."

Last June, the U.S. Justice Department filed a "statement of interest" in support of the transgender student's

(See *Bathroom Wars*, page 4)



Focusing on the Quiet Ones

Research indicates that as many as half of all Americans are introverts. Despite this, current U.S. education policy heavily favors extroverts. Desks in classrooms are often arranged in pod formation to encourage group work, more outspoken students get the bulk of attention from teachers, and focus on consensus leaves out the quieter voices.

Common Core standards that are in force in most states are particularly disadvantageous to introverted students. In the section of Common Core titled "College and Career Readiness Anchor Standards for Speaking and Listening," at every grade level from K-12, the focus is on contributing to discussions and persuading others to accept your viewpoint. The first requirement in this section (CCRA.SL.1) states "Prepare for and participate effectively in a range of conversations and collaborations with diverse partners, building on others' ideas and expressing their own clearly and persuasively."

Parents and teachers need to be acutely aware that collaboration and persuasion aren't characteristics that introverts generally enjoy. They prefer to work alone and to avoid conflict. They'd often rather write than speak. Yet Common Core forces children who prefer to work independently to work in groups. It forces children who would rather respond in writing to be public speakers. Common Core forces students who believe strongly in

their opinions to give way to those with louder voices and to back down in the face of others' more forceful presentations.

Quiet: The Power of Introverts in a World That Can't Stop Talking by Susan Cain is a resource for those who wish to understand the different needs of introverts and extroverts.

Cain says, "Research suggests that the vast majority of teachers believe that the ideal student is an extrovert." She says this isn't a new trend; according to a Harvard provost in the 1940s, the policy was to reject those applicants who were "sensitive," in favor of the "healthy extrovert kind."

Introverts aren't weaker or less capable than extroverts. There is something lost when what Cain calls the "Extrovert Ideal" takes over. We must value introverts for who they are. Cain quotes science journalist Winifred Gallagher, who writes: "The glory of the disposition that stops to consider stimuli rather than rushing to engage with them is its long association with intellectual and artistic achievement. Neither $E=mc^2$ nor *Paradise Lost* was dashed off by a party animal."



EDUCATION BRIEFS

Early estimates indicate that over 50% of Long Island, New York students in grades 3-8 opted out of mandated Common Core tests this spring. Surveys conducted by *Newsday* and by Long Island Opt Out show that many parents believe the focus on Common Core testing has diminished education quality. Opt Out leaders say that “test preparation for reading and math still dominated class time and squeezed important subjects like social studies, science, art, and music.” In 2015, about 20% of N.Y. students eligible to take statewide tests skipped at least one Math or English exam. (*Wall Street Journal*, 4-8-16)

Was a teacher’s assignment for 6th-grade students in the Keller Independent School District in the Dallas-Fort Worth area of Texas a good example of “Following a Sequence”? A handout with that title, that’s supposed to help students “think critically,” explains “The Cocaine Trade: From Field to Street.” A parent said, “I felt like they were giving my kid a diagram of how to become a drug dealer.” Parents often don’t see handouts like this that are completed in class; this one was sent home to an ill student as a make-up assignment. (CBS, 12-14-15)

Virginia students were told to copy calligraphy stating, “There is no god but Allah, and Mohammed is the messenger of Allah.” The Augusta County school district claims the high-school assignment was a standard one from a world religions workbook, meant to give students “an idea of the artistic complexity of calligraphy.” When parents publicized the assignment on Facebook, the school system “began receiving voluminous phone calls and electronic mail locally and from outside the area.” The district responded by closing all schools, yet stated that “there has been no specific threat of harm to students.” The school agreed to use a different example of calligraphy in the future. (CNN, 12-19-15)

Education Reporter (ISSN 0887-0608) is published monthly by Eagle Forum Education & Legal Defense Fund with editorial offices at 7800 Bonhomme Ave., St. Louis, MO 63105, (314) 721-1213, fax (314) 721-3373. Editor: Virginia Barth. The views expressed in this newsletter are those of the persons quoted and should not be attributed to Eagle Forum Education & Legal Defense Fund. Annual subscription \$25. Back issues available @ \$2. Periodicals postage paid at Alton, Illinois.

Web site: <http://www.eagleforum.org>
E-mail: education@eagleforum.org

FBI Tools Made Politically Correct

The Federal Bureau of Investigation is doing what it can to stop students from joining ISIS. The agency has launched an interactive education website called “Don’t Be a Puppet: Pull Back the Curtain on Violent Extremism.” It uses “activities, quizzes, videos, and other materials to teach teens how to recognize violent extremist messaging and become more resistant to self-radicalization and possible recruitment.”

In January of 2016, the FBI also released “Preventing Violent Extremism in Schools,” a guide to help adults recognize and stop students from falling victim to radicalism. Both programs can be found online at FBI.gov.

When these two programs, the guide and the “Puppet” website, were first released in 2015, they were sent back to the drawing board because Muslim groups objected to references to Islam. Groups like the Council on American-Islamic Relations (CAIR), which has on several occasions been accused of having ties to terrorist organizations like Hamas, insisted on changes that eliminated references to the Islamic religion. They claimed that the programs would lead to Muslim students being bullied or profiled. So, the FBI sites that aimed to stop radicalization were cleansed of Islamic references. References to ISIS and al-Qaeda remain, but references to Muslim extremism were expunged. There remains ample warning about domestic terrorists, like ecoterrorists, white supremacy groups, and “anti-government groups.”

Students must be informed about the means used by those who wish to recruit to their cause. Radicals find students on social media and in online gaming. The goal is to convince vulnerable people to embrace radical ideology. Then extremists convince young people to act in a manner consistent with their radical ideology.

The problem with the revisions to the FBI programs is that some students are trying to join ISIS in Syria and Iraq based on religious motivations. They aren’t running off to be tree huggers in Marin County, California. Others attracted to Muslim extremism through the internet have attacked Americans on American soil.

Such is the case with a University of California, Merced student who stabbed four people with a knife on campus in November of 2015. In April, the Department of Justice finally released a state-

ment saying that Faisal Mohammad, 18, seemed to have “self-radicalized and drawn inspiration from terrorist propaganda.” He found that information on the internet. “The Justice Department said the FBI found pro-ISIS propaganda on his laptop and evidence that he visited extremist websites in the weeks before the attack. Investigators also found a photocopied ISIS flag along with a knife and list of supplies after he was killed.” Faisal was shot and killed by police; his victims survived. (NBC-news.com, 3-18-16)

Three Denver, Colorado teenaged girls skipped school in October of 2014. Their parents reported the girls’ passports were missing, along with a few thousand dollars. None of them had run away before, and their families were perplexed. The girls, ages 15, 16, and 17, were eventually intercepted at the Frankfurt airport in Germany and turned over to FBI agents. U.S. officials reported that the three teens “had planned to join militants with ISIS in the Islamic State in Iraq or Syria.” Their parents said the incident “hit them out of the blue.” But all three girls researched their plan online, “visiting websites where extremists discuss how to get to Syria.” (CNN, 10-22-14)

Jaelyn Young, 19, and her fiancé, Muhammad Dakhlalla, 22, were arrested on suspicion of trying to travel from Mississippi to Syria to join the Islamic State in August of 2015. He was a recent college graduate, from a family of immigrants who seem to epitomize Muslim assimilation into American society. She was raised a Christian and was a recent convert to Islam, a cheerleader, an honor student, and the daughter of a police officer. Both visited radical Islamic websites on the internet. The FBI was alerted to Jaelyn after she posted positive responses about the young Muslim man who fatally shot five American service men in Chattanooga, Tennessee, in July of 2015. She posted the Arabic words meaning “praise to God,” and “the numbers of supporters are growing.” The couple was stopped before their plan came to fruition. When captured, they “confessed that they were on their way to join the Islamic State.” (*New York Times*, 8-14-15)

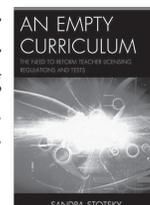
In April, both pleaded guilty to “attempting and conspiring to knowingly provide material support and resources to a foreign terrorist organization.” They

(See *FBI Tools*, page 4)

Book of the Month



An Empty Curriculum: The Need to Revise Teacher Licensing Regulations and Tests, Sandra Stotsky, Rowman & Littlefield, \$24



Common sense and research show that students achieve better results when their teachers are academically competent, well-prepared in the subjects they teach, and smart. Yet, there are those who seem satisfied to support teaching programs that attract lower achieving students to schools of education, where they take less challenging courses, and of whom less is required than of those with other major areas of study.

Dr. Sandra Stotsky is qualified to analyze teacher training and licensing exams. She was Senior Associate Commissioner at the Massachusetts Department of Elementary and Secondary Education from 1999-2003. She presided over changes that lead to what is called “The Massachusetts Education Miracle.” Beginning in 2005, the state’s students experienced unprecedented academic improvement.

Stotsky explains that it’s a problem when the teacher licensure system permits candidates to fail entire sections on licensing exams, yet still pass the test. The bar is often set so low as to allow 60% to be a passing grade. She says a comprehensive study of teacher licensing tests “concluded that they are likely at the high school level of difficulty, despite the requirement that prospective teachers must have completed a four-year college degree program.”

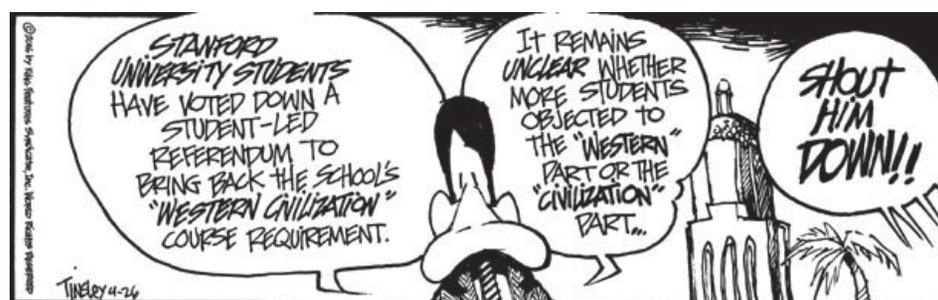
To improve licensure tests, other states could use systems similar to those used in Massachusetts. Stotsky says that regulatory oversight that improves a state’s licensing system would ultimately “strengthen the academic background teachers bring to the curriculum they teach.”

Prospective teachers sometimes don’t take the right coursework. Training coursework influences exams, so those who wish to teach aren’t asked the right questions on licensure exams. In turn, those exams influence what is eventually taught to students. An example of this is the failure to train reading teachers to focus on phonics.

The author explains that there’s reform resistance from schools of education and from teachers unions, which prefer the status quo. There is also resistance from an “army of educational entrepreneurs now providing professional development,” which is sometimes remedial in nature.

Stotsky has recently devoted her time to warning about the academic weakness of Common Core. She helped create Massachusetts’ English and Math standards, which were excellent before the state fell prey to Common Core. If states move forward with evidence-based reforms in teacher preparation, then failed Common Core student standards would have less impact. Well-trained teachers imparting subject matter over which they have mastery could have a greater impact on students than standards.

MALLARD FILLMORE / by Bruce Tinsley



FOCUS: Be Your Children's Primary Educator

First published in *Deeply Rooted Magazine* on February 2, 2016. Reprinted with permission.

by Sharon McKeeman

I have a card from my children's charter school that says I'm their primary educator. That's me, a card-carrying Primary Educator. And so are you. If your kids go to a charter school like mine, where two days a week state-funded teachers teach them and three days a week you homeschool them, or if you homeschool your kids five days a week, or if your kids go to a private or public school every day and you work a career or stay at home, you are also their primary educator. As parents, we are the teachers and examples that have the most impact on our children's hearts. Yikes!

So whether you know it or not, you are homeschooling. You're shepherding. Every moment at home, your children are learning. I don't know about you, but

to me that's a scary thought — a scary reality. Even now as I type this, I feel ashamed, because I know what type of example I'm setting: an imperfect one.

But thank God for that. Because this world is going to tell them they have to perform. It's going to tell them to get excellent grades, look good, be successful, make a lot of money, and above all, never fail. All of these expectations will take up every minute of your child's time, keeping them from exploring the simple beauty of the world that is their birthright. And it will keep them chained to shame and striving — instead of free in God's grace.

We are all glorious creations with amazing potential and we are all broken. So let go of feeling ashamed of the imperfect example you set and use it instead. When my patience fails again, for the twentieth time in a day, I get down on my knees and show my children what repentance looks like. I tell them

I'm sorry, giving them the opportunity to practice forgiveness. When I get up morning after morning and try again to nurture and teach them, I am showing them that God has given us resilience. His mercies are new every morning and our failures fade in the light of His glory. He calls us to no more or less worthy of a calling than to love each other, moment by moment in all of our mess.

And He calls us to make space to see and experience His good gifts. It may not feel like you're moving mountains when you sit down to eat a meal around the table together or read a book before bed, but you are literally waging a revolution through these simple acts. A walk to talk and explore nature with your child is as courageous as fighting on the front lines of a battle. And you don't have to be perfect to do these things. In fact you can only hold relevance and meaning in your child's life if you let them see that you're in just as much need of Christ's saving



grace as them or as any of us.

What more important lesson can we teach them? Spelling and mathematics are important, and along with their teachers we will, of course, help them master those subjects. But if we don't share with our kids the pattern on a butterfly's wing and the rhythm of grace, then who will?

"And how from childhood you have been acquainted with the sacred writings, which are able to make you wise for salvation through faith in Christ Jesus." 2 Timothy 3:15

"The heavens declare the glory of God, and the sky above proclaims his handiwork." Psalm 19:1

Sharon McKeeman is an author, educator, artist and photographer. She and her husband live in southern California where they homeschool their three children. Follow her at SharonMcKeeman.com.

Deeply Rooted Magazine was founded by Dianne Jago in 2014, to provide Christian women with beautiful content presented in a curated manner. The quarterly publication offers everything from devotionals to fashion to recipes.

be 150 months old. At that age their job is to not walk into door jambs . . . and to try to put a lid on some hormone havoc. They're still closer to babyhood than adulthood. Why do we let schools bum-rush them into anxiety-hell over tests? Mother Nature has already over-supplied them with all the anxiety they can barely handle. Why don't we just lay off 'em, and let 'em outgrow this messy moment? It's bad enough as it is — leave it be.

I'm glad my father cured me from becoming number-numb. My hot-seat moment has served me well for . . . for lots of months. Maybe this will shake up your consciousness . . . and slow you down some. And maybe, just maybe you won't say "Hurry up!" quite so often. And perhaps you'll remind that school to slow down . . . that there are children on board . . . and they are entitled to every last drop of innocence.

Don't let them tug your child into their warped world. If they think education is all about numbers, well, they've already forfeited their privilege to enjoy your child. They're just as silly as I was — but I was only about a hundred months old. What's their excuse?

Denis Ian is a retired secondary teacher from New York. He taught social studies for nearly 34 years in a well-respected public school district and was involved in numerous reforms and educational innovations during his career. He's now devoted to the anti-Common Core movement and contributes to several blogs across the nation.

"Time, Time, Time, see what's become of me. . . ."

Reprinted with permission.

by Denis Ian

"Time, Time, Time, see what's become of me. . . ."

I'm an old father now. My sons have sons. I own lots of memories. I polish the sweet ones and never dust the ones that hurt. I mind time now. I didn't used to. In fact, like lots of you, I was reckless with time. Not any longer.

When I was a boy of about 9 or so, I had the temporary misfortune of being the last to the dinner table. That meant sitting just to the left of my father, which was like sitting next to the district attorney — or the pope. My brothers loved my dilemma because that's what brothers do. It's in the Irish Manual of Life.

So, there I was, waiting for my moment of challenge. The knives were clanging plates and there were two or three different conversations happening around this table with the fat legs. Someone mentioned that my grandfather had a birthday in a few days — and that little-bitty mention sprung my father's mind.

"So, young Denis," said my father, "how long would you like to live? What is a good, long life?"

Right off the bat I'm thinking this is a trick question because my father was never familiar with the obvious. So, there I sat. And my brothers had caught wind of my dinner-table distress — and they were loving every minute of it. Meanwhile, my father is sipping his usual cocktail and pushing some food around his plate, which means he's kinda waiting for an answer . . . to the trick question. And I don't have much in the way of trick answers . . . because . . . I'm nine.

Gimme a break.

After several long minutes he leaned over and asked, "And?"

I went full-out bravado, more for my brothers than for any other reason. I gotta live in this family after all, right? Strong is the key. Trust me.

"Seventy. Seventy years old is a good, long life."

I was so pleased with my answer, I smirked at every guy at the table — until I noticed that my father was completely unimpressed, still sitting there at the head of the table, playing fork-hockey with his peas.

And me? I'm waitin' for a sign, any sign! Hoping that my skinny answer is sufficiently smart. I'm dreaming of the big back-slap — or even the dreaded hair-muss.

There was none.

In fact, it seemed I was completely off his radar for a long moment.

I shouldn't have been surprised. My father didn't do that sort of stuff. I must've had him confused with my best friend's father, who was really normal.

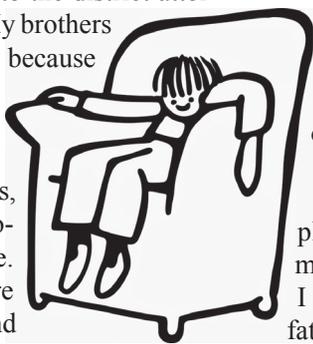
After a few long minutes, he clasped his hands and leaned over toward me. And then the verdict.

"You're a silly boy."

Mind you, he said it softly. No mocking at all. Just a soft, blunt statement . . . designed to make me think all over again. To spin my brain-gears a bit more. And I did. Even my brothers were cranking their brains. I think that was part of my father's strategy . . . to make the moment belong to everyone. To glue everyone into the lesson.

Then he leaned over once again, and in a loud whisper so all could hear, he said, "If you live to be seventy, you will have lived just 840 months. Does that seem long enough for you?"

And, of course, it didn't then . . . and



Smarter? (Continued from page 1)

D,E,F, how can that be?"

This isn't a question of King knowing educator terminology with which Alexander is unfamiliar. Lamar Alexander was Secretary of Education before he became a senator. This is a case of double-speak and trickery.

As Alexander said to King, "This sounds to me exactly like the kind of thing the department got into with academic standards in Common Core. You basically said that states didn't have to adopt Common Core, but then you came up with requirements on standards that, in effect, required them all to do it."

(*Washington Post*, 4-13-16)

Sen. Lee Sounded a Warning

Senator Mike Lee (R-UT) apparently read the ESSA legislation and studied John King's professional record. At King's confirmation hearing in March, Lee said about ESSA:

There are several provisions that prohibit the Secretary of Education from controlling state education plans or coercing states into adopting federal standards and testing

regimes. But when you look at the fine print, you see that in most cases these prohibitions against federal overreach contain no enforcement mechanisms — only vague, aspirational statements encouraging the Secretary to limit his own powers.

Then he recommended that his colleagues vote against the confirmation of King, saying: "Based on the policies that he has supported, the bipartisan opposition he has invited throughout his career, and his uncompromising commitment to the designs of bureaucrats and central planners over the lived experiences of parents and teachers, I believe it would be a grave error for the Senate to confirm Dr. King's nomination." (Lee.Sen.gov, 3-14-16)

Many question whether the Department of Education should even exist. If it is allowed to exist, it must be severely reigned in. The ESSA law has so far failed to do that. As Sen. Alexander said, "It isn't worth the paper it's printed on if not implemented properly." This is especially true since Congress confirmed the wrong person as Secretary of Education.

FBI Tools (Continued from page 2)

await sentencing, which could include up to 20 years in prison.

On October 4, 2014, three siblings left their home in Chicago with their passports and airline tickets to Turkey. After graduating from a Chicago Islamic high school in 2013, the eldest of the three enrolled at Benedictine University, a Roman Catholic school where he was studying engineering and computer science. He and his 17-year-old sister and 16-year-old brother intended to join ISIS in Syria. The parents of the these three are Indian immigrants who became U.S. citizens. They are of the Muslim faith, and they believed they had raised their children to "love their country and their religion." (*Washington Post*, 12-8-14)

The FBI's intent is to help schools, parents, and others to recognize students on "a violent trajectory" and to "facilitate a student's disengagement from a violent ideology." The FBI recognizes, "Violent extremists primarily target adolescents due to developmental vulnerabilities."

There are several ways that extremist get their ideas into students' heads. Online magazines, message boards, and websites that promote radical ideologies are often sophisticated. In this regard the FBI specifically mentions al-Qaeda's *Inspire* magazine. The FBI says, "We assess that online gaming is sometimes used to communicate, train, or plan terrorist activities."

The FBI stresses that quick recognition of students' going off the deep end is critical. The agency says, "Based upon investigative data, a very small period of time exists between a youth embracing extremist ideologies to acting in furtherance of the ideology. Therefore, acting decisively is paramount to educators."

**Bathroom Wars** (Continued from page 1)

claim. The Department of Justice wants people treated as a person of the gender of choice, regardless of actual biological sexual attributes.

After the recent ruling, the Department issued this statement: "We are pleased with the Fourth Circuit's decision, which agreed with the position that the United States advocated in its brief."

According to the *New York Times*,

The Obama administration has been aggressive in its efforts to ensure that transgender students can use the bathrooms in public schools that correspond with their gender identities. Some federal agencies have threatened to rescind funding to pressure some municipal governments in California and Illinois to change their policies and allow transgender students to do so.

One of the ACLU lawyers representing the Gloucester student "argued that such state and local legislation violated federal law." He says, "With this decision, we hope that schools and legislators will finally get the message that excluding transgender kids from the restrooms is unlawful sex discrimination." (*New York Times*, 4-19-16)

Not All Agree

Only two of the three judges voted in favor of the transgender student. In fact, dissenting U.S. Circuit Judge Paul V. Niemeyer was adamant that this ruling is wrong and a misapplication of Title IX law. Niemeyer says, "This unprecedented holding overrules custom, culture, and the very demands inherent in human nature for privacy and safety, which the separation of such facilities is designed to protect." Niemeyer also objected to the Title IX reasoning for changing policy at schools. He says of the opinion of the other two judges, "More particularly, it also misconstrues the clear language of

Title IX and its regulations." (*Education Week*, 4-27-16)

Schools must accommodate transgender students in a manner that doesn't harm other students or infringe on their privacy. The student's court appeal stated that "using the girls' restroom would cause severe psychological distress to the student" and that it "would be incompatible with his treatment for gender dysphoria." The reason the student gives for refusing to use single restrooms or other facilities is that they "make him feel even more stigmatized. . . . Being required to use the separate restrooms sets him apart from his peers, and serves as a daily reminder that the school views him as 'different.'" (Case No. 15-2056) Every precaution should be taken to be kind to all students and to treat all students fairly, including the approximately 99.97% of them who aren't transgender.

North Carolina Tries to Be Fair

The Fourth Circuit includes the states of Virginia, Maryland, West Virginia, North Carolina, and South Carolina. This new ruling is being considered by North Carolina, where legislators recently passed and the governor signed House Bill 2, a law stating that students must use facilities according to the sex indicated on their birth certificates. North Carolina enacted House Bill 2 (HB 2) in order to stop Charlotte from changing city laws to accommodate transgender people in the public restroom of their choosing, including in schools.

Legal representatives for the Human Rights Campaign, a Lesbian, Gay, Bisexual, and Transgender advocacy and lobbying organization, claims that this ruling nullifies North Carolina statute HB 2. The representative says, "Our expectation is that the North Carolina schools reverse course immediately, as in tomorrow."

The End of Civility

It is unclear whether North Carolina will be able to hold fast on HB 2. The state government and citizens are being pressured to change the law and allow anyone into any facility. Bruce Springsteen, Cirque du Soleil, and other entertainers have cancelled contracts to perform in North Carolina. PayPal and other companies are refusing to locate in the state in protest of HB 2. The American Institute of Architects won't hold its previously scheduled regional conference in North Carolina as a pressure tactic. President Obama has weighed in saying he believes the law should be repealed. North Carolinians are being accused of being backward and bigoted. This sort of bullying and coercion are the new normal in America. Don't like a law? Accuse those who passed it of being bigots, racists, homophobes, or simply stupid. People fail to endorse *your* favorite candidate? Attack them, try to oust them, get them fired, or sue them.

Where is the civility, polite discourse, fact-based reasoning, and discussion that should be the norm? Responsibility rests on those who fail to understand that not everyone will agree on all subjects. Many simply can't abide by that. There's a new breed who believe that those who don't agree with them are wrong — flat out wrong — and therefore must be silenced. This used to be a tactic only leftists used but it seems to have recently overflowed to include much of society.

Such is the case with those who are accusing North Carolina of passing an "anti-gay" law. It is actually common-sense protection of the rights of all citizens, including children in schools. Yet, most headlines proclaim that HB-2 is anti-transgender. Its opponents can't accept a common sense solution to a problem plaguing states. The North Carolina legislature and Governor McCrory had the

guts to address the issue head on.

Radical groups like the Gay Lesbian Straight Alliance, GLSEN, and the Human Rights Campaign have allied with teachers unions, the National Education Association (NEA) and the American Federation of Teachers (AFT) to push their version of transgender bathroom compliance on all schools.

The North Carolina law is not an accusation that transgender people are abusers, as some have portrayed. It is instead a means to exclude perverts who would sneak into bathrooms to cause havoc. Allowing full access to all bathrooms with no rules is asking for trouble. Those who would harm others will take, and have taken, advantage. Many women who have been raped have spoken out against shared facilities.

Where Do We Go from Here?

The fallout from the court ruling might lead citizens to give up all pretense that local school boards or state legislators or governors are in charge of much of anything. The federal government and activist judges seem to be fully in charge. When they tell us that our children must give up their privacy and undress with members of the opposite sex, parents are supposed to either be okay with that or be called hopeless, backward bigots. States and communities also risk losing federal funds that they send to Washington, DC, in hopes that they might be send a bit back to use for roads, bridges, schools, and such.

Where does it end? When will the Left and the Lesbian, Gay, Transgender, Queer activists be satisfied? When will the anti-Christian groups like the ACLU and the atheists be happy? Why do they continue to push for more silencing of opposition and engage in escalating attacks on traditional values? And what will citizens be expected to accept next?