**BILL: HR-5 DENIES PARENTS THEIR RIGHT**

**OVER THEIR OWN CHILDREN**

By Anita Hoge February 21, 2015 NewsWithViews.com

HR -5 student success act of 2015 Pennsylvanians Restoring Education

Pennsylvanians Against Common Core

February 20, 2015, Harrisburg, Pittsburgh, Philadelphia, PA.

Citizens of Pennsylvania, Pennsylvanians Restoring Education, Pennsylvania Against Common Core, parents and students are asking Representative John Kline to stop the REAUTHORIZATION of ESEA, HR 5, the Student Success Act of 2015 which will amend No Child Left Behind.

 • HR 5 denies parents their rights over their children. References page 488; 522-555.

 • HR 5 legislation creates the radical transformation of tax collection through the assigned destruction and hostile takeover of our local neighborhood schools.

 • HR 5 violates states' rights under the United States Constitution.

 • HR 5 is designed to destroy local, public neighborhood schools through usurpation of elected school boards' authorities and responsibilities.

 • HR 5 will destroy all private education in America, as well, legislating Title I "choice" vouchers that will "follow the child," enforcing HR 5 compliance in EVERY PRIVATE AND RELIGIOUS SCHOOL.

 • HR 5 would legislate services to these Title I "choice" children called DIRECT STUDENT SERVICES AS A VOUCHER that must be equitable and comparable to any public school, which is needed to satisfy Common Core.

 • HR 5 will destroy representative government, all non-governmental schools, and standardize education across this nation. This overreach of the federal government is in direct violation of our United States Constitution which dictates separation of federal jurisdiction vs. State jurisdiction.

REPRESENTATIVE KLINE, you state in the Student Success Act HR 5, Press Release, February 3, 2015:".....This proposal provides an opportunity to chart a new course...."

REPRESENTATIVE KLINE, this "new course" that you are forcing on the states will end in Constitutional chaos.

 • HR 5 removes Constitutional states' rights sovereignty.

 • HR 5 redefines parent and removes parental rights over the upbringing of their children.

 • HR 5 subjugates state legislatures under blatantly false pretenses about state and local control.

 • HR 5 presents choice vouchers defined as "direct student services," as a means to control private and religious schools and phase out public schools.

 • HR 5 would transform ALL SCHOOLS into government schools. Has every state ceded the land that these schools occupy, turning them into federal lands? If the states have not ceded the land to the federal government, the federal government's jurisdiction is determined to be severely limited, unless altered drastically by the state legislature. Questions of jurisdiction would still remain. At the least, HR 5 obfuscates state and federal jurisdictions as specified in the Constitution and affirmed in numerous Supreme Court decisions.

 • REPRESENTATIVE KLINE Who "Grubered" your HR 5 and consigned the states to federal takeover?

 • HR 5 forces private and religious schools to provide services through an APPROVED state list of providers eliminating the freedom for private and religious schools to teach students to their own standards and select their own curriculum.

 • HR 5 forces private and religious schools to provide non-cognitive mental health areas of personality development and interventions whereby proficiency levels in the social, emotional, and behavioral domain are scored to a criterion resulting in violations of privacy under the Protection of Pupil Rights Amendment, federal law, state law, and civil rights laws.

 • HR 5 uses choice vouchers to dissolve the public school system through the exodus of (departure of) Choice, Title I, at-risk students who disengage from the public school and enter a private or religious school. Public schools are presently represented by locally elected school board members in the United States. The destruction of our neighborhood public school system undermines the power and authority of property tax provisions and elected school board representation on the local level, representation which financially supports local education agencies.

 • HR 5 provides for the expansion of charter schools as the sanctioned alternative for schooling. As you, Representative Kline, must know, charter schools are a system of schooling without elected boards. They use public tax monies regulated by federal government mandates, standards, assessment and teacher remediation with data tracking and trafficking and re-education toward Common Core standards.

 • HR 5 by design eliminates local and state representative government by removing the states’ rights and local control of education and surrenders our children's education and future to the dictates of the federal government.

REPRESENTATIVE KLINE, H.R. 5 is a Constitutional Crisis in the Making.

 • HR 5 requires that states legislatively surrender their rights over education in order to receive Title I funds.

 • HR 5 removes the parents as the final arbiters in the upbringing of their children, and wrestles control of private and religious education through federal encroachment as explained below.

REPRESENTATIVE KLINE, quoting from your HR 5 legislation, on page 552, you stipulate the criteria for removing the state legislature's constitutional power, rights, and responsibilities as follows:

 Subpart 4—Restoration of State Sovereignty Over Public Education and Parental Rights Over the Education of Their Children

 ‘‘SEC. 6561. STATES TO RETAIN RIGHTS AND AUTHORITIES

 THEY DO NOT EXPRESSLY WAIVE.

 ‘‘(a) RETENTION OF RIGHTS AND AUTHORITIES.— No officer, employee, or other authority of the Secretary shall enforce against an authority of a State, nor shall any authority of a State have any obligation to obey, any requirement imposed as a condition of receiving assistance under a grant program established under this Act, nor shall such program operate within a State, unless the legislature of that State shall have by law expressly approved that program and, in doing so, HAVE waived the State’s rights and authorities to act inconsistently with any requirement that might be imposed by the Secretary as a condition of receiving that assistance." (Emphasis added)

 "(b) AMENDMENT OF TERMS OF RECEIPT OF FEDERAL FINANCIAL ASSISTANCE

 An officer, employee, or other authority of the Secretary may release assistance under a grant program established under this Act to a State only after the legislature of the State has by law expressly approved the program (as described in sub- section (a)). This approval may be accomplished by a vote to affirm a State budget that includes the use of such Federal funds and any such State budget must expressly include any requirement imposed as a condition of receiving assistance under a grant program established under this Act so that by approving the budget, the State legislature is expressly approving the grant program and, in doing so, waiving the State’s rights and authorities to act inconsistently with any requirement that might be imposed by the Secretary as a condition of receiving that assistance." (Emphasis added)

The passage of your bill out of committee to be voted on by the entire House of Representatives by February 24 must be stopped. The HR 5 Reauthorization of ESEA, amending No Child Left Behind, must be stopped because the provisions inherent in this legislation are egregious and lack Constitutional authority. Passage of H.R. 5 will bring about the destruction of the United States system of public education as well as the radical transformation of representative government both at the state and local level.

REPRESENTATIVE KLINE, these states' rights issues have not been discussed at your hearings. Is each state legislature aware of the fact that these measures, hidden in federal and state statute, will remove their state’s guaranteed rights under the Constitution? Will each state, including your own state of Minnesota, have to amend its own state constitution to comply with HR-5?

Several states have recently added language in their state statutes that in effect cedes jurisdiction to the federal government.

REPRESENTATIVE KILNE, have you advised the following states of the impact of the HR 5 legislation:

Pennsylvania has currently proposed legislation, HB 168, Sec. 121(a) (Representative Tobash), that states it will comply to federal ESEA legislation and future ESEA legislation:

 "The Department of Education shall develop and implement Keystone Exams in [the following subjects:]........as required by the No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425) or any successor statute."(lines 17, 18, 19 ) (Emphasis added)

Oklahoma, in an effort to stop Common Core, the Oklahoma legislature's passage of House Bill 3399, Sec. 11-103.6a 4 (page 18) with the purpose to remove Common Core Standards, defined in their bill that they would succumb to ESEA federal law:

 "Upon the effective date of this act, the State Board of Education shall seek certification from the State Regents for Higher Education that the subject matter standards for English Language Arts and Mathematics which were in place prior to the revisions adopted by the Board in June 2010 are college-and career-ready as defined in the Federal Elementary and Secondary Education Act (ESEA) Flexibility document issued by the United States Department of Education." (emphasis added)

The Oklahoma legislature codified Common Core through ESEA and gave up its state's rights authority by surrendering education and students to federal control.

Indiana's supposed departure from Common Core in HB 1427, (Sec. 14.5(a) C, page 9) also surrenders its state's rights in order to comply with federal standards.

 "Provides that the state board shall implement educational standards that use the common core standards as the base model for academic standards to the extent necessary to comply with federal standards to receive a Flexibility Waiver. " (emphasis added)

South Carolina's bill, H3893, (Sec 3, section 59-18-325, (C)(1) passed to stop Common Core and the Smarter Balanced Test is yet another example of a state surrendering its state's rights over education and students to the federal government. In fact this law restores Common Core:

 "The summative assessment must assess students in English/language arts and mathematics, including those students as required by the federal Individuals with Disabilities Education Act and by Title I of the Elementary and Secondary Education Act. [For purposes of this subsection, 'English/language arts' includes English, reading, and writing skills as required by existing state standards." [NOTE: The existing State standards are Common Core.] (Emphasis added)

The state of Washington is yet another example. Reference Senate Bill 6030, (Sec 6, (4)(a) page 16, lines 17-20):

 "..and shall not conflict with requirements contained in Title I of the federal elementary and secondary education act of 1965, or the requirements of the Carl D. Perkins vocational education 20 act of 1998, each as amended." (Emphasis added)

REPRESENTATIVE KLINE, have these states been apprised of the devious design in HR 5 to take away states' rights granted under the 10th Amendment to the Constitution?

REPRESENTATIVE KLINE, why have your hearings not discussed the aspect of the "direct student services" that is defined as PUBLIC SCHOOL CHOICE FOR ALL PRIVATE AND RELIGIOUS SCHOOLS? Why have these services not been discussed...services that each private and religious school MUST "provide on an equitable basis" to meet the individual needs of each child who receives a SUPER VOUCHER? Why does the state require that private or religious schools MUST use "approved academic tutoring services as determined by a provider on a State approved list"? Schools will be subjected to discrimination charges if they deny matriculation of a Title I child even if they cannot financially support the OPEN-ENDED direct services mandated in HR 5, as explained below -- even if it bankrupts them.

REPRESENTATIVE KLINE, why is "meaningful choice" defined as complying to state standards (Common Core) and interventions identified for each "at-risk" child receiving the following services: Special Education, instructional support services, counseling, mentoring, one-to-one tutoring, and other benefits for the Title I child? Why is there wording that mandates that a private or religious school MUST comply with the Civil Rights Act, (the school cannot deny admittance to a Title I choice child) 504 Rehabilitation Act, Americans with Disabilities Act, (MUST administer services for mental health disabilities), IDEA (MUST administer behavioral screening, response to interventions, positive behavioral interventions and supports, mental health wrap-around, BILLABLE MEDICAID SERVICES, mental health services or specialized student support services), General Education Provisions Act (GEPA).

REPRESENTATIVE KLINE, you know full well that HR 5 will codify the Family Education Rights in Privacy Act (FERPA). This important Act, as it stands now, has been totally gutted due to President Obama’s Executive Order, EO 12866, January, 2012. FERPA now allows personally identifiable information on the student to be released without informed written parental consent. This personally identifiable information on the students includes anecdotal, psychological observations, analysis, and reeducation interventions in the affective domain by teachers, all tracked and trafficked.

REPRESENTATIVE KLINE, why must private and religious schools provide the following specialized Instructional support on an equitable basis with public school students?

Services defined as school counselors, social workers, school psychologists, or other qualified professional personnel providing assessment, diagnosis, counseling education, therapeutic and other necessary services defined in Sec. 602 IDEA, Individuals with Disabilities Education Act, when in fact Common Core has been expanded into the mental health personal trait standards defined as social, emotional, and behavioral weaknesses now coded as a disability?

The State Education Agency names an ombudsman, "an official appointed to investigate individuals' complaints against mal administration, especially that of public authorities," for the following equitable services in each private and religious school: monitoring and enforcement requirements of private and religious schools, including reeducation in the affective domain. Obviously, under HR-5 the SEA will operate independently with no accountability to the state legislature which has surrendered its authority and responsibility over education and the students.

Referring to the concept of Title I funds that will "follow the child" and the super voucher called "direct student services”: the Title I fund that "follows the child" is going directly to every child, bypassing state government. No one at the public hearings explained that CHOICE, TITLE I FUNDS "FOLLOWING THE 'at-risk' CHILD" would be used to destroy the financial base of public schools which have elected school boards and are funded by local tax dollars. HR 5 is purposely designed to destroy the traditional public school system.

Furthermore, REPRESENTATIVE KLINE, there are scores of pages in your ESEA legislation that would expand CHARTER SCHOOLS OPERATING WITHOUT BOARDS ELECTED BY THE TAXPAYERS AS THEIR REPRESENTATIVES. THIS IS A SET UP FOR CHARTER SCHOOL TAKEOVER OF ALL EDUCATION with charter school authorizers to control private and religious schools. Yet, no one explained HOW these Title I funds "following" a CHOICE, TITLE I "at risk" CHILD will impact the intrusion into private and religious schools, which will be forced into all of the mandates that come with Common Core implementation and EVERY CHILD identified and funded through Title I and thereby subverting the mission of the private and religious school.

REPRESENTATIVE KLINE, you have crafted HR 5 behind closed doors and put it on the fast track to correspond to the "spitball" known as the ESEA Reauthorization.

REPRESENTATIVE KLINE, your HR 5 merged with the Senate version of ESEA REAUTHORIZATION will NATIONALIZE EDUCATION BYPASSING LOCAL CONTROL AND STATE CONTROL, ELIMINATING LOCAL REPRESENTATIVE GOVERNMENT, THE HALLMARK OF A FREE SOCIETY.

REPRESENTATIVE KLINE, your "super vouchers" cannot buy our children. No government can deny parents their God-given rights over their children.

(Pierce vs Sisters, 1925) Are you really requiring parents to waive their rights?

Similar to the waivers HR 5 requires of the states? If so, we demand that you immediately produce the waiver by which parents would sign their children over to the federal government! Explain that one to God...and your own grandchildren.

REPRESENTATIVE KLINE, "The family is the primary society. It does not exist by sufferance of the state." (Dr. Charles E. Rice, correspondence February 5, 1996)

REPRESENTATIVE KLINE, if you care about a free America, you must stop HR-5.

**Our children are not "mere creatures of the state."(Pierce vs. Sisters, 1925)**