Mr. and Mrs. Kevin Carr

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November 10, 2014

Deptford Township School District

2022 Good Intent Road

Deptford, NJ 08096

Attention: Paul Spaventa – Interim Superintendent

Reference: xxxxx and xxxxx Carr - Refusal of all State Standardized Tests

Dear Mr. Spaventa:

We have read your response letter, numerous times in fact, and we are a little taken aback by it. We are in no way asking for your permission to REFUSE these standardized tests, assessments, questionnaires and surveys for our children. The Constitution and Supreme Court rulings supersede any authority you think you may have over our decision as taxpaying parents within this district. It is our right as parents to refuse to allow our children to take the state standardized tests because our parental rights are broadly protected by United States Supreme Court decisions (Meyer and Pierce), especially in the area of education. The Supreme Court has repeatedly held that parents possess the "fundamental right" to "direct the upbringing and education of their children" and the Court declared that "the child is not the mere creature of the State: those who nurture him and direct his destiny have the right coupled with the high duty to recognize and prepare him for additional obligations." (Pierce v. Society of Sisters, 268 U.S. 510, 534-35) The Supreme Court criticized a state legislature for trying to interfere "with the power of parents to control the education of their own." (Meyer v. Nebraska, 262 U.S. 390, 402.) In Meyer, the Supreme Court held that the right of parents to raise their children free from unreasonable state interferences is one of the unwritten "liberties" protected by the Due Process Clause of the Fourteenth Amendment. (262 U.S. 399).

Please see additional rulings:

It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder. . . . It is in recognition of this that these decisions have respected the private realm of family life which the state cannot enter.

***- Prince v. Commonwealth of Massachusetts*, 321 U.S. 158 (1944)**

This Court has long recognized that freedom of personal choice in matters of marriage and family life is one of the liberties protected by the Due Process Clause of the Fourteenth Amendment.

***- Cleveland Board of Education v. LaFleur*, 414 U.S. 632 (1974)**

In a long line of cases, we have held that, in addition to the specific freedoms protected by the Bill of Rights, the "liberty" specially protected by the Due Process Clause includes the rights . . . to direct the education and upbringing of one's children.

The Fourteenth Amendment "forbids the government to infringe ... 'fundamental' liberty interests of all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest."

***- Washington v. Glucksburg*, 521 U.S. 702 (1997)**

The liberty interest at issue in this case-the interest of parents in the care, custody, and control of their children-is perhaps the oldest of the fundamental liberty interests recognized by this Court.

In light of this extensive precedent, it cannot now be doubted that the Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children.

The problem here is not that the Washington Superior Court intervened, but that when it did so, it gave no special weight at all to Granville's determination of her daughters' best interests. More importantly, it appears that the Superior Court applied exactly the opposite presumption.

The Due Process Clause does not permit a State to infringe on the fundamental right of parents to make childrearing decisions simply because a state judge believes a 'better' decision could be made.

***- Troxel v. Granville*, 530 U.S. 57 (2000)**

Furthermore, there is no “federal law” that requires the state or district to “implement” anything you referred to, or you would have included that paperwork as well. The state implemented common core standards and standardized tests voluntarily, to obtain Race to the Top federal funds. Period. It’s bad enough that the Federal Government has resorted to blackmailing the states to receive their own money, we will not allow the District to visit the States’ burden of obligation on our children. Your own paperwork on Title 6A:8-4.1 states that the District “SHALL” administer the tests; it does not say that our children have to TAKE these tests. We understand that neither of our children are of the age to be subjected to the PARCC test yet, but we REFUSE any and all state assessments that are common core aligned, up to and including it and the MAP tests.

You did not have to make this adversarial; you could have just accepted our refusal as many reasonable districts around the state and country have done. As we’ve stated in our original letter, we have the utmost confidence in the teaching skills of our son’s teachers and their ability to determine and calculate their grades from daily class participation, class work, home work, quizzes and tests. We believe these standardized tests to be developmentally inappropriate and contain questionable and often inaccurate material, and will not subject xxxxx and xxxxx to the inevitable anxiety and stress that children all over the country are feeling.

We are prepared to go to the media, the ACLU and to obtain legal counsel if you do not comply, and our parental rights or the rights of our children are violated. That includes carrying out the "sit and stare" policy that some districts are enforcing, as this is psychological child abuse and will not be tolerated. We do not expect our children to be retaliated against or treated any differently due to our position on this subject. It is by no fault of their own that they are in this situation. Nor do we expect to have to repeat this every time a standardized test is administered. This refusal should go into both of our children's files.

To reiterate: Deptford School District does not have our permission to compel our children to take any state / district standardized test or assessment. Under our guardianship, our minor children will refuse same. In addition, various tests / assessments will be properly scored as a "refusal," will be considered "invalid," and will not be included in the participation rate. Any attempt by your school district to otherwise code, score, or deviate from these instructions would constitute a due process violation of governmental procedure. Furthermore, during the administration of any and all make-up tests, my child will continue to receive a free and appropriate public education in his regular classroom environment, alongside the rest of his classmates. You are hereby on notice that any state agent who ignores my parental instruction, and/or who compels, harasses, intimidates, or otherwise forces my minor child, or attempts same, in any way, to participate in any standardized test or assessment, and/or who takes any action that causes my child emotional, psychological, and/or physical harm against these express instructions, will be in violation of federal and state constitutional law, statutory law, and common law.

I trust there will be no further need for clarification.

Sincerely,

Kevin W. Carr

Stacy L. Carr

cc: Mr. David Hespe, Acting Commissioner of the NJDOE
Ms. xxxxx, President, Deptford BOE
Mrs. xxxxx, Principal
Mr. xxxxx, Principal
Mrs. xxxxx, Teacher
Mrs. xxxxx, Teacher
Mrs. xxxxx, Teacher