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Opinion: Including private schools means Youngkin's order limits freedom

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As a candidate, Gov. Glenn Youngkin recognized that many parents were at the breaking point with their public schools, feeling powerless as district officials told them whether schools would be open or closed, or what they would teach, no matter what parents wanted.

Youngkin rode that to victory, pledging to empower Virginia parents. But when it comes to arguably the biggest thing Youngkin's nascent administration has done — prohibit mask mandates in schools — he has failed the empowerment test, at least if the goal is empowering all parents.

Youngkin's executive order, "Reaffirming the Rights of Parents in the Upbringing, Education, and Care of Their Children," says that "parents of any child enrolled in a [sic] elementary or secondary school or a school based early childcare and educational program may elect for their children not to be subject to any mask mandate in effect at the child's school or educational program."

Many people likely assumed the intent of the order was to end mask mandates in public schools. Those schools have been the locus of parental anger and are government institutions over which the state has clear authority.

That assumption would have been wrong.

Youngkin's order prohibits both public and private schools from mandating masks. The order does not mention private schools explicitly, which at first left schools to figure it out for themselves. But when my organization called the Virginia Department of Education, officials confirmed that the order did apply to private schools.

Ordering public schools to end mandates may make intuitive sense, because in those schools any given family has essentially no power. If a district says, "you will be masked," but a family fears that seven hours a day, five days a week of masking will be detrimental to a child's development, or concludes that research does not support forced masking, there is basically nothing they can do.

Youngkin's order helps them.

But there is a huge flip side. While many parents want their children liberated from masks, many others — quite possibly a large majority — believe that their children will be unacceptably endangered if they are in school where some kids are unmasked. After all, the Center for Disease Control and Prevention recommends universal masking in schools, and much of masking protection is supposed to come from "source control," the infected person wearing a mask that blocks their releasing the virus, not someone wearing a mask that blocks their inhaling it. Youngkin's order turned against those parents.

Of course, in a single school you cannot accommodate both sets of parents. Desires for full masking and mask-optional environments are mutually exclusive. But any given school must have one policy.

The way to escape such a winner-take-all outcome is to let diverse people choose schools based on those institutions' policies. Families seeking mask-optional environments choose schools with those policies. Those desiring universal masking select schools with mask mandates.

But Youngkin's order cuts that off, saying even private schools — freely chosen schools — cannot require masking.

The thinking appears to be that choice to mask or unmask should always be with parents, but that is superficial thinking about how choice — freedom — actually works. It is not really choice for all if the state says that some parents — those who want to be able to select unmasked schooling — can impose what they want on other parents. Yet that is what the order does.

To be fair, the previous administration did the same thing, only with a different goal. It applied mask mandates to private schools, even if those schools wanted to have less strict masking policies. That was also wrong. But Gov. Ralph Northam did not take office largely on a promise to empower parents. Youngkin did.

He cannot fulfill that promise by foreclosing on the schooling options many would choose.

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