

Schools Following Societal Trends

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When they "err on the side of safety" in absurd ways, schools reflect trends in the wider society. Parents, lawmakers and influential opinion leaders have been sending off fearful and risk-averse signals for a long while now. Consider:

- Already, by ten years ago, British commentator Jenny Cunningham could write that "A significant body of research evidence now indicates that there has been a drastic decline in children's outdoor activity and unsupervised play. For example, it has been calculated that the free play range of children -- the radius around the home to which children can roam alone -- has, for nine-year-olds in the UK, shrunk to a ninth of what it was in 1970. Perhaps most damaging is that a climate has been created in which all unsupervised play is regarded as high risk, and parents or teachers who allow it are seen as irresponsible." Cunningham notes that families now tend to see the risks of being hit by traffic or (far less likely) abducted by strangers as ruling out outdoor play. "Yet, despite the increasing levels of worry, in reality children have never been safer." Sound familiar? (Play On)
- Consider the wild legislative overreaction of the U.S. Congress -- ratified by then-President George W. Bush -- in passing the Consumer Product Safety Improvement Act (CPSIA) of 2008 in response to scattered reports of toys that failed to meet existing safety standards. In attempting to bar any levels whatsoever of lead or bendy-plastic "phthalates" from getting into anything designated as a kids' product, lawmakers wound up banning a ridiculously broad array of new and used goods, including classic children's books in libraries (can you be sure all the inks in the illustrations are lead-free?), bicycles and recreation vehicles (the valves might include brass with some lead alloy) and vintage kids' jeans and winter coats in thrift stores (the zippers likewise). In a perfectly typical, if mind-boggling, application of the law, education-supply companies were told they could not furnish rocks for study in geology classes unless they tested them first to make sure they did not contain lead, the way a great many ordinary rocks laying around outside do. The good news for science teachers was that it was still okay to hang up posters with *pictures* of rocks on them. While Congress eventually did pass a followup bill aimed at fixing some of CPSIA's more amazing excesses, that came too late to save many small makers of children's products that had been driven out of business in the mean time. (CPSIA on the rocks)
- Or consider schools as places of employment. Lenore Skenazy passes along the story (noted at my Overlawyered site) of the teacher who discovered that innocuous household supplies -- baby wipes, dish-cleaning liquid -- when kept in a classroom had to be accompanied in each case by a Material Safety Data Sheet (MSDS) spelling out the risks of each. (MSDS sheets have been giving way more recently to a replacement known as SDS.) Readers wrote in to say this was nothing specific to schools -- workplaces of any sort that wanted to be sure of compliance with the law have to manage large assemblages of MSDS sheets (covering, for example, each variety of wood in a carpentry shop) even

when the risk of toxic overdose or explosion seems fanciful at best. Even bottles of distilled water can't stay on hand if lacking their MSDS. (Cleaning supplies in the classroom? Your papers, please)

If these are the trends in the outside society, how likely is it that schools will be able to resist?