

Approved: May 23, 1994
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Michael O'Neal at 3:30 p.m. on March 9, 1994 in Room 313-S of the Capitol.

All members were present except:
Representative Tom Bradley - Excused

Committee staff present:
Jerry Ann Donaldson, Legislative Research Department
Jill Wolters, Revisor of Statutes
Cindy Wulfkuhle, Committee Secretary

Conferees appearing before the committee:
Representative Darlene Cornfield
Representative Doug Lawrence
Steve Graber, Hutchinson
Jim McDavitt, Director of Kansas Education Watch
Vivian Smith, Wichita
Jackie Wollard
Cathy Holthaus, Seneca
Frank Ojille, Wichita
Rochelle Scott, Winfield
Steve Abrams, Arkansas City
Mary Lou Law, Winfield
Marsha Strahm, Concerned Women for America of Kansas
Barbara Walker, Arkansas City
Jolene Grabill, Corporation for Change

Others attending: See attached list

Hearings on **HCR 5040** - Amendment to resolution of rights regarding parents' right to rear children, were opened.

Representative Darlene Cornfield appeared before the Committee as a sponsor of the resolution. She stated that this proposed constitutional amendment regarding parental rights would be added to the State Bill of Rights, (see attachment 1).

Representative Doug Lawrence appeared before the Committee as a sponsor of the resolution. He commented that this resolution is not an attempt to interfere with child abuse investigations, rewrite current law or tie the hands of teachers dealing with student discipline problems. It is a statement about who has the primary responsibility for children in Kansas, (see attachment 2).

Steve Graber, Hutchinson, appeared before the Committee as a proponent of the resolution. He stated that it is important to understand that the proposed amendment does not add to existing fundamental rights, but brings the Kansas Constitution into compliance with existing Federal Constitutional law. There is a provision in the Resolution that 'parents shall have the primary control over the education and upbringing of their children.' This amendment, when submitted to the people, does nothing more than recognize the fundamental rights that parents would have the primary control over their children, (see attachment 3).

Chairman O'Neal questioned what rights would parents have that they don't currently have. Mr. Graber replied that this resolution would give rights to parents in the state court system that they currently have in federal court.

Representative Plummer stated that under current law courts can order medical treatment be provided to a child over the objection of a parent. He asked if this Concurrent Resolution would give the parents absolute right to refuse medical treatment to a child. Mr. Graber responded that it would not give parents that right.

Representative Heinemann questioned if SRS would first have to contact the abuser before they did an investigation, even if the abuser was believed to be the parent. Mr. Graber replied that one wouldn't contact someone who has perpetrated a crime, that would violate existing criminal law. Representative Pauls commented that this would simply require SRS to notify a parent or guardian before they interviewed the child.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY, Room 313-S Statehouse, at 3:30 p.m. on March 9, 1994.

Representative Macy questioned how this would work if the parent was the one who was being accused of doing the abuse. Mr. Graber responded that primary control is not exclusive control. Primary control means that parents come first. It doesn't necessarily mean that the parent be present at the questioning but be notified and would have to follow the due process requirements of the law that the parent was notified before the child was interviewed. Representative Macy stated that she understood him saying that even if the parent was the one who was accused of doing the abuse the parent would still have to be notified prior to interviewing the child. She questioned if this would give parents access to all school records. Mr. Graber replied yes.

Representative Adkins commented that the Constitution should not be "tinkered" with unless absolutely necessary. If the Constitution is changed it should be done with great reservation. The language that is to be inserted states that parents or guardians shall retain the fundamental right, but doesn't expand or alter what is recognized as that fundamental right. The explanatory statement says that a vote against this amendment would favor not recognizing the rights of parents and guardians to rear their children in wards. However, the U.S. Constitution and Supreme Court interpretation of current law provides parents with recognition of their fundamental rights, and it is not necessary to "tinker" with the Kansas Constitution by inserting language which reiterates the rights of parents that already exist. He questioned if the explanatory statement adequately reflects what a 'no' vote would mean. Mr. Graber replied that the reality is that there is a problem because of agendas that exist that are not current with existing federal constitutional law.

Chairman O'Neal requested that Mr. Graber provide the Committee with state court cases that have denied parents information because they do not have a statute to point to which states that they have this right. He also requested written responses from parents that have been denied access of information. Mr. Graber responded that there had not been any test cases. The Chairman stated that the Committee would probably rather deal with this statutorily than through the Kansas Constitution.

Jim McDavitt, Director of Kansas Education Watch, appeared before the Committee in support of the proposed resolution. There are those who argue that fundamental rights already exists in Kansas, however, they are not guaranteed by the Federal or State Constitutions. Parenting is important enough to Constitutionally guarantee parents the primary role in their children's lives, ([see attachment 4](#))

Representative Macy asked if the purpose of this resolution was so parents would have more control over what's taught in classrooms. Mr. McDavitt replied that this was correct.

Representative Goodwin commented that she had receives many phones calls on the resolution requesting her support and when asked what this resolution was about the majority of the callers could not respond.

Vivian Smith, Wichita, appeared before the Committee in support of the proposed resolution. She commented that if a school and parents disagree about how children are to be taught, who would decide? She stated that the school her child goes to considers two types of children at risk; those of color and those from divorced families. She would like the Committee to vote to send the resolution out of committee to retain parents fundamental rights to exercise primary control in raising children, ([see attachment 5](#)).

Jackie Wollard appeared before the Committee in support of the resolution. She stated that parents need this amendment to protect and guarantee rights of parents. When parents rights are violated, children's rights are violated too, ([see attachment 6](#)).

Chairman O'Neal stated this resolution would be setting up a statement in Kansas law that would allow parents access to the court to have them recognize that parents are entitled certain information.

Cathy Holthaus, Seneca, appeared before the Committee as a proponent of the resolution. The passage of this resolution would be a vote of confidence for parents who are fulfilling their responsibilities to their children. One of the most important things a parent can do is to be involved with their children, ([see attachment 7](#)).

Representative Shriver commented that he was getting concerned with SRS procedures and State Board of Education procedures and would like to review both departments. Chairman O'Neal state that he was giving consideration to having these procedures studied.

Frank Ojille, Wichita, appeared before the Committee as a proponent of the resolution. He stated that he felt that it is the parents fundamental right to know what is being taught to children in schools. Parents should also be allowed access to journals that children keep at school regarding their feelings and how they are progressing in school. Parents are not being told about what is going on in schools and most do not have the money to hire an attorney to find out.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY, Room 313-S Statehouse, at 3:30 p.m. on March 9, 1994.

Representative Macy again questioned that if this resolution would pass would the parents have the right to control what was taught in schools. Mr. Ojille replied that they would only have the right to see what was being taught to their children.

Rochelle Scott, Winfield, appeared before the Committee in support of the resolution. She stated that the government was established to protect our freedoms, and we as parents should have the primary responsibility over our children, (see attachment 8).

Steve Abrams, Arkansas City, appeared before the Committee as a proponent of the resolution. He stated that in general most students who have problems have parents that are not involved. Those students that are the best students tend to have a lot of involvement from their parents. However, there are teachers and SRS personal that believe that they control students, (see attachment 9).

Representative Wells questioned if he found that because a person serves on the school board they are not always aware of what is going on in the schools. Mr. Abrams stated that the school board members have no control over what is taught to children.

Chairman O'Neal asked if it was Mr. Abrams' opinion that the State Board of Education controls what's being taught. Mr. Abrams responded yes.

Marsha Strahm, Concerned Women for America of Kansas, appeared before the Committee as a proponent of the resolution. This is an opportunity to encourage strong families and hold in high regard the role parents play in the lives of their children. The institution of family is the most powerful vehicle for effecting changes in our society, (see attachment 10).

Barbara Walker, Arkansas City, appeared before the Committee as a proponent of the resolution. She stated that Carol Dermeyer, Coordinator for Early Childhood Education, recently stated that she was coordinating the development of quality standards for children birth through eight. Ms. Walker's concern was that parents don't have the right to input on this subject, (see attachment 11).

Mary Lou Law, Winfield, appeared before the Committee in support of the resolution. She commented that the alarming trend in educational and governmental programs appears to suggest that parents cannot properly raise their children and should turn over the responsibility of the care & upbringing of their children to the government or school system, (see attachment 12).

Jolene Grabill, Corporation for Change, appeared before the Committee and stated that **HCR 5040** raises more questions than it answers. The resolution can be read two different ways; it could be emphasizing parental responsibilities or it could be protecting parental rights on the assumption that in some way parents rights have been infringed upon. She commented that several judges believe that the passage of this resolution would lead to many constitutional responses. The judges also cautioned that this resolution could effect the Child In Need of Care Code and the Juvenile Offender Code, (see attachment 13).

Austin Vincent, Clela Renyer & Kansas Association of School Boards did not appear before the Committee and requested that their testimony be included in the Committee minutes, (see attachments 14-16).

Hearings on **HCR 5040** were closed.

The Committee meeting adjourned at 6:30 p.m. The next meeting is scheduled for March 10, 1994.

GUEST LIST

HOUSE JUDICIARY COMMITTEE

DATE March 9, 1994

NAME	ADDRESS	ORGANIZATION
Douglas A. Johnson	8513 Bredshaw	KCAE
Kay O'Connor	1101 N. Curtis, Olathe	leg.
Same as Kinn	14784 Homestead, Olathe	Inter-
Jackie Wollard	Rt 1, Box 69 Parker	Kew Net KCAE Citizen VOCAL
Dean Hallard	66072 Rt 1 Box 69 Parker KS	Kew-Net VOCAL KCAE CONCERNED CITIZEN
Christy Heitsman		With Parent
SALLIE MOORE	428 S. FOUNTAIN WICHITA, KS 67218	CELEBRATION MINISTRIES 2000
CRAIG E. BARBEE	1021 LINCOLN EMPORIA KS 66801	KANSAS FAMILY LEGISLATIVE UPDATE
Cecil D. Kramer	127 E 8th Lyndon, KS 66451	
Dave Gordon	522 E 7th Lyndon, KS 66451	Citizen
John C. Evans Jr.	539 NW 82 Topeka KS 66607	Lawrence Local 1596 I.A.F.E.
Dale Colwell	3929 Ohio Rd. OTTAWA KAN.	
Darlene Colwell	3929 Ohio Rd. OTTAWA KS.	
Angelene Schmitz	Beloit KS	R.T.L.K. -
Sister Mary Stanislaus Porter, C.S.J.	Beloit, KS	Pastoral Associate St. John's
Jeremy Smith	2822 Larkin Rd Wichita, KS 67212	Parents Rights
Mike Heitsman	1202 N. Sumner Lawn	
Ruth Heitsman	Wichita	Kew-Net
Joan Smith	Wichita	Parents Rights
Jessica Smith	Wichita	Parents Rights - Freedom
Barbara M. M.	Wichita KS.	Open Parents Right
Sam A. Louther	Newton, KS. 67114	Parents Rights

over

Carolyn McLe	11020 238 th d.	Holt, KS. 66436	parent
Susan Dean	500 IDAHO	Holt KS. 66436	"
Michael Rayl Dean	"	"	child
Barbara Walker	1305 N. B	Arkansas City, Ks 67005	parent child educator

GUEST LIST

HOUSE JUDICIARY COMMITTEE

DATE 3-9-94

NAME	ADDRESS	ORGANIZATION
Steve E Abrams	Rt 2 Box 727 Arkansas City Ks	
Edward H. Yoder	4909 RIVINGTON Rd. PAITHEIDGE KS 67566	
David L Miller	3015 Partridge Rd. Partridge, Ks. 67566	
Byron D Sowers	Colby 2925 County Rd L Ks.	
Linda Sowers	Colby 2925 County Rd L Ks	
Melanie Petersen	Wichita 6031 W 38th St S Ks	
REGINA PINKERTON	Rt 1, Box 26A MILTON, Ks	
Bill Pollock	RR 1 Pawhattan, Ks.	
Clarence Pollock	RR 1 Box 76 Pawhattan Ks	
John Pomeroy	MANHATTAN	
Rockelle Stoll	RR 2 Winfield, Ks	PARENT
Mary L. Law	Winfield, Ks	Parent
Leona D Moeder	2724 NW 35 Topeka	Parent
Gayle Thornbro	Rt 1, Box 7 Norwich, Ks	Parent
Clarence Zosman	519 E 9th Wellington Ks 67157	Shetina Fellowship Homeshoolers
Jason Brewer	4640 SW URISH Sageha 8727 E. Wussall Ct. Wichita Ks 67210	
Kris Kelley	Wichita Ks 67210	
Lana Heaton	2657 Highland Salina Ks	Parent + How Not
Chuck Heaton	Wichita	Smoky Valley Home Ed.
Melanie Haler + James	3818 E Stroud Wichita	Parent - Tax Payer
Lloyd Cross	316 Lexington Andover Ks. 67002	Parent Grandparent - tax Payer

2712

Judy Altom
Melvin R Gray
Jackie Beddo
Pam Hardwick
Barbara Harrington
Mary Jane Whelan
Arlene Wilson
Philip Elder
Arlene Johnson
Sharon Stringfellow
Mrs Kenneth L. Lyle
Ann Dyer
Mary Ann Ebert
Kathryn Ebert
Hilma Streit
Clara Penyer
Elizabeth Thomas
Norma Hall
Cathy Holton
Sherry McDowell
Barbara Walker
Mary P. Larson
Frank M. Ojile
Mrs. Tom Eddy
Jesse Hammer
Fern Frankhausen
Andi Boehr
Douglas Johnston
Peggy Jann
Sue Leckelt
Georgia Boston
Nancy & Karilee Kuehn
Donna Hart
Laura Seyland

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~~777~~ Topeka
Hawatha
Hiawatha
Bern
Beloit
Downs
Selma
800 Cherokee Street KS
RR 3 Box 3 Girard, KS.
Rt 3 Seneca, Ks.
548 N. Ash ^{Walker} Center, K. Parent - New Net
604 E. Blwy Newton parent
605 E. 1st Newton parent
P.O. Box 355 Wichita Parent
1883 County Rd. N Emporia, KS CWA/KFL/KEW Parent/Taxpayer
1100 6th Emporia KS Parent
Emporia KS
14780 NW 10th St. Whitewater, KS parent
Wichita 67154
Wichita Planned Parenthood of KS
Wichita PCFL
Wichita
5780 W. 255 St. Louisburg, Ks. - Parent.
1720 Thompson Emporia, KS - Parent
RR#1 Box 233 Garnett KS Parent
426 Cherokee Holton KS Parent

DARLENE CORNFIELD
 REPRESENTATIVE, 90TH DISTRICT
 SEDGWICK COUNTY
 7 WEATHERLY COURT
 (316) 755-0543
 VALLEY CENTER, KANSAS 67147



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 MEMBER: FEDERAL & STATE AFFAIRS
 FINANCIAL INSTITUTIONS/INSURANCE
 LABOR & INDUSTRY
 JOINT COMMITTEE ON PENSIONS,
 INVESTMENTS AND BENEFITS
 STATE CAPITOL 171-W
 TOPEKA, KS 66612-1504
 (913) 296-7682

Chairman and Members of the Committee,

It is my privilege to testify before you on HCR 5040. This proposed Constitutional Amendment, which will add a new section to the Bill of Rights, is a culmination of growing concern by parents throughout this State over the last few years.

As a member of this legislative body, I have seen legislation which gives me great concern over who is responsible for the training of children (to borrow the phrase) our most precious resource.

Yes children are the future! No one will argue that but there are many differing opinions as to who should take the responsibility for this "resource", and I use the term loosely. You see, I don't view my children as a resource, human capital, an interest or other phrases used today. It is my duty to train my children to respect authority, obey the law, respect life and to become responsible citizens when they become adults, but it is also my values, morals and belief system - right or wrong, politically correct or not - that should not be interfered with. I will make numerous mistakes while bringing up my children but I am still the best person for the task, not any government official or State Agency! The conferees that will testify before you will share with you the reasons why we believe that this simple protection of parental rights be added to the Constitution of Kansas. I ask you to give your careful consideration to this very serious effort and answer this question, "Whose Constitution is it?" If it is the people of Kansas, then let them decide if they want to protect this fundamental right of parents in this State. Thank you.

Doug Lawrence

STATE REPRESENTATIVE

902 MIAMI

BURLINGTON, KS 66839



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

MEMBER: AGRICULTURE AND SMALL BUSINESS
ENERGY AND NATURAL
RESOURCES
TRANSPORTATION

Thank you for the opportunity to address this issue.

First, I would like to tell you what this resolution is NOT. It is not an attempt to interfere with child abuse investigations. It is not an attempt to rewrite current law. It is not an attempt to tie the hands of teachers in dealing with student discipline problems.

HCR 5040 is a fundamental -- and philosophical statement about who has the primary responsibility for children in Kansas. Primary means first. We should look first to the parents, and their dreams, desires and hopes for their children. We should look first to parental judgement about children are raised. It is a matter of common sense.

I believe, and teach my children that with rights come responsibility. And the reverse is true. With responsibilities comes rights. If you are going to hold parents responsible for their children, you must recognize a parent's right to exercise control over how their children are raised and how care is provided.

A society which attempts to separate care of children, from the issue of family and family protection will fail the children. Families, and parents are where the accountability ... and the ultimate solution to our problems with juvenile crime, teenage pregnancy, drug use, and gang related crime fully rests.

I know some bad parents. But the absolute worst parent possible is the state itself. HCR 5040 is a fundamental step, which I believe, will improve the life of many children. As such, I urge your approval.

The technical legal term for the civil rights issues raised in this matter is the term 'fundamental right'. This term has nothing to do with the favorite whipping boy of the press when it tries to discount positions that vary from their own. No, 'fundamental rights' means those rights that are basic in the tradition and fabric of our society.

It means those foundation stones without which the building would collapse. The term 'tradition' is not just a preferential way of doing things. It means the tradition of our legal truths; what we have learned from the past that has passed the test of time and secures to The People life, liberty and the pursuit of happiness. We have learned that if we take away these legal traditions freedom is lost. It is like the fabric of the garment of our society. Remove it and the society begins to unravel, come apart and no longer be fit as a covering or even to be called a garment. A prime example is the slavery issue of last century. The Declaration proclaims that "all men" are created equal and endowed with the same inalienable rights. But we excluded certain men and the exclusion flew in the face of what we said we believed in the Declaration. Society unravelled. Society came apart and nearly destroyed itself. Freedom was lost. A great scar still remains in the conscious of the nation.

We quote some court language and as you study Volume I you determine which basic fundamental rights are brought into issue. Remember, the Bill of Rights DOES NOT CREATE FREEDOMS! The Bill of Rights, the first ten Amendments to the Constitution are

prohibitions on the government. They prohibit the government from entering certain areas. The areas set out in the Bill of Rights are not exhaustive but only representative of the rights long recognized at Common Law.

The Constitutional principles that govern basic rights have long been decided. For example, nearly sixty (60) years ago, the U.S. Supreme Court acknowledged the basic common law truth that parents and guardians are the primary directors in the "upbringing and education of children under their control." Pierce v. Society of Sisters, 268 U.S. 1070, 1078, (1925). Citing Meyer v. Nebraska, 262 U.S. 1042, (1923), with favor, the Court reinforced what it had said in Meyer that,

the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, establish a home and bring up children, to worship God according to the dictates of his own conscience, and generally to enjoy those privileges long recognized at common law in the pursuit of happiness. Id. at 1045.

Further, the Court reaffirmed that,

The established doctrine is that this liberty may not be interfered with under the guise of protecting the public interest,...by action which is arbitrary or without reasonable relation to some purpose within the competency of the state to effect. Determination by the legislature of what constitutes proper exercise of police power is not final or conclusive, but is subject to supervision by the courts. Id.

The Meyer doctrine was given full blessing by the Court in Board of Education v. Barnette, 319 U.S. 624, (1943), when it considered whether a statute mandating students participate in the flag salute was constitutional. In deciding that such coercion could not be sustained, the Court said:

If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.... the action of the local authorities in compelling the flag salute and pledge transcends constitutional limitations on their power and invades the sphere of intellect and spirit which is the purpose of the First Amendment to our Constitution to reserve from all official control. Id. page 642.

While there is no provision in the Constitution where it specifically states, 'parents shall have the primary control over the education and upbringing of their children'. The Court has firmly held this fundamental right, the "primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition." Wisconsin v. Yoder, 92 S.Ct. 1526, 1541-1542, 406 U.S. 205, 232 (1972).

The fundamental theory of liberty upon which all governments in this Union repose excluded any general power of the State to standardize its children by forcing them to accept instruction from public teachers only. 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." Id. p. 1542.

Lest we be accused, as indeed we have been in the recent past, of quoting old law, put it in the headlines that constitutional truths are doctrines that impact all factual situations and do not change just for factual convenience. So, we find the above doctrines being reaffirmed as recently ago as Planned Parenthood v. Casey, 112 S.Ct. 2791 (1992). The Due Proces Clause of the Fourteenth Amendment disallows any deprivation of liberty. Since Mugler v. Kansas, 123 U.S. 623 660-661, 8 S. Ct. 273, 291, (1887), certain government actions have been barred REGARDLESS OF THE

FAIRNESS OF THE PROCEDURES USED TO IMPLEMENT THEM" cf. Daniels v. Williams, 474 U.S. 327,331, 106 S.Ct. 662,665 (1986). "Thus all fundamental rights comprised within the term liberty are protected by the Federal Constitution from invasion by the States." Whitney v. California, 274 U.S. 57 373, 47 S.Ct.641, 647, (1927). Casey, Id. p. 2804. The most familiar of these substantive liberties includes the fundamental rights of parents set out in Pierce v. Society of Sisters, 268 U.S. 510, 534-535, 45 S.Ct. 571, 573 (1925) Casey, Id. p. 2805. "It is a promise of the Constitution that there is a realm of personal liberty which the government may not enter." Casey, Id.

PruneYard Shopping Center v. Robins, 100 S.Ct. 2035, 447 U.S. 74, (1980), makes it clear that the States can expand a Federal Constitutional right but cannot restrict such a right.

You see, privacy, jobs, homes, travel, matters of conscience and education are beyond the proper extended control of government. I may not believe in one thing you do or agree with one thing you say. But, I best be ready to defend against all odds your right to say and believe or none are free and it only depends on who is in control as to who is free and who is not.

It is important to stress that basic fundamental rights are not sourced in the government or any constitution and that they are timeless. The Declaration of Independence gives the source. It claims they are an endowment by the Creator. Whether or not one subscribes to an understanding of origins that includes a Creator or not, the point is made that these unalienable rights are

inherent in the human being. They come with the package.

They are timeless in that they transcend every form of government whether a dictatorship, democracy or a monarchy. They do not emanate from the State, they are "self evident". Therefore, whether we have a king or president, regardless who is president, basic fundamental rights are beyond tampering, beyond regulation, and beyond legislation. They are beyond the societal changes of culture and what is acceptable or unacceptable social mores, custom, or activity. These basic fundamental rights are not changed by a change in the value system of a given society. And history tells us when a government becomes oppressive of these basic rights by forcing a value system contrary to inalienable rights, that government is soon gone. Therefore, basic fundamental rights are timeless.

This becomes even more clear when we understand the words of the Declaration fully holding that inalienable rights emanate from a given source and are an endowment which includes among other rights life, liberty, and the pursuit of happiness. Having a source outside of the government and its documents including the Constitution, it is clear then that government and its officials, and the Declaration so states, are only the stewards and governmental responsibilities cannot impact on fundamental rights in a legitimate way, certainly they cannot eliminate or restrict fundamental rights which belong to the people.

Again from the Declaration of Independence, it is "all men"

that are endowed. This is not "all States", or "all governments", or "all constitutions", but "all men". The first qualification for having an inalienable right or being a repository of an inalienable right is being a human being. Once one is a human being the mere fact of one's existence dictates that there are certain inalienable rights reserved to that individual that cannot be arbitrarily diluted by any source other than the Benefactor.

What says the Declaration of the purpose of government? It is instituted to "secure" these inalienable rights to The People.

**Testimony of Jim McDavitt
House Judiciary Committee
March 9, 1994
Proponent of HCR 5040**

Thank you Mr. Chairman, and members of the committee for allowing me to address you today. I am Director of Kansas Education Watch, an organization of taxpayers, parents and professionals in education which supports HCR 5040. I would briefly like to make 2 points regarding our request for this committee to favorably report this resolution.

Point 1-Fundamental rights are not granted by Constitutions, they are only enumerated by Constitutions.

Like physical laws which govern our physical lives, fundamental rights are ordained by a higher power. They exist to be discovered and acted upon by mankind, but they are not invented by us.

We take for granted that scientists are not the ones who invented the elements in Chemistry or the laws of Physics which govern the universe. And we know that the natural laws weren't legislated in or out of existence. Any legislator here would have a difficult time gaining support for a bill to repeal the law of gravity.

But it is a little more difficult for some to accept that fundamental rights are the same way. We are endowed by our Creator with those rights, and only place them in our Constitution as we discover them. And it would be difficult to imagine a more fundamental right than that of parents to direct their children's upbringing.

Point 2- They are placed in a Constitution for a reminder to those in power in government.

I believe that it is a fair statement to quote the old adage "The government that governs least governs best." It is my belief that the founders of our country agreed with this idea. Yet an excellent case can be made for concluding that we don't have anything close to a government that governs least today. And the people who have come to testify here have experiences that point out why the people of Kansas need a chance to place this amendment in their Constitution.

There are those who would argue that this right already exists in Kansas. I would say a lot of the evidence disagrees. But it certainly cannot be argued that parenting isn't important enough to Constitutionally guarantee parents the primary role in their children's lives.

In my personal experience with services provided to children, I have a 12 year old girl who was interviewed in school by SRS pursuant to a complaint filed by someone else, in which a teacher had made unacceptable comments and physical contact with her and her classmates. Even though I was not suspect in anything I was not contacted. Further, my child was asked during the interview if she wanted to be the one to send this teacher to prison. And after all questions about **his behavior** were answered, she was grilled **on whether I ever did any of these kinds of things.**

Upon hearing what had happened at school, I called the investigator with SRS. I was told that they didn't have to advise me of an interview, whether my child was a suspect or a victim, and that if my child exercised **her rights** to have me present, they would take her into custody until they could arrange **a time convenient to them** for me to be there. All this when my child was guilty of no wrong. It is possible to understand, though, why a system like SRS, which works so closely with education, is so intolerant of parental rights, when some educators will unflinchingly say that up to 95% of all families are dysfunctional.

Time prevents my giving more examples of where the interests of parents are fast becoming secondary. I would simply say that I ask you to **give the people a chance** to erect the wall this amendment can provide. **It will take humility on your part to do that.** But it will also be appreciated by tens of thousands of Kansans that you did.

Thank you.

House Judiciary
Attachment 4
3-9-94

EXERCISE C. In each of the introductory paragraphs below, underline the thesis sentence. Then indicate in the blank which construction (funnel or contrast) was used. Finally, number the factors in the preview of main supporting points.

1. Many parents complain that their teenagers do not come to them with their problems. These adults think that their children are attempting to keep them "in the dark" about their activities. Assuming that the teen has some suspicious reasons for not coming to them with his problem, parents blame him for the lack of communication that results. However, the fault for the teen's hesitancy to discuss his problems openly with his parents often lies entirely with the adults, because of their lack of understanding, their automatic distrust, and their constant preoccupation with other activities.

Type of Introduction Contrast

2. Too often parents think the way to rear a child is to give him guidance in the proper way to think and act. This "guidance" too often becomes an actual molding of his personality to suit the parent, as is seen in parental lectures beginning with the old clichés, "if I were you I would. . . ." or "When I was your age I. . . ." These parents, while they may have the good of the child at heart, are nevertheless making a grave mistake by trying to compel him to act or think in certain ways. What the teen needs instead is a type of love which gives him the freedom and confidence to develop his own opinions in matters such as religion, morality, and choice of friends.

Type of Introduction Contrast

East High School English -
May 1993 -
Wichita, KS.

DISTRICT INSERVICE EVALUATION

JANUARY 17, 1994

SESSION

	Inadequate		Excellent	
1. Were the objectives and goals of this inservice activity well defined and specified?	1	(2)	3	4 5
2. Were the objectives of the inservice activity attained?	1	(2)	3	4 5
3. Was the content of this inservice session sufficiently well organized and sequentially developed in order to assure optimum learning?	1	(2)	3	4 5
4. Do you feel that you were prepared to incorporate what you have learned in this inservice into your own assignment?	(1)	2	3	4 5
5. Was the subject matter presented effectively?	1	(2)	3	4 5
6. Did the presenter exhibit knowledge of the subject matter regarding his business background?	1	2	(3)	4 5
7. Rate the materials used in this inservice (text, film, handouts, etc.)	1	2	(3)	4 5
8. How would you rate this inservice activity?	1	(2)	3	4 5

COMMENTS:

Orginally, I was disappointed with this inservice because I thought it was going to cover information on Mastery Learning. This seems to be a pertinent subject for the school. Furthermore, we have heard a great deal about drug and alcohol prevention. It truly seems like a waste of time.

In addition to my initial reaction to the information, I have grave concerns over some of the content Mr. Jennings brought up. We were told that as teachers we should be as caregivers for our students because families no longer are capable or able to do a good job of it. Also, that 95% of our students are tramatized beyond their learning capabilities. My Question is: What credentials does a teaching certificate offer for the art of caregiving. It seems to me that we all are human, and just because I happen to work for the state, that in itself, does not make me a better parent for each one of my students. Also, I am a parent; I am part of a family. We may not do everything perfect according to the standards of those not in my family. And, why is it necessary that my family be perfect? You see, when a school official tells me that I am not good enough

for my own children, I become a bit defensive. And, personally, I believe rightly so. I certainly do not want other teachers doing the caregiving for me. Please do know that I do recognize the need for loving, caring, serving, and giving acts of kindness to students. From my understanding of Mr. Jennings's message, he was not referring to this as caregiving.

Also, I am greatly interested in knowing where and how his statistics were formulated to determine that ninety-five percent of students are having problems that place them "at risk." I realize Mr. Jennings was quoting information he had gained from a Wichita School Conference. Nevertheless, 95% seems far too high.

In addition, I would like to know what Mr. Jennings's definition is of Religious Fanaticism as well as how it is measured. He used this term as part of our students' trauma condition.

As an individual and as a teacher, I am greatly concerned about where this type of influence is taking education for today and for tomorrow. Even though society seems to be changing and parents are busy working away from home, some struggling to maintain their families, many families are solid, secure, and are in control. These families are doing a wonderful job of loving and caring for their children. As educators, I simply believe we need to be careful when presenting blanket statements that include all families and all children in a negative light. If we continue to declare all fit into a specific category, I believe more parents will be moving their children into other non-public educational settings.

Thank you for giving me the opportunity to express my concerns.

Sincerely,

March 8, 1994

Admendment Resolution 5040

To Whom it may concern;

I would like to make it known that I sincerely believe the caregiving responsibilities of children should be retained by their parents. Social workers, school teachers, and/or other state employees, regardless of how good the intent may be, can not give the love that permanently bonds with the child like the love parents can provide.

As a parent I would appreciate having my rights to raise my children be protected under the law. I believe my interest is the most sincere and God given; no one else can replace that.

Also, as a teacher in the public school, I believe the caregiver should be the parents. A teacher simply can not replace the important, vital role the parent plays in the child's life. In addition, time does not allow for such capacity in the hectic schedule of the classroom. This is not to say that acts of caring, love, and kindness should not exist, they should.

My concern for the possibility of a change in the guardianship of children has increased recently by hearing a speaker at a school inservice say: "Families can no longer care for themselves adequately, therefore teachers will need to become the caregivers of the students."

Thank you for hearing this statement. I pray your vote will be to protect the parents' rights as caregivers of their children. Sincerely,
MaryAnn Berry 4-5

Testimony of Vivian Smith
House Judiciary Committee
March 9, 1994
Proponent of HCR 5040

Thank you Representative O'Neal, and members of this committee for hearing me today.

My name is Vivian Smith. I live in Wichita.

While exercising my parental rights, I experienced many difficulties with the Wichita public school system. After a year fraught with problems, we decided to leave the public school. However, this conflict left me with the question, "If the school and the parent disagree, who decides for the child?"

At the beginning of my children's 1992-93 school year, the students in my son's class were handed a two page paper to complete. This paper had 58 statements with boxes for the students to indicate whether the answers were "like" or "unlike" themselves. Statements such as:

"No one pays much attention to me at home."

"My parents expect too much of me."

"I have a low opinion of myself."

"I really feel as if my parents are pushing me."

These had nothing to do with teaching my child academics but were a blatant invasion into our privacy. No notice was given to me, the parent, about this test. As a result, I began observing and questioning what was going on educationally in my children's classrooms. Today, I wish to share a few examples of incidents where my beliefs and decisions as a parent collided with the "authority" of the Wichita public school system--a government agency.

1. Throughout the school year, my husband and I continually had problems communicating with the school. When we had a question or concern about various activities, we first talked with the teacher then the principal. My son complained that whenever we became involved at the school there was a backlash against him. At one point the principal informed my son that if there was a problem at school, there was no requirement for the school to inform his parents.

It is not right that our child be caught between the school officials and his parents over differences in opinion about activities.

2. It was shocking to discover from my children that a counselor visited the classrooms of the students for a 30 minute session each week. After becoming aware of this practice, I met with the counselor. I told her I would visit my son's classroom to observe one of the sessions. At the session, students were asked to discuss conflicts in their families and how they were handled. Some students were telling about personal things that happened in their homes.

Since I did not agree with what I had witnessed and this did not involve teaching academics, my child was not to participate in anything that required sharing personal family matters. The counselor informed me that she was trying to identify the students with family problems and then teach the children how to handle them. This was a group activity that ALL children participated in without parental knowledge. For a school official to "counsel" all children in case a few are having problems is as illogical as providing insulin to all students in the classroom in case one may have diabetes.

Also, it is the responsibility of parents to handle personal family problems and the parents, not the school, should instigate counseling if a need arises. The school, an agency of the government, has no right to intervene in a family's personal life nor provide regular "counseling or group therapy sessions" without prior written permission from the parent.

Some will say that the school must find out if the child is "at risk". My children, purely on the basis of being "children of color" according to our school district, are automatically designated as "at risk". This labeling puts our family under the threat of "government intervention" into our privacy for no reason except the color of our skin. Current laws provide for government intervention when there is justifiable cause to suspect abuse or neglect with due process for parents. No other intervention should occur.

3. Where are the rights of the parents in the public school system? My son told me about the paper that he had to do as a homework assignment. He did not feel comfortable about doing it. I read it and told him that we would substitute something else. This really upset the school. When reading assignments were made of books that were not acceptable to us because of personal family values and beliefs, it was very difficult to obtain an alternative assignment.

There was a constant battle between the school that said "they are the experts" and our authority as parents with our own values and beliefs...our children, again, caught in the middle

Again the question, "If the school and you, the parent disagree, who will decide for your children...for my children?" As a parent, I ask that you give the citizens of Kansas a right to answer this question. No government official will ever love my children as I do. No government agency will ever understand my child or sacrifice as I do. Please, let parents retain our fundamental right to exercise primary control in raising our children.

Thank you.

PRESENTATION

KANSAS HOUSE HEARING FOR AMENDMENT 21 (PARENTS RIGHTS) BY JACKIE WOLLARD

IN SEPTEMBER 1991, OUR HOME AND FAMILY WAS INVADED, INTRUDED UPON AND THROWN INTO TURMOIL AND DISTRESS BY ONE PHONE CALL TO THE LOCAL SRS OFFICE BY A JUVENILE INTAKE OFFICER. WE WERE ACCUSED WITH CHILD ABUSES OF ALL DEGREES BY A BITTER, VENGEFUL RELATIVE, THE JUDICIAL SYSTEM AND THE SRS SYSTEM. MY SON SAID IT THIS WAY BEFORE A SENATE COMMITTEE IN MARCH 1992, "I WAS UNHAPPY WITH MY PARENTS OVER NORMAL DISCIPLINE AND MY GRANDPARENTS TOLD ME I WAS BEING ABUSED. THEY ENCOURAGED ME TO LEAVE HOME AND I DID. I TRUSTED THEM TO SUCH AN EXTENT I ACTUALLY BEGAN TO BELIEVE THEM AFTER NEARLY A WEEK"-(WITHOUT PARENTAL KNOWLEDGE)-"OF PHONE CALLS PRIOR TO MY LEAVING. MY GRANDPARENTS SAID TO THREATEN SUICIDE TO BE CONVINCING SO I COULD LIVE WITH THEM". ¹

WE HAD ALMOST NO CONTACT WITH THE GRANDPARENTS FOR 2 YEARS PRIOR TO THIS EXPERIENCE DUE TO RELATIONSHIP PROBLEMS. BECAUSE THEY DO NOT AGREE WITH OUR DECISION TO HOME EDUCATE AND BECAUSE OUR SON WAS UPSET, THEY WERE ABLE TO CONVINCE HIM THAT HE WAS BEING MISTREATED, ABUSED, DEPRIVED, IMPRISONED, ETC. AFTER HOURS OF COACHING, PROMPTING AND INTIMIDATING HIM, THEY TURNED HIM OVER TO JUVENILE AUTHORITIES. NOW ENTERS THE STATE.

AN OFFICER CALLED US JUST AFTER 11 P.M. AND TOLD US OUR SON WAS IN "PROTECTIVE CUSTODY" AND PLACED IN A HOME OVERNIGHT BY THE JUVENILE INTAKE OFFICER. HE GAVE US NO DETAILS OF THE SITUATION, THE PROBLEM OR REASON FOR BEING IN THEIR CUSTODY. HE WOULD ONLY SAY THAT OUR SON "CAME TO THEM AND FELT LIKE HE NEEDED SOME HELP". HE LED US TO BELIEVE THAT OUR SON WENT DIRECTLY TO THE POLICE WHEN, IN FACT, IT WAS THE GRANDPARENTS WHO CALLED THEM. THE OFFICER DID NOT INTERVIEW HIM ALONE AND INDEPENDENTLY UNTIL AFTER HE HAD TALKED TO HIM IN THE GRANDPARENTS' PRESENCE AND WITH THEIR INPUT/INFLUENCE. HE ENCOURAGED OUR SON TO FIGHT THE SYSTEM IF THEY WANTED TO PUT HIM BACK IN THE HOME AND CONTINUE TO TELL HIS STORY (RATHER THAN THE TRUTH).² IN RESPONSE TO FORMAL COMPLAINTS MADE LATER BY ME AND MY HUSBAND TO HIS SUPERIORS, THE OFFICER DENIED ALL OF THIS. INSTEAD, HE SAID HE TOLD OUR SON TO TELL THE TRUTH AND THAT HE "WENT INTO GREAT DETAIL ON WHAT THE SITUATION WAS."³ THE PHONE CALL IN WHICH THIS "GREAT DETAIL" WAS GIVEN WAS BARELY 4 MINUTES AND CONSISTED MOSTLY OF HIS REFUSAL TO TELL US WHERE OUR SON WAS. ⁴ AN ENTRY IN THE INTAKE OFFICER'S REPORT FOR THE NEXT DAY READS, "AT THIS TIME, THE PARENTS ARE UNAWARE OF THEIR SON'S PLACEMENT-WITH GRANDPARENTS."⁵

IN THIS INTAKE REPORT CONTAINING ONLY 5 DIRECT QUOTES BY OUR SON, 3 QUOTES ARE TRUE, BUT OUT OF CONTEXT, 1 HE NEVER SAID AT ALL, AND 1 HE ADMITS WAS A LIE. THE REST OF THE 8 PAGE REPORT IS THE INTAKE OFFICER'S INTERPRETATION OF WHAT WAS SAID. OUR SON SAID IT THIS WAY IN HIS SENATE TESTIMONY, "MY CASE IS BASED ON FALSE STATEMENTS MY GRANDPARENTS TOLD ME TO MAKE...APPARENTLY THOSE STATEMENTS WERE NOT ENOUGH BECAUSE SHE (INTAKE OFFICER) KEPT SAYING 'WE NEED TO FORM A CASE AGAINST YOUR PARENTS'. THEN THE LIE GREW WORSE WHEN SHE EXAGGERATED THOSE STATEMENTS. SHE SAID, 'TRUST ME'. SHE STATED IN THE REPORT" ⁶"HE STARTED TO CUT HIS WRIST (SHOWED A 1/4"-1/3" SCAR ON RIGHT WRIST)-BUT HE GOT SCARED & STOPPED."⁷ MY SON HAS NO SUCH SCAR, BECAUSE SUCH AN ATTEMPT WAS NEVER MADE! OUR SON TOLD US SOMETIME LATER THAT HE WAS INTIMIDATED BY A THREAT TO BRING IN HIS SISTER FOR INTERROGATION SO HE THOUGHT OF MORE TO "INFORM" THEM. ALSO AT ONE POINT, THE INTAKE OFFICER DECIDED NOT TO TALK TO THE OLDER BROTHER BECAUSE HE WAS "LOYAL TO THE PARENTS" AND MIGHT TELL THEM OF OUR SON'S PLIGHT. THIS INTAKE REPORT CONTAINS NO LESS THAN 17 TOTALLY FALSE STATEMENTS AND 22 DISTORTIONS AND EXAGGERATIONS. THE SEXUAL ISSUES ARE TOO DISGUSTING TO SAY ANY MORE THAN THEY EXIST IN THIS REPORT AND THE SRS FILE.

THE NEXT MORNING ON OUR ATTORNEY'S ADVICE, WE CALLED LINN COUNTY SRS AND ASKED ABOUT OUR SON. THEY LIED, SAYING THEY KNEW NOTHING ABOUT HIM, WHEN, IN FACT, THEY HAD BEEN CONTACTED THE NIGHT BEFORE AND HAD AGREED TO PLACE HIM WITH HIS GRANDPARENTS OVERNIGHT. ⁸ WE CALLED THE JUVENILE OFFICER BACK AND DEMANDED THE

RETURN OF OUR SON. SHE REFUSED TO RETURN HIM OR TELL US ANYTHING OF WHAT HAD TRANSPIRED IN THE LAST 24 HOURS AND WOULD ONLY SAY THAT SRS WOULD CONTACT US. 9

SRS MADE THEIR CASE AND CONTINUED TO INTERROGATE OUR SON BASED ON THIS LUDICROUS AND ERRONEOUS REPORT. AT NOON THE SOCIAL WORKER CALLED US AND TOLD US ABOUT THE SUICIDE THREAT. AT THAT TIME, WE HAD NO DETAILS ABOUT ANYTHING AND DID NOT KNOW ABOUT THE INVOLVEMENT OF THE GRANDPARENTS. OF COURSE WE WERE CONCERNED FOR OUR SON'S WELFARE, SO WE AGREED TO A MENTAL HEALTH EVALUATION, FOR WHICH WE PAID. WE WERE LATER TOLD HAD OUR SON BEEN DETAINED AT THE HOSPITAL AS THEY EXPECTED, HE WOULD HAVE ENDED UP AT TOPEKA STATE HOSPITAL FOR A 30 DAY EVALUATION AND THEN PLACED IN A GROUP HOME.

WHEN WE FIRST PICKED UP OUR SON, HE WAS SULLEN, ANGRY, WITHDRAWN, HOSTILE AND AFRAID OF US! HIS COUNTENANCE WAS HATEFUL AND DARK. HE EXPLAINS IT THIS WAY, (THEY) "AGREED I NEEDED TO GET ADMITTED TO THE HOSPITAL SO THEY COULD GET A CINC PETITION TO REMOVE ME FROM MY HOME. IN HER OFFICE, I HEARD MY GRANDFATHER TELL HER MY PARENTS WERE PLOTTING TO KILL HIM. SHE DID NOT THINK THIS STRANGE BECAUSE SHE KEPT TRYING TO MAKE A CASE AGAINST MY PARENTS LIKE ALL THE OTHERS. BY THIS TIME, I WAS SO SCARED, I DID NOT TRUST ANYONE. SHE SAID I SHOULD NOT TALK TO MY PARENTS ON THE WAY--THEY WERE NOT TO BADGER ME--AND THEY DIDN'T, THEY TOLD ME THE TRUTH. MY PARENTS WERE THE ONLY ONES WHO HELPED TO STOP THE WHIRLING TORNADO OF FEAR AND CONFUSION THAT HAD TAKEN OVER MY MIND." 10 I AM TOTALLY CONVINCED HAD WE NOT HAD THE CHANCE TO "DEPROGRAM" HIM THE FIRST 24 HOURS, WE WOULD BE FIGHTING TO GET HIM AND PROBABLY HIS SISTER BACK.

AFTER A VISIT WITH OUR ATTORNEY, SHE ASSURED US "THEY WILL SOON REALIZE THEY'VE MADE A MISTAKE". INSTEAD, WHEN WE AGAIN MET WITH THE SOCIAL WORKER, SHE CONTINUED TO PURSUE A CINC PETITION TO REMOVE OUR CHILDREN: AFTER OUR ATTORNEY'S ASSURANCES THAT WE WERE "HONEST AND UPRIGHT CITIZENS", AFTER THE COUNTY ATTORNEY TOLD HER "HE DIDN'T THINK THERE WAS ENOUGH TO FILE A PETITION..." 11 SHE COMPELLED US TO SIGN A FAMILY SERVICE AGREEMENT FOR HOME VISITS FOR 6 MONTHS AND PROFESSIONAL COUNSELING, FOR WHICH WE PAID, THREATENING COURT ACTION IF WE DID NOT COOPERATE. 12 WHEN WE LATER OBTAINED A COPY OF THE SRS FILE WE WOULD FIND YET ANOTHER INTERESTING ENTRY: THAT I "HAD BEEN INVOLVED WITH ANOTHER CASE WHERE THE FATHER HAD ALLEGEDLY MOLESTED HIS DAUGHTER. THIS LADY (ME) HAD BEEN ONE WHO WAS VERY ANGRY AT SRS FOR BEING INVOLVED IN THE CASE AND THE FACT THAT THE MAN WAS IN JAIL FOR ABUSE MADE HER VERY ANGRY." 13 THE FIRST TIME I HEARD THIS WAS IN A PRIVATE MEETING WITH DONNA WHITEMAN WHEN SHE READ IT TO ME IN A MEMO FROM THIS SOCIAL WORKER. SHE (WHITEMAN) NEVER DID RESPOND TO MY REQUEST TO PROVE THE VALIDITY OF THIS ACCUSATION.

SRS TERMINATED FAMILY SERVICES IN NOVEMBER, 1991, ONLY AFTER THE PUBLICATION OF OUR LETTER TO THE EDITOR IN 3 LOCAL PAPERS 14 MAKING OUR EXPERIENCE PUBLIC. PREVIOUS TO THAT, SEVERAL HOME VISITS HAD BEEN CANCELLED DUE TO "EMERGENCIES" AND "CONFLICTS" OF SCHEDULE. BUT I SUSPECT THEY WERE CANCELLED BECAUSE WE HAD THREATENED TO AUDIO TAPE ALL FUTURE MEETINGS AFTER THE FIRST TWO. AT THESE MEETINGS OUR AUTHORITY WAS FURTHER UNDERMINED AND OUR RIGHTS FURTHER VIOLATED WHEN WE WERE TOLD NOT TO DISCIPLINE OUR CHILDREN AND OUR CHILDREN WERE TOLD THAT THE GRANDPARENTS HAD DONE THE RIGHT THING. OUR CHILDREN'S RIGHTS WERE FURTHER VIOLATED WHEN SEQUESTERED AND QUESTIONED ALONE WHEN THERE WAS NO VALID REASON TO DO SO.

AT NO TIME DID ANYONE IN THE STATE AGENCIES QUESTION THE VALIDITY OF ANY OF THE ALLEGATIONS. NO OTHER FAMILY MEMBERS OR FRIENDS WERE INTERVIEWED. NO CHECK OF OUR FAMILY'S PRIOR INVOLVEMENT WITH JUVENILE AUTHORITIES, LAW ENFORCEMENT, OR SRS WAS CONDUCTED.

THIS STORY WOULD BE APALLING AND OUTRAGEOUS ENOUGH IF IT WERE AN ISOLATED CASE; BUT THE PHONE CALLS WE RECEIVED FROM PARENTS WITH SIMILAR STORIES PROVED THIS TO BE A COMMON OCCURANCE IN OUR STATE. THE STATE WILL NOT BE ACCOUNTABLE FOR THEIR ERRORS. *THERE IS NO RESPECT OR RECOGNITION OF PARENTAL RIGHTS. MOST PARENTS WANT THE BEST FOR THEIR CHILDREN AND NEED THEIR PARENTS RIGHTS PROTECTED SO THAT THEY ARE FREELY ABLE TO CHERISH, NURTURE AND PROTECT THEIR CHILDREN AS*

NOT INTENDED. WHEN PARENTS RIGHTS ARE VIOLATED, CHILDREN'S RIGHTS ARE VIOLATED. NO ONE PROTECTED MY SON FROM THE EMOTIONAL ABUSE HE SUFFERED BY THE ACCUSERS! 10

STAN AND JACKIE WOLLARD
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PLEASE CALL IF YOU HAVE QUESTIONS. COPIES OF FOOTNOTED DOCUMENTS ARE AVAILABLE UPON YOUR REQUEST.

1. SENATE JUDICIARY TESTIMONY FOR SB689 BY AARON WOLLARD, MARCH 20, 1992.
2. FORMAL COMPLAINT TO CITY MANAGER ABOUT BUTTERS, MARCH 2, 1992.
3. RESPONSE TO OUR COMPLAINT ABOUT BUTTERS, MARCH 26, 1992.
4. LETTER FROM CITY MANAGER DATED MARCH 31, 1992.
5. JUVENILE INTAKE LOG, PG 8, DATED SEPTEMBER 18, 1991 AND CINC INTAKE REPORT, PAGE 1, DATED 9-18-91.
6. SENATE JUDICIARY TESTIMONY, MARCH 20, 1992.
7. JUVENILE INTAKE LOG, PAGE 3.
8. JUVENILE INTAKE LOG, PAGE 6.
9. JUVINILE INTAKE LOG, PAGE 7,8.
10. SENATE TESTIMONY, MARCH 20, 1992
11. SRS CASE ACTIVITY LOG, PAGES 2,3,4,5,6.
12. SRS SERVICE AGREEMENT DATED SEPTEMBER 23, 1991.
13. SRS CASE ACTIVITY LOG, PAGE 5.
14. COPY OF EDITOR LETTER, OCTOBER 31, 1991.

PUBLIC FORUM

Parker couple contends SRS acted on false accusations

Do your readers know that a home and family can be invaded, intruded upon and consequently thrown into turmoil and distress without warning by one anonymous phone call — to the county Social Rehabilitation Services? Any disgruntled or grudge-holding neighbor or relative can call the local SRS office or juvenile authority and charge the parent with child abuse of any degree.

Do your readers know an older child or teenager can go to a friend or relative and share with them the NORMAL conflicts and differences of opinion with parents; and that confidante can twist and distort everything shared with them and call it abuse?

Then the authorities, without screening the accuser or investigating the motives behind his/her actions, can interrogate that child or teenager for several hours, convincing him/her that he/she is indeed abused (all of this without the parents' knowledge) and take the child into their "protective custody." Upon notification of the

child's whereabouts, the parents are then accused, threatened, intimidated and undermined all in the presence of the child.

After this is accomplished, SRS then has the authority to compel the family to accept services with the understanding "that participation in this program is voluntary unless court ordered." VOLUNTARY??

And if the "problem," as perceived by SRS, does not improve (by whose evaluation?) the children could be removed from the home. Even after the SRS worker realizes "the pieces don't fit," the case is "not typical," he/she is reluctant (or unwilling) to admit the mistake and leave the family alone.

Instead, they prefer to call the "complaint to be unconfirmed but that there is eligibility for service." Again, forcing the family to accept services (for which the parents are financially obligated, while the salary of the social worker is being paid by the parents' taxes) for a specified time because they "lack

information to make certain what conditions exist in the home."

Perhaps, if just one person had screened the accusers' claim in the first place, there would be no lack of information. In fact, there would not even be a need to do any more than simply return the child to the parents and out of the CLUTCHES of those who would FALSELY ACCUSE.

How do we know this to be true? Because our family is presently involved in this very situation!

SRS claims their goal to be "to protect children . . . from child abuse, neglect and exploitation and to help families stay together." So where was their protection when our child was being emotionally abused and exploited by his/her abusers — THE ACCUSERS?

Stan and Jackie Wollard
R1, Parker

March 9, 1994

Chairperson Michael O'Neal
House Judiciary Committee

Representative Michael O'Neal, and committee members:

The most recent issue of the Kansas School Board Journal states that "Over the past decade, we've lost a lot of hope as a nation... because of a relentless message throughout the 1980's that nothing works, that we can't make a difference, and that we should all withdraw from engagement in civic and community life... But those messages are wrong." Then it goes on to list ways that can make a difference in the lives of children. One of those items is that "there is overwhelming evidence about the impact of involved parents on improved student outcomes".

The problem with society, schools, and children, it is assumed, is that parents just don't care. Lionel Alfred, co-chairman of the KERA Commission stated "Parents don't give a damn about their children or what we do with them." Millions of dollars have been spent on social programs to either help parents or to pick up where they refused to fulfill their responsibilities to their children. You've worked hard as legislatures to find ways to meet the needs of those children whose parents weren't willing to parent. Many bills have been passed that force parents to accept responsibility. Other bills have given over the responsibility to social agencies, or the schools.

However, with all the care and concern, and social programs it has become evident that the programs designed to help parents have begun to replace parents, or at the least discourage parental involvement. I am sure that that was never the intent of any program, but it is happening. I'd like to give three examples of a parent being displaced by a program or policy. 1) A parent told me that her 12 year old daughter came home from school and said, "Mom, in class today, (boys and girls together) we learned how to masturbate, and where our pleasure points are." This mom was very upset that she had no knowledge about this class information prior to this. She said that if she had known, she could have talked to her daughter ahead of time to help her be more understanding of and less embarrassed by the material. Besides that, she commented that she didn't think the school's job was to teach masturbation. 2) Another parent was discouraged with the amount of homework her son was bringing home and his lack of understanding of a math concept. In talking to the teacher she found out that the classes were shortened regularly to allow time for class counseling sessions. She told me that she had nothing against the class discussions but she would have liked to have been told that her child was receiving group counseling. When she requested that he be allowed to work on math (because he really needed to) in place of group counseling, she was told that that was not possible. Not that anything was wrong with her child, but some children needed the counseling sessions and they didn't want those children to be left behind. 3) I, personally, have experienced a taste of this. I made it a habit to attend my children's parties at school. I was asked to coordinate the treats

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Attachment 7
3-9-94

for a party for my son's class. When I arrived with the treats, the teacher told me thanks and goodbye. I told her I had planned to stay for the party, and she said I didn't need to. I told her I had planned to stay and what could I do to help. She said "I don't want you to stay, because the other children might feel bad if you are the only parent here. Goodbye". I did not feel encouraged to be more involved!!

As a Social Worker who's expertise is in working with children and families, I was really beginning to believe that Lionel Alfred was right. I have worked for years with families to try to get them to take the responsibility for raising their children. I've worked to get disfunctional families to understand how much their children need a parent's love, attention, and involvement with their life. Today, I am really pleased, and filled with renewed hope, as I know all of you must be. We have all worked long and hard to encourage parents to become more involved with their children. I am filled with a sense of relief that there really are parents who "do give a damn about their children", and are taking an active role in insuring that their children will not become a burden to the state. The children of these parents will feel more secure and loved because of the effort they see their parents making on their behalf. And, who, according to the KASB's article, will no doubt do better in school because of it.

I am here as a professional in the field of Social Work to thank you for the opportunity you have given to parents, to express themselves, and to encourage you to vote yes for the Parental Rights Amendment. That action will be a vote of confidence for parents who are fulfilling their responsibilities to their children, and will cost nothing to implement. These people really need your encouragement and support. In parenting classes I teach an idea called "catch them doing good". The idea is that if you reward and recognize those who are doing a good job, they will be encouraged to continue. When parents who are doing a good job are supported, they can be a role model for others, and the benefits could be reflected across our cities and nation. G.K. Chesterton said, "We know through history that conscience is cultivated in the family. The family instinct is the indestructible minimum of morality, the one germ of social consciousness." Wouldn't it be nice if all families were willing to cultivate morality, and social consciousness in their own children?

All of us in the social service business and you in the legislature have dealt with families with problems for so long, it is a pleasant surprise to work with families who are doing a good job of parenting and are asking for nothing but your vote of confidence. Don't you think?

Thank you for your time, and all your work on behalf of the people of Kansas.

Respectfully,

Catherine L. Holthaus

Catherine L. Holthaus LBSW

Rt 3

Seneca, KS 66538

I am Rochelle Scott from Winfield, Kansas. I have three children and have been involved in the local school system for 19 years. My husband and I still retain the hope that we can, once again, place our trust in the educational system which, at one time, served us well.

I would like to take a few moments to relate some experiences we have had which we feel exemplify the need for Amendment 21.

The federally funded drug curriculum being taught in our school district should have been used **only after** parental notification and consent. When parents began to ask questions, the Superintendent warned teachers that there were parents seeking to deny them their academic freedom in the classroom.

When parents asked to see the material, we were told there was no material to view. Only after filing grievances were we afforded the opportunity to view the material.

I am personally acquainted with a parent in our school district who was ushered out of an elementary school and told not to return because she had written a letter to our Superintendent concerning experimental programs and techniques being used. In the letter she requested support data to justify the use of mental health techniques in the classroom. She was appalled that these would be utilized without parental consent.

Despite parents writing a letter requesting they be notified and be able to preview psychological, attitudinal tests and surveys, their request was ignored. When their son was to take a psychological test, he refused, requesting that his Mom be contacted first. He was sent to the principal for insubordination.

The parent was told by a school psychologist, "You give your consent for whatever we deem necessary when you enroll your child." The enrollment process should not be construed as a blanket parental consent.

Parental notification and consent is of vital importance in any experimental program, attitudinal surveys, or psychological testing. The Hatch Amendment, which was intended to be a safeguard in these areas, has not made a difference, in our experience.

We have been asked to be involved as parents, but my involvement has left me feeling as if I have been penalized and discredited in my school district.

Part of the discrediting process took the form of our Superintendent reading an alleged, anonymous threat letter at a School Board meeting, followed by his confronting, in general, parents in the audience, intimating that they had knowledge of said letter. Parents feel that this was a move to intimidate and discourage parents from speaking out. Parents were also told that contacting teachers with questions would be viewed as harassment.

These are just a few examples of the need for Amendment 21. Parents have well-founded, grave concerns. My government, whether it be local, state, or federal, was established to protect our freedoms, I respectfully urge your help in preserving our freedoms as parents by voting to place Amendment 21 on the ballot.

Testimony Before the House Judiciary Committee

by Steve E. Abrams

3-9-94

Most Honorable Representatives; my name is Steve Abrams and as a member of a local school board I might have a little bit of a unique perspective on the need for Amendment 21.

As a basic premise, I believe that there is a direct correlation between a child's behavior and the amount of parental involvement.

I'm sure that each of you can think of examples from your own experiences where the flip side is also true. The quintessential example is the student that goes out almost every night just for the express purpose of hangin'. Initially they may just congregate at the favorite hang out. But many times, if the hangin' continues, other untoward results come about. I am sure that we can all supply a list of these results: a noninclusive list might include illegal procurement of alcohol, use of other illegal drugs, premarital sex with subsequent birth to a single parent, petty vandalism as well as felony burglary.

I am not suggesting that every kid that goes downtown to hang out will end up involved in premarital sex or involved in a crime. After all, I suspect a lot of us have hung out a time or two when we were younger and did not experience significant judicial and/or emotional problems. However, I am suggesting that those kids that continue to be involved in this type of behavior have a statistically higher probability of doing exactly those things that were just listed.

Although we can not discount personal accountability for those kids that get involved with illegal activities, invariably, the common denominator among those kids that get in trouble is a lack of sufficient parental involvement.

On the other hand, as a School Board member, I have heard many teachers indicate that the best students are invariably the ones that have the most parental involvement. I'll say it again; many teachers say that most of the best students have significant amounts of parental involvement. Additionally, the teachers indicate that the "best students" not only have good grades, but also do well in extracurricular activities, and for the most part seem to be very emotionally stable. In general, they are fun to be around.

Our local board strongly believes in the concept of parental involvement. As a matter of fact, we are in the process of trying to find the leadership for a program called Parent Network Program. This program would encourage parents to be responsible for their children by learning from other parents how to love and discipline their children.

We know that parental involvement is best. As a matter of fact, I find it difficult to imagine that anyone would try to suppress the rights of parents in this matter. The parents of Kansas need to know unequivocally that they have the fundamental right to provide the care and upbringing of their children.

For the sake of the children of Kansas, indeed for the future of Kansas itself; Ladies and Gentlemen of this committee, I would urge you to support HJR 5040.

House Judiciary
Attachment 9
3-9-94

Concerned Women for America
of Kansas
P.O. Box 4, Seneca, Kansas, 66538
(913) 336-2091

March 9, 1994

House Judiciary Committee
Michael O'Neal, Chairman
HCR 5040

Mr. Chairman and members of the Committee:

My name is Marsha Strahm. I am a legislative liaison for Concerned Women for America of Kansas. Founded in 1979, CWA is the largest non-partisan, politically active women's organization in America with over 600,000 members.

We come before you today to express our support for HCR 5040: a proposition to amend the Kansas Constitution in regard to the fundamental rights of parents and guardians to exercise principle oversight in the care and nurturing of their children.

"Control" is not a trendy word these days but perhaps that is because we tend to view it from a negative perspective. But in a nation where crime is becoming more of a national threat, perhaps it is a word worth revisiting. Some may find it positive and refreshing that parents are understanding once again the importance of commitment to provide guidance and boundaries for their children.

The need for all institutions of our society to take responsibility for their own realms and to avoid interfering with (while continually protecting) other institutions cannot be over-emphasized.

This is an opportunity for you, the legislator, to say to the people across this state that you encourage strong families and hold in high regard the role parents play in the lives of their children. We must view this opportunity as a catalyst to bring about a renewed appreciation of the family, understanding that the institution of the family is the most powerful vehicle for effecting constructive changes in our society.

CWA of Kansas would respectfully urge you to act favorably on HCR 5040, and thereby allow the people to acknowledge and reaffirm their fundamental rights of parenting.

Thank you for your time and attention.

House Judiciary
Attachment 10
3-9-94

Carol Dermeyer, Coordinator for Early Childhood Education, recently stated that she is currently "coordinating the development of Quality Standards for Early Childhood Education for Children Birth Through Eight. Why does a baby, 3 year old, or 4 year old need educational standards? Are babies and toddlers to be in school too? Parents, would you like input in this area?

My name is Mary Lou Ann Law from Winfield, Kansas. I am a wife and mother of four. I provide licensed child care in my home evenings and weekends, and work as a certified teacher at the secondary level.

I appreciate the opportunity to speak before you today on a very important and timely issue, that being your support of, what I believe to be, the fundamental right of parents and guardians to exercise primary control of the care and raising of their children.

When I held my first child in my arms, I was struck by the awesome responsibility which my husband and I were about to take on in the care and guidance of our precious, new gift.

Although we have not been perfect parents, we feel secure in the fact that we have done the best job possible in raising our four children. No one knows our children like we do. No one knows their heart like we do. No one knows the varied methods of instruction and discipline that have been useful in raising our children to be sensitive, productive young people nor which method works with each child in any given situation like we do.

I never dreamed when I held my first child in my arms that I would have to fight to be included in their education, fight to be informed of what they would be taught at school, fight to be informed when my children were to be taken off-campus, and fight to have my permission secured. I never dreamed I would have to fight to retain my rights as a parent after my children crossed the school threshold.

I believed the educational system which seemed to promote parental involvement. Yet when we, out of concern for our children, attempted to become involved beyond the pat on the back which the administration and educators appear to endorse as parental involvement, we were ridiculed, misinterpreted, and discredited before others. Our experience has been a difficult one, yet we have persevered because we believe that our children need and deserve our involvement.

As parents, taxpayers, and constituents we look to you for concrete support. When the Hatch Amendment was passed, parents felt encouraged, yet when parents have tried to point to it in support of valid concerns, we have been told by School Boards, Administrators, and others that "the Hatch Amendment does not apply."

I have seen an alarming trend in educational and governmental programs which appears to suggest that parents cannot properly raise their children, are not doing a good enough job, or should turn over the responsibility of the care and upbringing of their children to the government or school system. Perhaps this is not your intent, but the perception is there nonetheless, and is perpetuated on a daily basis.

You have the opportunity to set the record straight and give credence to the belief that the family is the foundation of our nation and that the rights of parents MUST be preserved. I urge you to do this by supporting Amendment 21.

Thank you.

THE CORPORATION FOR CHANGE

A Partnership for Investing in The Future of Kansas Children and Families

Testimony Before the House Judiciary Committee
House Concurrent Resolution 5040
March 9, 1994

by Jolene M. Grabill, Executive Director

The Corporation for Change is a non-profit corporation organized by the State of Kansas to coordinate and implement reform of children's services in Kansas. To accomplish this mission, the Corporation builds partnerships between government, business, parents, children's advocacy and service groups to develop a comprehensive and coordinated strategy for investing in the future of Kansas children and families. Our major role is to see connections, test out what works and what doesn't work, experiment with new strategies, and to develop the consensus to reinvest our resources in more comprehensive strategies that do achieve the outcomes we all desire for children and families.

In the last two days since I noticed this hearing on the House Calendar, I have talked with a number of the Corporation's partners, seeking opinions and information about this strategy. My conclusion is that HCR 5040 raises more questions than it answers. You can read the intent of the resolution either of two ways. It could either be emphasizing parental responsibilities or protecting parental rights on the assumption that in some constitutional way, parents rights have systematically been infringed upon.

I've consulted two district court judges both of whom could not identify a precipitating occurrence that would lead to this magnitude of a constitutional response. They independently stated that parental rights are already fundamental and that parents/guardians can only lose those these rights only if they are found unfit, or if their children are obviously being neglected or abused. Furthermore, they both cautioned that this resolution could negate all of the Child In Need of Care Code, and a substantial amount of the Juvenile Offender Code.

Conversations with SRS Youth Services raised the issue that such a constitutional amendment, if passed by the voters, could put Kansas in serious non-compliance for a number of federal programs that fund child protective services and juvenile offender programs thereby costing the state those federal funds.

Perhaps most specific in their concerns, however, were our education partners. They caution that this resolution could be the basis for challenging or negating all compulsory school attendance laws, and health requirements for school attendance such as vaccinations. They raised questions about the impact of the resolution on curriculum and program decisions in the schools.

Perhaps most important, however, were the concerns raised by one

EXECUTIVE DIRECTOR
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USD 500
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Sec. Donna Whiteman
Dept. of Social &
Rehab. Services
Topeka

individual. She said the messages of those supporting this resolution strike a chord in every parent who has every had a negative experience with "the system" and felt like their rights as a parent had either been ignored or violated.

I would add to that a message we at the Corporation for Change have heard loud and clear. Citizens have a great distrust of government. Even more intense is the lack of trust and sometimes outright fear of "the system" by some parents who have had bad experiences asking for help and getting an inappropriate if not downright intrusive response.

Throughout 1994, the Corporation for Change will be engaged in a process of finding that common ground of opinion on which Kansas can build a stronger future for our children and families. The process is chaired by Dawn Merriman of Salina who chairs our Common Ground Committee work. I invite all those who support this resolution to join in that debate about the future of children and families in Kansas. We can be much more productive working together on strategies we agree on that quarreling over a constitutional amendment of uncertain results.

"No government policy can love a child and no policy can substitute for a family's care. But government can either support or undermine families as they cope with the moral, social and economic stresses of caring for children. The undeniable fact is that our children's future is shaped both by the values of their parents and the policies of our nation."

-National Conference of Catholic Bishops, 1992
Pastoral letter, "Children and Families"

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March 9, 1994

Representative Mike O'Neal,
Chairman, House Judiciary
Rm. # 426-S
Capitol Building
Topeka, KS 66612

HAND DELIVERED

Re: **CHECK Position in support of HCR 5040 (Parents' Rights Constitutional Amendment)**

Dear Representative O'Neal:

I am writing as the Legislative Liaison for the **Christian Home Educators' Confederation of Kansas (CHECK)**. I do not speak for all home educators; however, CHECK is comprised of representatives of thirty-seven local home education support groups throughout the state and, to my knowledge, is the only statewide organization serving home educators.

Home educators hold to the conviction that parents have the responsibility to rear and educate their children. Right and responsibility go hand in hand. Every objective legal student recognizes that parental responsibility and right is firmly grounded in our legal heritage. The roots of this responsibility/right tandem run deep in the common law, back to the writings of William Blackstone. This principle has been restated consistently by the U.S. Supreme Court. For most home educators, it originates in the Scriptures which inform our faith.

On the responsibility side, home educators have assumed the educational burden which otherwise would be passed onto the state. They ask nothing in return except the liberty to continue in their labor of love. CHECK's position is that home educators who wish to retain that right and responsibility should not even receive financial assistance from the state through vouchers.

That this amendment is even necessary is a reproach to our society. We believe that we have come to that point because of the increasingly common cry that *"the State is primarily responsible for the education of its children."* This perspective has been the genesis of one task force and proposal after another, all seeking to increase the state's involvement with the family.

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The question is not whether we should protect children from physical abuse or neglect. There is no debate on that issue. This amendment would do nothing to obviate or weaken child abuse laws.

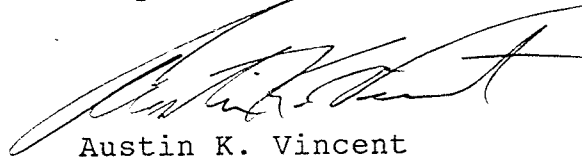
Yes, there are irresponsible parents, and increasingly so. The question is, has this malady been spawned by too much freedom, or by a societal attitude which shuns responsibility for children? As government makes takes more and more of the burden for children on itself, it creates a dependency and an expectancy which encourages irresponsibility. There is only so much authority to go around. As the state's control waxes, that of the family wanes. Is it surprising to hear the cries for taxpayer funded parenting in the form of daycare? Where will it all stop? How much damage to the family must be inflicted?

If you as policymakers truly wish to encourage a strong society, you should encourage strong families. That is accomplished by reinforcing parental right and the responsibility that accompanies it.

The parental rights amendment will be a constant reminder to legislators, executives, judges and, most importantly, to parents, that the family should be and, in most cases, is the best training ground and authority structure for the children that have been entrusted to us.

I want to thank you for the precious time you have taken to read this and to consider this important issue.

Respectfully Submitted,



Austin K. Vincent

AKV/amv:CK-AMD21
cc: Committee Members

RIGHT TO LIFE OF KANSAS, INC.

TESTIMONY, HCR 5040, HOUSE JUDICIARY, 3/9/94

Senate Concurrent Resolution No. 1622 is a pro-family, pro-life bill. Right to Life supports the fact that parents and guardians retain the fundamental rights to exercise primary control over care and upbringing of children and wards.

Abraham Lincoln once said, "The strength of a nation lies in the homes of its people." It is our conviction that the family is the back bone of society as a whole. History shows that if any society wants to survive, it must uphold, strengthen, and continue to build upon the biblical institution of marriage and family.

Looking at the parental rights issue from a pro-life prospective we see the usurping of parental authority in some of the sex education programs, the massive campaign of passing out condoms in the schools, the government sponsored commercials to entice our kids to use condoms without any consideration of moral right and wrong or parents view on the subject.

The most blatant usurping of parental authority is the fact that a school nurse or a judge can take it upon themselves to allow my daughter to have an abortion without my knowledge or consent. How can they justify their part in the killing of my grandchild, putting my child in danger of death or maiming from the abortion, breaking her spirit because of the guilt of murdering her child, putting a barrier between her and her parents because of the abortion secret.

I really don't know why this Resolution came about but I can see so many areas beside life issues where the parents are the last to know, the last to be considered but the first to suffer the consequences of yet another government program.

Respectfully submitted, Right to Life of Kansas, Inc.


Cleta Renyer



March 9, 1994

To: House Judiciary and Senate Federal & State Affairs Committees

From: Patricia E. Baker
Associate Executive Director/General Counsel

Re: Concerns Regarding HCR 5040/SCR 1622

Dear Committee members:

On behalf of boards of education in Kansas, I would like to express concerns regarding the possible effects of the enactment of a Constitutional Amendment as embodied in HCR 5040 and SCR 1622.

Certainly we have no disagreement with rights of parenthood nor with the recognition of parental responsibilities. Courts have consistently upheld the right of parents to raise children and to direct their upbringing. Wisconsin v. Yoder, 406 U.S. 205, (1972), Meyer v. Nebraska, 262 U.S. 390 (1923), and Pierce v. Society of Sisters, 268 U.S. 510 (1925). In Pierce the United States Supreme Court held: "Under the doctrine of Meyer v. Nebraska, {Supra.} we think it entirely plain that (The Act) . . . unreasonably interferes with the liberty of parents and guardians to direct the upbringing and education of children under their control. . . 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." (Portions omitted)

What more does HCR 5040 or its counterpart SCR 1622 offer than has already been acknowledged as a constitutional right? What protection is afforded that cannot be had under current interpretation of our Constitutions?

If, indeed, the sponsors of these measures believe that an amendment to the Kansas Constitution will mark a change from current legal interpretations, what will those changes be?

From an education perspective is it foreseen that parents may determine whether a child attends school at all? Currently, parents may choose public or private schools in Kansas, but the Courts have consistently held that the State does have a compelling interest in requiring education for all its citizens. Would this change?

Do the sponsors envision parents directing the curriculum in public schools for their children? Would public schools be required to meet parental wishes in each individual situation?

Are the provisions of HCR 5040 and SCR 1622 intended to override or change the interpretation of statutes or State Board regulations on required courses of study? On required child abuse reporting?

Our Constitution should be amended only when there is an apparent need to rectify a past problem or to recognize new circumstances. Parental rights are and have been consistently recognized by our Courts. Even before the birth of this nation, such rights and attendant responsibilities were recognized at Common Law.

If there is evidence that parents are being denied their fundamental rights in rearing children, everyone should be concerned. If there is some other agenda implied in HCR 5040 and SCR 1622, everyone should also be concerned.

Certainly if this Constitutional Amendment is adopted the State and its agencies and subdivisions may look forward to a great deal of litigation on this subject.

Thank you for your attention to our concerns. Please contact me if I can be of any assistance in this matter.