

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Chairman Lana Oleen at 11:15 a.m. on March 9, 1994 in Room 254-E of the Capitol.

All members were present

Committee staff present: Mary Galligan, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes
Jeanne Eudaley, Committee Secretary

Conferees appearing before the committee:
See attached agenda

Others attending: See attached list

Sen. Oleen announced the hearing for SCR 1622 and stated the proponents and opponents both would be heard today. She stated the proponents will be given 30 minutes for testimony, and that she wanted to allow time for opponents and questions from the committee. The remainder of the time is needed for discussion and action on bills previously heard.

Sen. Oleen introduced Todd Tiahrt, one of the sponsors of the Resolution, who gave supporting testimony (Attachment 1). Sen. Walker questioned Sen. Tiahrt how parental responsibility can be mandated; how he would propose to enforce parental responsibility and how parents can be required to live up to those responsibilities. Sen. Walker questioned accomplishing that by passing a Resolution to amend the constitution. Sen. Tiahrt responded that he objects to the government's intervention in the rights of parents, and stated the reason for the legislation is to amend the Constitution to give parents exclusive rights, instead of implied rights as is the case now. Sen. Parkinson stated he agreed with Sen. Tiahrt but does not agree with amending the Constitution. He stated that parents are required to provide educational opportunities for their children, and they should have the right to choose between public and/or private schools. However, he stated his concern is if it is left optional for the parents, as he believes it would not be in the best interest of some children to leave that option open to the parents. Sen. Tiahrt responded he does not know anyone who would purposely hold their children back and would choose not to educate their children. He stated his belief is that the vast majority of parents want to open options for educational opportunities for their children. He asked the committee to focus on the parents and give them options, as he does not share the concerns of Sens. Parkinson and Walker. Sen. Tiahrt stated the object is to keep the government from intruding; he stated the need for less government in peoples' lives. Sen. Ramirez requested the chairman ask committee members to hold questions and let other proponents give testimony, because of the limited time. Sen. Oleen stated she indicated the 30 minutes were for proponents, which is more than the committee normally allows for one side of a bill, and that she wanted committee members to be able to ask questions as the hearing progresses.

Other proponents appearing before the committee were:

Cleta Renyer, who relinquished her time to Marsha Strahm. Written testimony (Attachment 2) distributed to committee;

Marsha Strahm, who relinquished her time to Steven Graber. Written testimony (Attachment 3); distributed to committee.

Steven Graber, (Attachment 4).

Sen. Parkinson referred to the testimony from Ms. Renyer relating to abortions and the parental notification recommended by that group and if Mr. Graber's support of this Resolution is to affect the abortion law and render it unconstitutional. Sen. Parkinson stated he agrees with a parent's fundamental right to raise children, but he is concerned this Resolution is being used to test other statutes, then asked Mr. Graber what he meant by that statement. Mr. Graber stated the belief that parents have primary control, and that the government should be involved only when abuse is found. He referred to many students being termed "at risk" and the

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS, Room 254-E
Statehouse, at 11:05 a.m. on March 9, 1994.

various reasons students are termed "at risk. He also objected to student assessments as well as psychological testing done in the schools and the fact that parents do not have access to records, educational material and other programs in the schools. He stated many parents are opposed to some educational programs that their children are being exposed to at school, and they have no control over the programs. Sen. Walker asked what was Mr. Graber's main objection to government being involved in education and the public schools and the fact education might not be provided to some children if it was an option of some parents. Mr. Graber answered he wants academic freedom in our educational system so that children are taught the facts, and they are able to make their own decisions from the evidence. He referred to the subject of evolution vs. creation; that the students being told those who believe in evolution are right and the students who believe in creation are wrong. He believes the teacher should give all options, then let the students decide. He stated he does not think it right that students be failed in a course because they do not believe what is being taught in the classroom. Sen. Parkinson asked why he thought passing this Resolution would change things, and Mr. Graber stated the parents would have primary say and could govern what is being done in the classroom and what their children are being taught.

Sen. Oleen introduced Jim McDavitt, who gave testimony (Attachment 5) supporting the Resolution. Mr. McDavitt stated the educational system is the major contact all of us have with the government, and that government has sought to enlarge services, which causes it to intervene in areas it should not be involved in. He asked the senators to support the Resolution and stated it will take humility on your part to do so, but many people will appreciate that. Sen. Gooch stated he knows there are problems in the educational system and pointed out the testimony supports going around those problems. He encouraged the proponents to try to improve the system and the need for them to work with the system. He stated they are not addressing the problems that are there. Mr. McDavitt referred to a personal incidence and stated the states' philosophy is that it is the primary caregiver and that the parents are secondary. Sen. Vidricksen asked Mr. McDavitt of his use of the "primary control by the family" phrase and what he meant by that. Mr. McDavitt stated he is asking the committee to consider the parents first, but does not want to negate the states' authority when it has a valid interest, such as neglect and abuse. Sen. Oleen stated there is three minutes of proponents' time for one more proponent and asked the group to select who it would be. Sen. Oleen introduced Catherine Holthaus, who gave testimony (Attachment 6), supporting the Resolution. Sen. Oleen announced written testimony (Attachment 7) has been distributed from Austin Vincent supporting the Resolution. Also distributed to the committee is the testimony (Attachment 8) from Patricia Baker, executive Director of the Kansas Association of School Boards, who opposes the Resolution. Sen. Oleen introduced Dr. Janice Mauck, who had heard of the hearing only this morning, but gave testimony to the committee. She will submit written later (Attachment 9). Dr. Mauck stated a great need for parental responsibility and recalled in her many years of working with children, seeing them as victims of rape, incest, abuse, both mental and physical. She stated if we truly care for children's welfare, we would be talking about parental responsibility instead of parents rights and control. She stated she did not want to see our Constitution amended for this type of legislation which will make it harder for SRS, doctors and social workers to help those children in need and urged the committee to vote against this legislation. Sen. Oleen closed the hearing for SCR 1622.

Sen. Oleen called the committees' attention to SB 658, creating an inaugural fund and announced the committee will consider it tomorrow, since there are only 5 minutes left. She asked the committee to consider four things regarding the bill: 1. Limitations; 2. Where will the excess funds go? 3. Cap on contributions; 4. Penalties.

Sen. Hensley introduced pages from his district who have assisted the committee today.

Meeting adjourned at 12:05.

GUEST LIST

COMMITTEE: Senate Federal & State Affairs

DATE: MARCH 9, 1994

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Douglas Johnson	Wichita	Planned Parenthood
Barbara Reinert	Topeka	League of Women Voters
Yolanda Young		Intern-Rep. Hochhaus
Mrs. Anne Ludlum	Moundridge	Parent-ATI
Mary Ella Simon	Lg. of Women Voters	Topeka
Shirley A. Norris	KATE C	Topeka
April Kates	Prairie Village	NCJW/LWV
Shirley Malashock	Leawood	NCJW
John C. Evans Jr. Vice-pres Lawrence Local 1596 I.A.F.F.	Topeka	Lawrence Local 1596 I.A.F.F. Five Fighting
Laura Ludlum	Moundridge	Parents' Rights
Luke Ludlum	Moundridge	Parents' Rights
Ima Hallinger	Leawood	MCJW
Barbara Holzmark	Leawood	National Council of Jewish Women/LWV
Sara Turner	Shawnee Mission	ncjw - league
Russell Smith	Wichita	Parents Rights
Ursula Smith	Wichita	Parents Rights
GEOFF MCCUE	JEFFERSON CTY	SELF
Jenice McCue	Jefferson Co.	TEACH
LALLIE MOORE	WICHITA	CELEBRATION MINISTRIES 2000
Jeremy Smith	Wichita	Parents' Rights
Christ Heitsman	Wichita	Parents' Rights
Ruth Heitsman	Wichita	KEW-Net
Joshua Lane	Wichita	Parents Rights
Mike Heitsman	Wichita	Parents Rights
Garnie Gueneman	Hanover	Right To Life

GUEST LIST

COMMITTEE: Senate Federal & State Affairs

DATE: _____

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Ami Horton	Wetho, KS	citizen/taxpayer
Sharon Speer	O. PK KS	citizen/taxpayer
Carol Holland	Shree, KS	citizen
Nancy Kuehn + Karilee	Emporia, KS	citizen
Gretchen A. Graber	Hutch. KS	citizen
Sara Graber	Hutchinson KS.	citizen
Melanie Graber	Hutchinson, KS	Citizen Taxpayer
James A. Graber	Hutchinson	Citizen
Kathryn E. Ewert	600 E. Main, Beloit	Taxpayer Grand parent
Janice Brumack, PhD	421 Wardlaw Topeka, KS 66606	citizen
Ben Graber	1807 E. Blanchard 50th Hutchinson KS 67501	Citizen
Mrs. Tom Eddy	1883 County Rd. N Emporia, KS 66801	Concerned Women For Am. Parent/Citizen/Taxpayer
Emarie Kaufman	Lecanet	Concerned Parent
Walter Eddy	P.O. Box 546	Wichita, KS 67201
Charles J. McKee	11020 238th Rd. ^{Holton} Kansas	CWA Concerned parent
Barbara	1021 LINCOLN EMPORIA KS	KANSAS FAMILY REGULATIVE OPINION
Christine J. Harris	800 S. Cherokee Street, KS	mother/taxpayer/CWA KFL
Barbara Harrington	606 S. Georgia ^{Pittsburg} KS	CWA/KCHE/Mother!
Merna J. Hall	RR 3 Box 3 ^{Shirley} KS 67573	CWA/Mother
Quinn J. Lulphke	212 Clear Creek	CWA of A
Gaylene Frederick	Sabetha, KS	CWA. mother
Sandra K. Blythe	Sabetha, KS	CWA/Parent
Cleta Penny	Sabetha, KS	Right to Life of H
Louise Tracy	Morrill, KS	parent
Donna Penny	Troy, KS	parent/citizen

GUEST LIST

COMMITTEE: Senate Federal & State Affairs

DATE: _____

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Kim Bunn	Hanover, Ks	Right to life
April	Wyand County	Concerned parent
Connie Bunn	Canton	concerned parent
Sue Leobelter	Wichita	NOW
Sister Mary Stanislaus Parks	Beloit	St. John's Church
Math Meyer	O.P. Ks	Self
SYDNEY HARDMAN	Lawrence	KS ACTION FOR CHILDREN
ROB MATLACK	Minneapolis, KS	PARENT
Robert Matlack	Minneapolis, KS	Student
Angelene Schmitz	Beloit, KS	Parent - Grand-parent
Nathan Matlack	Minneapolis, KS	Student
Byron D Sowers	Colby KS	Parent
Bioda Sowers	Colby, KS	Parent
Item Farkhausen	Emporia KS	Parent
Jane Hammer	" "	Parent
Sharon Lawer	Sebleth, KS	Parent - Very Concerned
Ruth Lowrey	Wichita, KS	Parent
Kenneth & Leona Slyck	Newton KS	Parents
Emma R. Lyle	Hamatha	grandparent
Annis R. Lyle	Hamatha	parent
Helene M. Street	Douglas KS	Grandparent
Nancy Hanahan	O.P. KS	Citizen/Taxpayer
Pam Bettyphon	O.P. KS	PARENT
Rockelle Scott	Winfield, Ks	PARENT
Brianne Law	Winfield, KS	Parent

GUEST LIST

COMMITTEE: Senate Federal & State Affairs DATE: _____

[illegible]

TODD TIAHRT
 SENATOR, 26TH DISTRICT
 1329 AMITY
 GODDARD, KS 67052
 316-794-8903
 STATE CAPITOL 143-N
 TOPEKA, KANSAS 66612-1504
 913-296-7367



TOPEKA

COMMITTEE ASSIGNMENTS
 VICE CHAIRMAN: ASSESSMENT & TAXATION
 VICE CHAIRMAN: JOINT COMMITTEE ON COMPUTERS
 & TELECOMMUNICATIONS
 MEMBER: EDUCATION
 TRANSPORTATION & UTILITIES
 JOINT COMMITTEE ON
 LEGISLATIVE POST AUDIT

SENATE CHAMBER
 Testimony on SCR 1622

March 9, 1994

Thank you Madame Chairman and fellow Senators for the opportunity to testify in favor of SCR 1622. This is a relatively straight forward resolution. As you know it would require 2/3 of the members of the Legislature to pass this legislation so that it can go on to Kansas voters. This is a very high mountain to climb and I would not be here if I did not think this was an important issue that does need to go to the voters of Kansas.

The resolution simply says that "parents and guardians shall retain the fundamental right to exercise primary control over the care and upbringing of their children and wards in their charge". A lot of people don't think that this is a problem since it is implied that parents are responsible for their children. But what we're finding out is that there are two different reasons that parents and guardians rights are being questioned and sometimes totally ignored.

The first reason was brought to my attention by teachers in the State of Kansas. I live in a very conscientious neighborhood where parents are very concerned about their children's education. When we have parent-teacher conferences, one or both parents from each child shows up. We usually have 100% participation. I'm told that this is not the same across Kansas. In some schools only a small percentage show up. They are not living up to their implied responsibility as parents. I believe this legislation would move the responsibility back to the parents along with their rights. Back to those who are responsible for the upbringing of these children.

The second reason came to me through personal experience. Last year when I choose to bring my family with me to Topeka, I requested copies of my children's records so I could take them to the schools here in Topeka. I was told that I did not have the right to see my children school records. I remained calm even though it came to mind that my wife and I are responsible for bringing these children into the world. We're responsible to see that they have proper nourishment. We see that they are properly clothed. We see that they have proper health care. I believe we are responsible parents. Yet we're not responsible enough to be trusted with our own children school records.

Senate Fed + State
March 9, 1994
Attachment 1

Others have contacted me, concerned about how our government can, in some way or other deny them access to records or even take their children from them. This is a bigger problem than most people think. We often think that people get what they deserve but people have contacted me and told me that the State denied them their rights to the parental authority over their own children. In some fashion we must make it very clear to both parents and to our government that parents and guardians must be responsible for kids.

Parents must learn to teach children respect for authority because if we do not we will have classrooms that are total chaos. We will also have anarchy in our streets. And in certain places of our civilization we have that today. Parents and guardians must learn to teach responsibility. If we don't we will have kids that commit acts without any thoughts of what consequences follow. We must have parents that teach honesty, trust and the knowledge that people need to work hard. I don't want to take a lot of time in each of these areas but somehow we must relay what is important to renew our society.

I think this is a good first step. It clearly spells out who has the fundamental right to exercise primary control along with that comes responsibility. It also relieves the responsibility of government from trying to impose on people unnecessarily. I see it as a win-win situation.

I think it is important that you move this forward. I would ask you to listen to testimony of the people who follow and give the people of Kansas the opportunity to clarify rights and responsibilities to not only parents but also to the institutions of this State. Thank you for your time.

Sincerely,



Todd Tiahrt
State Senator
26th District

Attach. 2 Relinquish
to MARIA
Strahm

RIGHT TO LIFE OF KANSAS, INC.

TESTIMONY, SCR 1622, SENATE FEDERAL AND STATE AFFAIRS, 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
Cleta Renyer

*Senate Fed. & State
March 9, 1994
Attachment 2*

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

March 9, 1994

Senate Federal and State Affairs Committee
Lana Oleen, Chairperson

Senator Oleen 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 SCR 1622 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 nuturing 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 your 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 Kansas that you encourage strong families and hold in high regard the role parents and guardians 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 SCR 1622 and thereby allow the people of Kansas to acknowledge and reaffirm their fundamental rights of parenting.

Thank you for your time and attention.

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Attachment # 3

Steve GRABER
Attach.

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

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Attachment 4

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 Process 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.

108.14

KANSAS EDUCATION WATCH NETWORK

Upi

Post-It brand fax transmittal memo 7671		# of pages > 3
To: Steve Eraber	From: Ann	
Co. Eraber & Kurt	Co. Kew-Net	
Dept.	Phone # 838-4549	
Fax #	Fax #	

JANUARY 1994

DO WE NEED A PARENTAL RIGHTS AMENDMENT TO THE CONSTITUTION OF THE STATE OF KANSAS?

by Ruth Heitsman

• **WHO DECIDES?** Because movies such as Pretty Woman (rated R) have been shown recently in Wichita Public Schools, the Board looked at a policy to regulate just what kinds of movies can be shown. R. Wright spoke of the "teachers' employment agreement article called Academic Freedom which basically provides that a teacher is free to utilize instructional materials which they find appropriate for their class and they cannot be restrained before the fact." Dr. Vaughn, Superintendent, voiced his opinion on the subject. "There's a movie that children could not see unless I--my child could not see unless I attend--why should they see it at school?--because we act in the school in place of the parents...so we schools act in that just like we would be able to do many other things we could not do other than the fact we--that is a function of school..." After further discussion he continued, "...we don't take away the parental rights while there--we stand in place of..."¹

• **KANSAS CHILDREN.** According to the Executive Director of The Corporation for Change, "children are community owned". The state says, "It takes a whole village to raise a child". Also, children are considered "an economic resource as clean air, abundant water, good roads and infrastructure..." not people but equal to things. The Kansas State BOE says, "The KSBE has a strong commitment to ensuring that all young children in Kansas grow up in the best circumstances possible to enable them to become caring, competent, and contributing members of our society."²

• **STATE INTERVENTION IN PRIVATE SCHOOL:** The Living Word Church school/daycare in Middleton, Ohio received a surprise visit from the Department of Education in Columbus with a list of "accusations". One of the areas of "violation" was their use of A Beka curriculum which was cited as not "developmentally appropriate". A Christian based, academically strong program that the parents like. This facility is accredited by ACSI--not by the State of Ohio. The state is threatening "court action" and considering closing the school.

• **GAY CURRICULUM:** "If sex-education classes don't deal with homosexuality, what about school counselors? What do they know about the topic? 'Probably not very

much," says Joyce Roger, district coordinator for guidance and counseling. Although all counselors are training in childhood development, they probably would have to seek outside resources to deal with students' homosexuality. And that would run them smack against the parental-rights issue: How much counseling could the schools give on something of this nature without informing a child's parents?"³

• **PARENTAL CENSORSHIP:** In the November, 1993, issue of NEA Today, an article by Kathy Carlson explains that the Billings public schools voted to restrict students' access to a book, King Stork by Howard Pyle. She notes that parents objected for reasons ranging from too much violence, to references of the "smell of Christian blood" to the "most serious" being the illustrations of the princess wearing "revealing" clothing. This author believes that restricting access to this book for K-6 students is censorship and hinders the "freedom to read".

• **SCHOOL CONDOM DISTRIBUTION** Few papers have reported the major defeat in the issue of condoms passed out to students by schools with parental consent or knowledge. In a 3 to 1 decision last week, the appellate division of the NY state supreme Court found that giving condoms to minor children without consent of their parents or guardians violates "the civil rights of parents or guardians under the substantive due process clauses of the 14th Amendment of the U.S. Constitution."

Weekly I receive calls asking if a parent can opt a child out of a program, does the child have to take the state assessments, do students have to answer personal questions about their beliefs, how can a parent know what is happening in the classroom, can the school require my child to be in counseling without my permission, etc. Where do we draw the line? Who makes the final decision? Will the government make a better parent than you?

This proposed amendment states: "Parents and guardians shall retain the fundamental right to exercise primary control over the care and raising of their children or wards in their care."

¹ Video Transcription, Wichita Public School Board, Jan, 1994

² Supporting Families & Young Children in Ks, KSBE, Dec., '92, p. 3

³ "Gay teenagers who 'come out' find little support", C. Crumbo, The Wichita Eagle, Apr 12, 1993

RESEARCH UPDATE

IS LOCAL CONTROL DEAD?

NATIONAL STRINGS?

Editor's Note: Whether you agree or disagree with the decisions by this school board, it is of utmost urgency that you understand this community could not make its own decision but had to "submit to the control of the Federal Government". CONTROL THE MONEY, CONTROL THE SCHOOLS!

"The problem began when cheerleaders at Hempstead High (Texas) started engaging in other extracurricular activities besides cheerleading. Earlier this year, four of the 16 girls admitted to being pregnant." The local school board dismissed the girls expressing concerns about health risks to the girls and pointing out that unwed parents were not good models for other students. Next one of the girls got an abortion but the school board did not let the girl return to cheerleading because it "sent the message that abortion solves problems".

Enter the federal government. The school board was told that they were violating Title IX of the 1972 Education Amendments that prohibits discrimination against any person "on the basis of pregnancy, childbirth, or recovery therefrom..." The result? "The school board reversed the policy--though not its position passing a resolution that stated 'the Federal Government is wrong in robbing local communities of the power to deal with their own problems...' The school district did not have the funds to fight.

"Apparently, some people haven't yet caught on that there are strings attached to the federal dollars sent to towns like Hempstead."

National Review, Nov. 29, 1993, Jack Chambers "Not Much to Cheer About"

"MASTER" FOR PUBLIC SCHOOLS

"Rockford's taxpayers have been ordered by the U.S. District Court to spend millions to integrate the city's schools and make sure minorities get an education equal to that of whites." This article then sights similar problems in the Kansas City, Missouri. Dr. Eugene Eubanks is chairman of the monitoring committee that oversees court-ordered spending in Kansas City. "Eubanks also has a major role in Rockford, where he is a court-appointed master for public schools. Here Eubanks has greater control over school spending. He can make integration-related spending decisions alone."

What is a court-appointed "master"? Eubanks, as master, "will have authority to promptly implement remedies...will work with school officials and plaintiffs in formulating and carrying out remedies. The School Board will not have the power to veto his actions, however."² "Being the master means Eubanks can give orders to carry out The Order, without consulting the School Board. The board can appeal his decisions to the court, but his directives will be carried out during the appeal."³

¹Sunday Register Star, Rockford, IL, Sun, Nov. 7, 1993, Chuck Sweeny "A lesson? Mixed report card in K.C."

²Rockford Register Star, May 4, 1993, "Board OKs master"

³Rockford Register Star, May 16, 1993, "School master says fear not"

"CHALLENGE TO AMERICA"

A four-part education series which made direct comparisons of the elementary and high school levels in the U.S., Germany, and Japan, aired on PBS in January, 1994. This is an extremely critical piece of propaganda that will be shown to business leaders and legislators in an attempt to "sell" Goals 2000 to the American people.

It blatantly states that teaching individualism and self-reliance, historically a part of being an American, are no longer of value but actually hurt our children.

American schools and parents are pictured as selfish, outdated, and actually harming/uninterested in their children while Germany and Japan are praised repeatedly for their "success" as school models we should adopt and parents that really care about their kids.

MEDIA SAYS THERE IS NO LOCAL CONTROL

In an editorial emphasizing the "predictable" appeal of the lawsuits against the Kansas school-finance law two very revealing statements were made that show the mindset of many toward local control.

"Even though the Kansas Constitution clearly makes the state's 304 local school boards the servants of the Legislature when it comes to educational policy, the 11 school boards cling to their warped view of the Constitution, that they, not the Legislature, have the final say in what school budgets should be and how much local property owners should be taxed to support public schools."

"In a related decision last year, the high court effectively said that local control, the rallying cry of the 11 school boards and their patrons, is dead. When it comes to educational policy and educational taxes, the Legislature rules."

As we have stated many times, the Kansas Quality Performance Accreditation process eliminates local control...no matter what the bureaucrats say...even the Eagle Editorial Staff can see this fact.¹

"A state judge has ruled the state of Kansas has the authority to supersede local districts when it comes to financing equal education."²

¹"Hoo boy School finance mess to drag on and on in appeals suits" The Wichita Eagle, Editorial Staff, Mon, Jan 10, 1994

²Sepperson summons on back burner, The Wichita Eagle, M. Berry, Jan 23, 1994

KANSAS OFFICIAL VIEW OF CONTROL

Local control means that you, the parent/voter, elects a local board and that board of education is held accountable to you. When you have a problem, you call the board member. With the state in control, do you think the bureaucracy will have time to listen to your problem?

State Board of Education, Kansas Training and Retraining Plan says, "Today, development in the earliest years of life involves a more variable set of agency responsibilities, including less exclusive involvement of the families and involvement of child care, education, health, and social services agencies" (con't next page)

IS YOUR FAMILY AT RISK?

The State of Kansas funds the Parents As Teachers Program--a parenting program where home visits are made by a government representative determining if your family is "at risk". The following is a list of guidelines to determine if problems exist.

- Illness or handicapping condition at birth (includes emergency delivery, premature, birth trauma);
- Signs of failure to thrive (slow growth, poor appetite, frequent illness);
- Delay in any area of development detected through observation and screening (parent educator determines);
- Inability of parent to cope with inappropriate child behavior (discipline type, spanking);
- Low functioning parent (too ill, too heavy, too tired, low-level intelligence, handicapped);
- Inability of parent to relate to or connect with child (caring attitude, effective relationship);
- Overindulgence, undue spoiling on part of parent, Low level of verbal response or communication with child;
- Negative or hostile behavior toward child (parent gets unreasonably angry or has trouble controlling own temper);
- Undue stress that adversely affects family functioning (family death, divorce, separation, traveling parent, moving, birth of a sibling, 3 children under age of 3, prolonged illness in family, loss of job, low level of income, overcrowded conditions, conflict);
- Indication of child abuse; and
- Other (allergies, smoking, hearing loss, lack of stimulation, over-stimulation, inappropriate or few toys, lack of routine).¹

¹Parents As Teachers, State of Kansas

Special Committee on Children's Initiatives... says, "the public policy of Kansas should be adequate food, shelter, clothing, health care, and a nurturing environment for every Kansas child" (parents are not mentioned).

ALL CHILDREN WILL BE AFFECTED

We all abhor abuse and neglect. REPORTED cases have increased in the last several years, but ACTUAL CONFIRMED cases have declined. Still government groups continue to introduce legislation to regulate ALL CHILDREN, not just dysfunctional. Laws already exist to handle true neglect and abuse cases.

The foundational document for much of the restructuring of child care laws is called "The Unfinished Agenda".

"First, the nation must redefine education as a process that begins at birth, recognizes that the potential for learning begins even earlier, and encompasses the physical, social, emotional, and cognitive development of children.. profound changes in family structure and stability coupled with the necessity for educating all children are forcing society to assume greater responsibility for the successfully development and education of children."

"Although we believe an approach emphasizing intervention in early childhood is necessary for poor and otherwise disadvantaged children, we also believe that all children, not just those who are at the greatest risk of dropping out, would benefit from a more comprehensive and coordinated approach to education and child development...more attention should be paid to the developmental needs of all children from conception through adolescence."

The Unfinished Agenda: A New Vision For Child Development and Education", A statement by the Research and Policy Committee of the Committee for Economic Development, pages 5-6, 17

Note. The Children's Initiatives and the State Board of Education book "Restructuring Schools for a Future Kansas" reference this report.

Timing is everything, and the time is now!

by Jim McDavitt

Those of you readers who happen to be in "sales", which is my recent background, can appreciate those little stories you get told to illustrate the need for certain "traits" that must be considered and cultivated for sales to go higher.

Well, it seems that there was a certain Pharmacist who was called by a certain upset customer about how the druggist had talked to the customer's wife previously in the day. The druggist begged for a chance to explain why the unfortunate incident had occurred.

"You see Sir, my day began at home with the alarm clock picking last night to go dead. Getting up late there was no time for a shower, so I went down to get breakfast only to find my wife was ill. Settling for cold cereal I found out there was no milk. So I went to work hungry and I frustratedly broke the key off in the front door lock."

"I went around to the back of the drug store and broke a small window to get in, but 3 minutes after getting inside the police had me "spread-eagled" on the floor. After 25 minutes of record checks and explaining that I really did own the place I was very late to open up for business."

"When I got the cash from the money bag into the register, with customers waiting, I found I had no dimes. So, I opened the large safe, got a roll of them out, but when I broke them open they fell all over the floor. Bending down to get them, I managed to have all of them in my hand, but when I straightened up I cut my head on the open drawer and dropped them all again!"

"And, right then....right then....is when your wife called.....and asked for instructions on how to use a rectal thermometer!"

Timing is EVERYTHING.

And, the time is long past to get our State Constitution to specify those fundamental freedoms we have as parents.

KEW-NET, INC., P.O. Box 483, WICHITA, KS 67201 (316) 838-9599

THE IMPACT OF SCIENCE UPON SOCIETY

by Bertrand Russell, 1951

"I think the subject that will be of most importance politically is mass psychology...The social psychologist of the future will have a number of classes of school children on whom they will try different methods of producing an UNSHAKABLE CONVICTION THAT SNOW IS BLACK."

"Various results will soon be arrived at: first, that influences of the home are obstructive. Second, that not much can be done unless indoctrination begins before the age of ten..."

"It is for the future scientist to make these maxims precise and discover exactly how much it costs per head to make children believe that snow is black. When the technique has been perfected, every government that has been in charge of education for more than one generation will be able to control its subjects securely without the need of armies or policemen."

OUR COURSE OF ACTION

by Becky Elder

Through an amendment to the Kansas State Constitution, parents and guardians can reassert those fundamental rights which are already theirs, the rights to exercise primary control in the upbringing and education of their children. Raising and educating our children is a precious freedom and a tremendous responsibility. Many parents in our state are ready, willing, and able to undertake this task. These parents must find unequivocal support from society and civil government. All our institutions and governments must uphold and encourage this effort. In unison, by an articulation of the people of this great state, through a constitutional amendment, we must make plain our intentions to support those parents and the freedom they are pursuing, raising and educating their children as they see fit.

As the 21st century approaches, many institutions and their agents, both public and private, are now using the very real and distressing statistics of cultural disintegration as evidence that the family has failed to carry out this responsibility towards the children and that parents roles must change making room for state aid, state planning, and community decision making in the rearing and education of the children. Parents as partners, not as primary authorities, along with public agencies and private business will begin to determine the children's appropriate future and preparation for it in an evolving global society.

LICENSING PARENTS: HOW FEASIBLE?

by Claudia Pap Mangel

An analysis of LaFollette's Licensing Parents thesis

Hugh LaFollette "notes that the state requires licenses for many hazardous activities, even though denial of a license can inconvenience, deprive of benefit, or even harm an individual. LaFollette concludes that parenting is an activity potentially harmful to children. Consequently, in light of the apparent potential for harm, and need for competence, all parents should be licensed."

He goes on to explain "There are many ways to rear a child and some, though they pose no threat to a child's well-being, may be inconsistent with community standards of child-rearing

While discussing enforcing the licensing of parents, LaFollette says, "We might not punish parents at all—we might just remove the children and put them up for adoption"

"The availability of reliable predictive screening procedures has been explored with focus on the identification of abusive parents through use of demographic factors or 'at risk' criteria, screening for potential child abusers through use of the Child Abuse Potential Inventory, and prenatal identification of 'high risk' parents through use of a Family Stress Checklist."

The conclusion according to the analysis is favorable to the concept of "a licensing program in which parents were granted either regular or provisional parenting licenses would be more objective, expeditious, and less costly in terms of both financial expenditure and individual burden for the state and family."

Family Law Quarterly, Vol XXII, No. 1, Spring, 1988

FUNDAMENTAL RIGHTS OF PARENTS!

Without the fundamental rights of parents recognized and functional, when the parent and the state disagree on what will be a "caring, competent and contributing member of society..." who will decide? Whose standards, whose judgment will prevail?

The familiar thought that good fences make good neighbors seems an appropriate one as we consider the answers to questions being asked by many Kansas parents. In the interest of good government, strong families and a promising future in this state, many Kansans are working to see a good fence placed between the fundamental rights of parents to exercise primary control over the upbringing and education of their children and the lawful functions of the state.

DIRECTOR'S CORNER

by Jim McDavitt

I can always find a lighter side to whatever I am doing, and a sense of humor can sustain a person when reality seems grim. But, this week I spent time in the legislature getting a feel for their reaction to a Kansas Constitutional Amendment and I can say without doubt that, as far as Kansas Educational and Children's issues goes, the inmates have indeed locked the doctors in the basement and are running the hospital!

Don't get me wrong, the legislators were very favorable to the idea that the state constitution lock in the fundamental right of parents to raise their children without government intrusion. And, a good number could see that this might take some burden off of them in deciding certain issues, but the established "industries" of education and several peripheral organizations are having a fit. Believe me, the educational unions and the "Educrats" think giving you the right to be the "real" parents, as opposed to them "owning" and raising your kids would be disaster. And they are beating up on your legislators.

All of this means that you as parents are going to have to raise the roof off of this. You are going to have to call your legislator and tell him/her that you are in need of a written statement of your fundamental right to be your child's parent.

Further, you must make it clear that you will not give up that right to a lower level government employee. You must tell them that you are infinitely more qualified and your child doesn't need to be "raised" by others. And, then give your legislator your stories about any problems you have faced in exercising parental rights in your child's school!

Finally, you must ask for the people to have the ability to make the final decision, since the amendment goes to the people after it is approved by the legislature. If you DO NOT do that, you will find your parental prerogatives eroded to a point of non-existence. And, I find no humor at all in that.

OUR CONVICTION

Fundamental rights support the structure we call society in all its forms. Fundamental rights are timeless and immutable, they have preceded all forms of civil government and remain intact even when men attempt to tamper and infringe upon them. When civilizations recognize and hold sacred fundamental rights, those civilizations flourish in freedom. When these rights are neglected and suppressed, chaos ensues and collapse is inevitable.

GOALS 2000: EDUCATE AMERICA ACT

It is our understanding that Senate Bill will be introduced the last week of January. A similar bill has already passed the House. **YOU MUST CONTACT YOUR SENATORS TODAY AND TELL THEM TO VOTE NO!**

The Pennsylvania Parents Commission has written papers documenting facts about this program. GOALS 2000 will mandate OBE for everyone.

Did you know? "Mrs. Clinton was a director of the pro-OBE National Center on Education and the Economy, which Univ. of Rochester education professor Marc Tucker spun off from a Carnegie study in mid-1980s. Under Labor Dept. auspices the center sponsored a Commission on the Skills of the American Work Force, with Mr. Magaziner as chairman...In 1990, the commission released a report, 'America's Choice: High Skills or Low Wages' that sought lowered industry's Total Quality Management and education's OBE. the report made the dubious claim that employers were not so much concerned about basic literacy and math skills as they were that workers have good social attitudes, including the ability to work in groups. Hillary Clinton and Ira Magaziner then were made co-chairmen for implementation."

"Mrs. Clinton also serves on the board of the New Standards Project (co-directed by Marc Tucker), which is developing OBE tests for the nation. The NSP's stated objective is 'to develop a radically new approach to the assessment of student progress that would drive fundamental changes in what is taught and learned...'"

The Clinton Administration has "presented a plan to re-authorize the \$10 billion Elementary and Secondary Education program in such a way as to cut off funding for any school system failing to abide by Goals 2000...the Clintonites are attempting to centralize authority over education to an unprecedented and dangerous degree."

"Hushed takeover of American education" The Washington Times, 10-25-93

PARENTAL RIGHTS RESTORATION ACT AMENDMENT TO GOALS 2000

Sen. Grassley is sponsoring the amendment to Goals 2000. The amendment empowers parents by requiring knowledge and written consent before their child participates in activities involving personal values, attitudes, beliefs, or sexual behavior. This is an attempt to support a series of Supreme Court decisions that established parents with the chief responsibility for the upbringing and education of their children. The amendment states: "Purpose: To prohibit the use of funds for activities related to a student's personal values, attitudes, beliefs, or sexual behavior without certain consent, notification, and access to information."

For more information contact: Sen Charles Grassley, 135 Senate Office Bldg, Washington, D.C. 20510

Testimony of Jim McDavitt
Senate Federal and State Affairs Committee
March 9, 1994
Proponent of SCR 1622

Thank you Senator Oleen, 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 support SCR 1622. I would briefly like to make two points regarding our request for this committee to favorably report this resolution.

FIRST-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 for them** for me to be there. All of 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.

Senate Fed. & State
March 9, 1994
Attachment 5

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.

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,
Mary Ann Berry

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 seem 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 tramitized 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 offical 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' trama 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 9, 1994

Chairperson Lana Oleen
Senate Committee of
Federal and State Affairs

Senator Oleen, 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

*Senate Fed + State
March 9, 1994
Attachment 6*

children's parties at school. I was asked to coordinate the treats 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 dysfunctional 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

Attachment 7

AUSTIN K. VINCENT
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March 9, 1994

Senator Lana Oleen,
Chairman, Senate Federal and State
Rm. # 136-N
Capitol Building
Topeka, KS 66612

HAND DELIVERED

Re: CHECK Position in support of SCR 1622 (Parents' Rights
Constitutional Amendment)

Dear Senator Oleen:

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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Parents' Rights
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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.

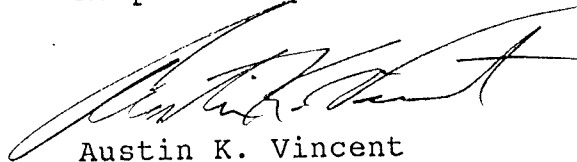
Yes, there are irresponsible parents, and increasingly so. The question is, has this malady been spawned by too much freedom, or by a societal attitude which shuns responsibility for children? As government makes takes more and more of the burden for children on itself, it creates a dependency and an 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



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?

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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.

Attach. 9

Janice B. Mauck, Ph.D.

Cognitive Rehabilitation Therapist
Consultant in Adult Learning Disability

Telephone
(913) 235-2103

421 Woodlawn
Topeka, KS 66606

FEDERAL AND STATE AFFAIRS COMMITTEE

Senators:

Thank you for allowing me to speak to you to speak in opposition to SCR 1622 on such short notice. In fact, this proposed amendment just came to my attention this morning as I was attending another meeting.

My name is Janice B. Mauck, Ph.D. I reside in Topeka. I am a certified public school teacher, and I currently work in a psychiatric setting at a local hospital. Although I am the current president of the Topeka American Assn. of University Women, I am speaking on my own behalf.

I am opposed to this amendment for many reasons --- most of them based on years of experience and training. As a public teacher, I witnessed hundreds of examples of bad parenting.--- Children who came to school improperly cared for and supervised, often the victims of abuse, neglect, and incest. Parents were often called to respond to questions in regard to behavior or their children's welfare. Most of the time, the parents could not or would not assume responsibility or even acknowledge that their children were at risk. I have personally witnessed children with filthy clothes, and bodies who would tell me that there was no water, heat, or food in the house because of parental neglect. Is it a parent's right to take no responsibility for these things? Is it a parent's right to tell a qualified educator that it is all right for his child to use poor grammar because that is what is spoken in the home? Is it a parent's right to keep a child from attending school because he is needed to work in the home? Child care workers have struggled for years to achieve the laws that are now currently on the books in regard to child safety and welfare. Each one of these laws would be in jeopardy and subject to constitutional review if this amendment were enacted.

I have also worked with poor parents over the past 20 years ---parents who were addicted to drugs and alcohol, parents with severe emotional disorders. These parents were often incapable of providing care for children, but were hostile to outside help either because of suspicion or the fear that the child's monetary benefits might be taken away. In turn these children grew up to continue the same patterns of destructive parenting.

I am aware that the majority of parents want only the best for their children. They are willing to make sacrifices to provide the best in education, health care, and emotional and spiritual support. Values are not the issue here. Child welfare and parental responsibility are the issues. This amendment has the potential for making it much more difficult for the educators and child welfare workers to do their jobs. Parents' rights are inherent. Children's rights often get tangled in legal discussions and emotional outbursts on all sides.

African Proverb: It takes an entire village to raise a child.

Thank you for allowing me to testify.

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