

Approved: April 7, 1995
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on February 8, 1995 in Room 313-S-of the Capitol.

All members were present except:

Representative David Adkins - Excused

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

Conferees appearing before the committee:

Representative Darlene Cornfield
Marsha Strahm, Concerned Women of America
Ruth Heithsman, Citizen
Cathy Holthaus, Citizen
Dr. Steve Abrams, Citizen
Debra Dowler, Citizen
Becky Elder, Citizen
Steve Graeber, Citizen
Mrs. T.C. Mosier, Citizen
Kent & Patty Dunn, Citizens
Glenda Ryan, Citizen
Sydney Hardman, Kansas Action for Children

Others attending: See attached list

Hearings on **HCR 5009** - Constitutional amendment (Kansas) regarding rights of parents for upbringing and education of their children, were opened.

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

Attorney, Steve Graber, Hutchinson, appeared before the committee as a proponent of the resolution. He explained 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 laws. The provision which states that "parents shall have the primary control over the education and upbringing of their children," does nothing more than recognize the fundamental rights that parents have the primary control over their children. (Attachment 2)

Cathy Holthause, Citizen, appeared before the committee in support of the proposed constitutional resolution. She commented that the passage of this resolution would be a vote of confidence for parents who are fulfilling their responsibilities to their children. The most important thing parents can do is to be involved with their children. (Attachment 3)

Marsha Strahm, Concerned Women for America, appeared before the committee in support of **HCR 5009**. She told the committee that this resolution is an opportunity to encourage strong families and hold in high regard the role parents play in the lives of their children. The family institution is the most powerful vehicle for effecting changes in our society. (Attachment 4)

Steve Abrams, 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 in their everyday activities. The students that are the best behaved tend to have a lot of involvement from their parents.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY, Room 313-S-Statehouse, at 3:30 p.m. on February 8, 1995.

Becky Elder, Citizen, appeared before the committee in support of the proposed constitutional amendment. She provided the committee with a copy of The Road Goes On, a publication of the Christian Worldview Library. (Attachment 5)

Debra Dowler, Citizen, appeared before the committee as a proponent to the resolution. She commented that freedom to raise children from unfounded government intervention and gross abuse of position can only be protected by an amendment to the State Constitution. (Attachment 6)

Mrs. T.C. Moiser, Citizen, appeared before the committee in support of the proposed **HCR 5009**. She told the committee that parents need to be wise in raising their children because God has entrusted those children to their care and parents must defend their family against state intervention. When parents fail in their responsibilities, the state does need to step in to provide care and protection for the child. (Attachment 7)

Ruth Heitsman, Citizen, appeared before the committee as a proponent of the constitutional resolution. She stated that it does not take a whole village to raise children. It does not take less family and more government agency intervention to raise children. It does not take a government partnership to raise children. It takes loving parents. (Attachment 8)

Glenda Ryan, and Kent & Patty Dunn provided the committee with examples of how they believe that government currently has more control over their children than they do. (Attachments 9 & 10)

Jim McDavitt, Executive Director Kansas Education Watch, & Kansas Association of School Boards, did not appear before the committee but requested that their written testimony be included in the committee minutes. (Attachments 11 & 12)

Some committee members had concerns as to whether SRS would have to contact the alleged abuser before they did an investigation, even if the abuser was believed to be the parent. Some members also believed that the Kansas Constitution should not be tinkered with unless it was absolutely necessary. Other members questioned whether the stories the conferees told were actually true.

Sydney Hardman, Kansas Action for Children, Inc., appeared before the committee with suggested amendments. She stated that they were not opposed to the ideal of parental rights but that there are an increasing number of children who do not have nurturing families and which are not ensured of safety and security. (Attachment 13)

Hearings on **HCR 5009** were closed.

The committee meeting adjourned at 6:45 p.m. The next meeting is scheduled for February 9, 1995.

HOUSE JUDICIARY COMMITTEE GUEST LIST

DATE: February 8, 1995

NAME	REPRESENTING
Amy Howell	Intern
Cathy Helms	Citizen
Glenda Ryan	Taxpayer
Nancy Nananan	all children in "quiet" schools & their parents
Pam Bettyjohn	myself as a parent + citizen
Yvonne Taylor	Intern
Lope Howell	Intern
KETH R LANDIS	CHRISTIAN SCIENCE COMM ON PUBLICATION FOR KS
JAMES CLARK	KCOAA
Matt Lynch	Judicial Court
Bruce Peterson	Kansas Medical Society
Cindy Duckett	Citizen
S. Heuteman	citizen
Doug Arisen	Citizen
Zmi Hurley	Citizen
M. Wayne Wilson	Parent & citizen
Marsha Strahm	CAW
Steve McMan	citizen
DANNY JONES	CITIZEN

HOUSE JUDICIARY COMMITTEE GUEST LIST

DATE: _____

NAME	REPRESENTING
Craig Lawson	Rep. Pettey (Intern)
Jane Adams	Keys for Networking
Rosie Cooper	Keys for Networking
J. Newman	KS Governmental connectivity
KW Dunn	Citizen
Patty Dunn	Citizen
Judys Moler	Cap. for Change
Gene Neely	KNEA
SYDNEY HARDMAN	KS action for children
Darvon Putledge	SRS
Brad Griffiths	Student (13)
Staci Brakovich	Student (13)
Ann Marie K. Brooks	mother, ^{SUPPORT} businesswoman AMENDMENT
Lesale Woodhead	parent - support amendment
Corissa Woodhead	Student (14) 13
Peggy Jarman	PCAL
Leiny J. Brantley	DDS
Natly Nelson	SELF
Phillip Setchell	citizen

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



TOPEKA

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February 8, 1995

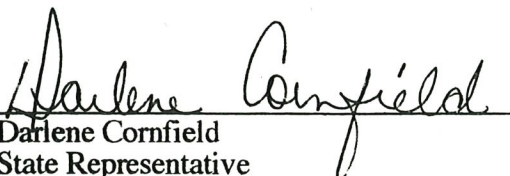
Chairman O'Neal and members of the Judiciary Committee. It is my privilege to be the primary sponsor of the Parental Rights Amendment that you are hearing today. I am glad to say that this Amendment is not proposed by Lobbyists or some small special interest group. The initiators of this legislation are the fathers and mothers statewide who are experiencing "real" usurpation of their rights as parents in many areas by government agencies and educational systems. In my four years serving as legislator, many, many parents have called me with stories of the intrusion of their rights by government.

Last year when I introduced this amendment I was unaware of the nationwide movement to enumerate this right in all state constitutions. It is further proof that this is a significant problem in all states by numerous parents, not just a few social conservatives, as some would have you believe.

Many parents express their uneasiness to share, as they believe no one believes them or no one is willing to do anything for them. The worse scenario is that the parent is seen as exaggerating the truth and perceived to be covering up the real wrong doing. The frightening thing to me is that I am getting calls and letters daily about abuses. Let me say to those of you who have horror stories about neglect, that I have just as many from innocent, loving parents who are being abused.

In today's Wichita Eagle, which is the best source of mis-information said, "Were the rights of Kansas parents to raise their children as they see fit under assault, such an addition to the Constitution would be timely and welcome."

Mr. Chairman THE TIME HAS COME and I would ask you to listen to the conferees we have here today and act responsibly by reporting this bill favorable for passage.


 Darlene Cornfield
 State Representative
 90th District

House Judiciary
 2-08-95
 Attachment 1

The Wichita Eagle

Established 1872
Incorporating The Wichita Beacon

Reid Ashe, Publisher

Sheri Dill, Associate Publisher

Davis Merritt
Editor

Janet S. Weaver
Managing Editor

David Awbrey
Editorial Page Editor

EDITORIALS

Not a problem

Forget parental rights amendment

One of the more touching concerns shown by the Republican social conservatives who control the Kansas House of Representatives is for the welfare of the litigant class. Apparently concerned that Kansas lawyers need some economic development, the social conservatives, led by Rep. Darlene Cornfield, R-Valley Center, are proposing that the Kansas Constitution be amended to guarantee parents the right to decide how their children should be brought up and educated.

Though they're not openly supporting the amendment, the organizations that represent Kansas lawyers must gleefully be anticipating its adoption. Anytime you add language to the Constitution, you create opportunities for lawyers, through creative use of lawsuits, to explore what that language means — at a cost of \$125 an hour per lawyer or more.

To be fair, Ms. Cornfield and her supporters would likely deny that their primary purpose in proposing the amendment, which the House will consider today, is that every lawyer who wants a job gets one. Ms. Cornfield instead sees the amendment as a "definite statement that we recognize parents are the primary and premier authority in their children's lives."

Were the rights of Kansas parents to raise their children as they see fit under assault, such an addition to the Constitution would be timely and welcome. But Kansas

already recognizes that state government should not and must never infringe on the rights of parents to — in the proposed amendment's words — "direct the upbringing and education of their children."

Indeed, the state intervenes in Kansas families in only two significant ways: by requiring that all children receive an education and by terminating the rights of parents who don't or can't care for their children properly.

In the first instance, Kansas parents who do not approve of the curriculum that local public school boards make available can legally opt out. They can send their children to a religious school, or, if they wish, school them at home with minimal interference and direction from the state.

As for termination of parents' rights, the state, if anything, often waits too long to conclude that parents are abusive and irresponsible, and to move their children into safer, more stable settings. Indeed, the annals of the state welfare agency are rife with reports of children who were harmed — or even died — as a result of being left too long with incompetent and/or abusive parents.

The amendment, in short, is a club for attacking a monster that does not exist. Unless the House wants to ensure that every Kansas lawyer, no matter how mediocre, never lacks a job, its members should vote the amendment down today.



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Chairman

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Constitutional Protection for Parental Rights: The Meyer-Pierce Legacy

Robert P. George and Jana V.T. Baldwin
June, 1994

[T]he custody, care and nurture of the child [should] reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder.¹

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.²

For the last several decades, a significant amount of social and legal

*This memorandum bears
the endorsement of:*

John S. Baker, Jr.
Louisiana State University

Gerard Bradley
Notre Dame

Robert Destro
*Catholic University
of America*

David F. Forte
*Cleveland State
University*

Douglas W. Kmiec
Notre Dame

Steven D. Smith
*University of Colorado
at Boulder*

David M. Smolin
Samford University

*(Affiliations listed for
identification only)*

commentary has focused on the relationship of parent to child and the family to the state. As the economic and political life of America has changed profoundly over the years, family law has correspondingly undergone a host of changes. Today, as a result of the crisis confronting the American family, a scholarly, legal and public debate rages over family policy.³ "Children's Rights" advocates argue that children should have, and the state should recognize, greater autonomy from their parents in deciding how to live. Indeed, some scholars and activists argue for the liberation of children from their parents control as part of a larger attack on the institution of the nuclear family.⁴

Against this backdrop, the Constitution limits the use of state power to diminish parental rights and undermine the family. Although the Constitution does

not deal explicitly with parental authority, the Supreme Court has specifically recognized parental rights of custody and control. In the landmark decision of Meyer v. Nebraska,⁵ closely followed by Pierce v. Society of Sisters,⁶ the Court stated that parents have a substantive due process right to "bring up children."⁷ Although these cases were handed down in the 1920s they are no mere archaisms, but rather have withstood the test of time. Indeed, Justice Brennan has remarked of Meyer and its progeny: "I think I am safe in saying that no one doubts the wisdom or validity of those decisions."⁸ The precedents Meyer and Pierce generated have further solidified the principle that parents should have the predominant role in raising their children.

In Meyer,⁹ the Supreme Court held that the right of parents to raise their children free from unreasonable state interferences is one of the unwritten "liberties" protected by the Due Process Clause of the Fourteenth Amendment.¹⁰ The Court invalidated a state statute prohibiting foreign language instruction to school children, recognizing the right of German-speaking parents to have their children taught German. The Court found that the state's interest in encouraging American ideals by prohibiting the teaching of foreign languages is not great enough to permit infringement of the rights of parents to raise their children as they see fit.¹¹ The Court rested its opinion in large part on the rights of parents to control the activities of their children,¹² concluding that the statute was an interference "...with the power of parents to control the education of their own."¹³

Two years after Meyer, the Supreme Court in Pierce¹⁴ invalidated an Oregon statute requiring parents to send their children to public school, holding that the statute "unreasonably interfere[d] with the liberty of parents and guardians to direct the upbringing and education of children under their control."¹⁵ Pierce made

clear that the constitutional rights of a parent are not limited to physical custody, but that parents possess the right to direct their child's "destiny."¹⁶

The principle enunciated by Meyer and Pierce, that parents have the right to direct the upbringing and education of their children, has survived the many turbulent changes of the last several decades. A line of decisions following Meyer and Pierce further cemented the rights of parents to exercise their own best judgment in raising their children. For example, twenty years after Pierce, the Supreme Court in Prince v. Massachusetts¹⁷ stated that "[i]t is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder."¹⁸

Meyer also helped undergird the Supreme Court's decision in Parham v. J.R.¹⁹ In Parham, the Supreme Court deferred to parents' wishes to place their child in a mental hospital, stating that "the law's concept of the family rests on a presumption that parents possess what a child lacks in maturity, experience, and capacity for judgment required for making life's difficult decisions."²⁰ The Court emphasized that simply "because the decision of a parent is not agreeable to a child or because it involves risks does not automatically transfer the power to make that decision from the parents to some agency or officer of the state."²¹

More recently, in the prominent case of Santosky v. Kramer,²² the Supreme Court acknowledged that "freedom of personal choice in matters of family life is a fundamental liberty" and stated that natural parents have a "fundamental liberty interest...in the care, custody, and management of their child."²³ Similarly, in Bowen v. American Hospital Ass'n,²⁴ the Supreme Court recognized "a presumption...that parents are the appropriate decisionmaker for their infants."²⁵

The constitutional protection of parental rights recognized by the federal courts has been affirmed and enforced by state courts.²⁶ The recent case of Alfonso v. Fernandez²⁷ illustrates that the parental rights doctrine, while viable, is under attack today. In Alfonso, parents of New York high school students challenged the New York School Board's condom distribution program, arguing, among other things, that the program unconstitutionally denied parents the right to opt their children out of the distribution program. On December 30, 1993, a New York appeals court held that the New York Board of Education's condom distribution program was illegal and unconstitutional absent a parental opt-out provision. Citing Meyer and Pierce, the court recognized that the petitioners enjoy a "well-recognized liberty interest in rearing and educating their children in accord with their own views..." including "the right to regulate their children's sexual behavior as best they can..."²⁸ The court determined that "no matter how laudable its purpose, by excluding parental involvement, the condom availability component of the program impermissibly trespassed on the petitioners' parents rights" by substituting the School Board's judgment for the petitioners' judgment without a compelling necessity.²⁹

Alfonso demonstrates that the Constitution still stands as a staunch defender of parental rights. Alfonso and its parental rights predecessors such as Meyer and Pierce are rooted in the recognition that parents possess the right "to direct the upbringing and education of children under their control."³⁰

Despite the firm constitutional basis for parental rights, traditional concepts of parental authority are under attack from private and public groups seeking to give the state greater control of the upbringing of children, as evidenced by the appeals in the Alfonso case. Opponents of parental rights understand perfectly well

the significance of Meyer and Pierce as obstacles to their agenda, and the need to undermine these precedents in order to achieve their goals.³¹

In accordance with the court's decision in Alfonso, the New York Board of Education voted to revise the condom distribution policy to permit parents or guardians of unemancipated students to opt their children out of the distribution component of the program. The New York Civil Liberties Union ("NYCLU"), however, moved to intervene in the action for the purposes of filing an appeal and People About Changing Education ("PACE") and the Coalition For the Homeless moved for leave to appear as amici curiae to argue in favor of reversing the court's ruling. These groups argued that affording "parents or guardians an 'absolute veto' over unemancipated minors [ability] to receive condoms [in school] impermissibly infringes on New York City public school students' [constitutional] rights."³² The court denied NYCLU's motion to intervene, and the NYCLU lost a subsequent appeal of that denial. The New York Bar Association and the New York State Attorney General had also moved to appear as amici curiae in favor of the NYCLU's motion to intervene and in opposition to the court's ruling.

The relentless zeal with which the NYCLU (and even the State of New York, as represented by the New York Attorney General), sought to overturn the court's ruling in Alfonso makes clear that the right of parents to make substantive choices regarding their children's education and moral upbringing remains in jeopardy.

In short, the protection of parental rights should not have to be achieved on a piecemeal basis through unpredictable and expensive court challenges. The

constitutional mandate articulated by Meyer and its progeny is clear: The right of parents to direct the upbringing and education of their children shall not be infringed.

Robert P. George is an Associate Professor of Politics at Princeton University, and a Presidential Appointee to the U.S. Commission on Civil Rights. He is the author of Making Men Moral: Civil Liberties and Public Morality (Oxford University Press, 1993). Jana V.T. Baldwin was counsel for plaintiffs in Alfonso v. Fernandez, the December, 1993 decision which overturned New York City's condom distribution policy.

The views expressed in this memo are those of the authors, and do not necessarily reflect the views of other organizations with whom they are affiliated.

Endnotes

1. Prince v. Massachusetts, 321 U.S. 158, 166 (1944).
2. Pierce v. Society of Sisters, 268 U.S. 510, 535 (1925).
3. For commentary discussing the difficulties facing today's family, see generally, Giving Children a Chance: The Case for More Effective National Policies, (George Miller ed., 1989); Sylvia Hewlett, When the Bough Breaks: The Cost of Neglecting Our Children (1991); Rebuilding the Nest: A New Commitment to the American Family (David Blankenhorn et al. eds., 1990).
4. See generally, Barbara Bennett Woodhouse, Hatching the Egg: A Child-Centered Perspective on Parent's Rights, 14 Cardozo L. Rev. 1747 (1993) (arguing that parents' rights, "as currently understood, undermine values of responsibility and mutuality necessary to children's welfare"); Katherine T. Bartlett, Rethinking Parenthood as an Exclusive Status: The Need for Legal Alternatives When the Premise of the Nuclear Family Has Failed, 70 Va. L. Rev. 879, 882 (1984) (challenging "the law's adherence to the exclusive view of parenthood when the premise of the nuclear family has failed").
5. 262 U.S. 390 (1923).
6. 268 U.S. 510 (1925).
7. Meyer, 262 U.S. at 399.
8. Michael H. v. Gerald D., 491 U.S. 110, 142 (Brennan, J. dissenting).
9. 262 U.S. 399 (1923).
10. Id. at 399 ("[T]he liberty [guaranteed by the Fourteenth Amendment] denotes not merely freedom from bodily restraint but also the right of the individual to...marry, establish a home and bring up children"). Conservative critics of the notion of substantive due process have observed that Meyer (and Pierce) is defensible even if the substantive due process doctrine on which the Court relied is not. See, eg., Robert H. Bork, The Tempting of America (New York: Free Press, 1990), pp. 47-49.
11. Id. at 400-01.

12. Id.
13. Id. at 401.
14. 268 U.S. 510 (1925).
15. 268 U.S. at 534-35.
16. Id.
17. 321 U.S. 158 (1944).
18. Id. at 166.
19. 442 U.S. 584 (1979).
20. Id. at 602.
21. Id. at 603.
22. 455 U.S. 745 (1982).
23. Id. at 753.
24. 476 U.S. 610 (1986) (plurality opinion).
25. Id. at 628 n.13 (quoting President's Comm'n for the Study of Ethical problems in Medicine and Biomedical Behavior Research, Report, at 212-214 (1983)).
26. See, e.g., Hawk v. Hawk, 855 S.W.2d 573, 579 (Tenn. 1993) ("the reasoning of federal constitutional cases convince[s] us that parental rights constitute a fundamental liberty interest" under the Tennessee Constitution); Bailey v. Menzie, 542 N.E.2d 1015, 1019 (Ind. Ct. App. 1989) ("we are fully cognizant of parents' well settled right under the Fourteenth Amendment to raise their families generally as they see fit"); Olds v. Olds, 356 N.W.2d 571, 574 (Iowa 1984) ("the parenting right is a fundamental liberty interest that is protected against unwarranted state intrusion"); People v. Sheppard, 429 N.E.2d 1049, 1052 (N.Y. 1981) (it "is well settled that parents generally have a right under the Fourteenth Amendment to raise their families as they see fit").
27. 606 N.Y.S.2d 259 (N.Y. App. Div. 1993).
28. Id. at 265.
29. Id.
30. Wisconsin v. Yoder, 406 U.S. 205, 233 (1972); Meyer, 262 U.S. 390, 401 (1923).
31. See, e.g., Barbara Bennett Woodhouse, "Who Owns the Child? Meyer and Pierce and the Child as Property" 33 William and Mary Law Review, 995 (1992)
32. Brief Amici Curiae of People About Changing Education (PACE) and the Coalition for the Homeless at p. 13.

THE BASICS

By Steven W. Graber

The technical legal term for the civil rights issues raised in the Weaver incident is the term 'fundamental rights'. This term has nothing to do with the term "fundamentalist" the favorite whipping boy of the press when it tries to discount positions that vary from those of 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 a building would collapse. The term 'tradition' does not mean, simply, 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 soul of the nation.

Several of these basic inalienable rights are at issue in the

evidence that follows. We quote some court language and as you study Volume I you should 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, make note 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 one thing as 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 or democracy or a monarchy. They do not emanate from the state, they are "self evident". Therefore, whether we have a king or president, and regardless of who is president, basic fundamental rights are beyond tampering, beyond regulation, and beyond legislation of any sovereign. 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 of 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 TO HOUSE JUDICIARY COMMITTEE
RE: PARENTAL RIGHTS AMENDMENT
BY CATHERINE L. HOLTHAUS LBSW
FEBRUARY 8, 1995

Representative Michael O'Neal, and Members of the committee;

I would like to address the committee from the viewpoint of one who has worked in the field of "children and families" for 15 years. My goal as a Social Worker is to protect children and help families stay intact and healthy by teaching them to be caring, nurturing parents who are willing to put out the energy it takes to actively parent. I want families to be independent, responsible, giving, and successful, and not addicted to social assistance programs. The reason is because those who become dependent on the "welfare" system tend to pass the addiction on to their offspring, and it becomes an unending cycle. My experience in working with foster children, teen pregnancy, and children in the classroom setting has allowed me to personally observe this fact.

However true this may be, I have found that there are many more children who are being hurt by the system (government intervention). There are now so many "social programs" being mandated by the federal and state government that it has become government intrusion into the lives of healthy children and their families. At the Governor's Conference on Education in 1990, it was stated that "schools have become social agencies". Former Secretary of Education, Lamar Alexander endorsed school involvement with families from "birth to death". These statements express an assumption that all families are dysfunctional and need government intervention BEFORE they ever do anything that causes one to think they might need some help.

In a recent newspaper article, a PTO was recognizing the hard work of teachers. It stated, "...the reality of conducting school has grown out of proportion to the original idea of school. School today includes more than the basic learning for a child. It includes planning his or her recreation, planning his or her food, planning patterns of behavior and directing the capacity to get along with others. The task is large, but our teachers are working hard at it and *need help from parents, and others in the community*. Teachers know that education has a broader meaning than it once did, and that *they* have become the planter of seeds of knowledge, the tillers of talents, and the builders of responsible citizens." *Marysville Advocate*, November 9, 1993.

As you can see, the school has virtually taken over every aspect of parental responsibility, for every child, - not just for the abused, or neglected child. There are no separate programs for healthy children from healthy families. Healthy children receive the same "medicine" as the dysfunctional children, which includes counseling, sex education, drug education, meditation, and behavioral modification techniques. Children who do not want to be involved in these

(cont.)

types of programs, and would like to spend more time learning academics have no option. These are required classes.

Other programs include: early intervention, with plans for every child to have a state assigned mentor; involvement with a child before it's born; required comprehensive health exams to provide early identification of education, health, social, or emotional problems; breakfast; lunch, after-school care and snack; daycare; drug and alcohol education; sex education; AIDS education; counseling; summer programs; parent education; and medical services. Most of these are required during the school year and STRONGLY pressed upon parents.

Many of these programs deal with family beliefs, privacy of the family, privacy of the child, private thoughts of the child, attitudes of one towards the other, family habits and behaviors, and how the child feels about those things. *According to Steven Kosser, a licensed clinical psychologist, "these type of questions are used in psychotherapy. When used by amateurs or given haphazardly on the pretense of education, they can cause psychological harm to children".*

A mother told me her 5th grader (age 11) came home from school and informed her that "Today in class we learned where our sexual pleasure points are." The parent's comment to me was "I didn't even know she was in a sex education class. I wish the school would have informed me, so I could have prepared her or removed her."

Another mother told me of her 2nd grader coming home with a picture he had drawn of getting a spanking. He said they were supposed to think of a time when they felt bad and draw it. When asked when he had received a spanking he said "don't you remember when I was little (age 4) and you spanked me when I broke that window?" The boy clearly had to think hard about a time when he felt bad to think back 4 years, but it was a class assignment and he was compelled to do it.

Children as young as 3rd grade are taught in Sex Education about mutual masturbation, vaginal sex, oral sex, and anal sex. They often see movies that parents would never let them watch at home. Children mature at different levels and have different needs and to subject them in class groups to issues they aren't ready for is a questionable practice that parents should have a say in.

There is clearly an opinion that parents are not capable, and that the school (or government) must be the determiner of a child's well-being. A counselor legally can see a child several times before parents are even told that their child is seeing a counselor. The Kansas State Board of Education has OUTCOMES for young children ages birth through 8 years. Outcome 8 states: "Families will have the parenting skills and knowledge of resources they need to ensure the well-being of their children." In other words, the state will decide

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how parents should parent THEIR OWN CHILDREN and what resources they should be involved with.

In 1970, Urie Bronfenbrenner did a study comparing the Russian way of childrearing to the American way. Russian schools had all control over the children, and they lived together in collectives with parental visiting hours. He observed a change in the new generation of young mothers who had been raised in institutions where parents were considered "partners", but were not allowed to fulfill parental roles or responsibility. Traditional nurturing was provided by the collectives. Posters covered the walls emphasizing "collaboration with their group" and "appropriate group behavior". He was "struck" by the change of parental response to children.

"The plane was leaving Tashkent for Alma-Ata in a few moments. As I stepped aboard, I saw an empty seat next to a young mother with her baby, and seized the opportunity. The child was about 6 months of age. I was struck by the way in which the mother held it--the infant's upper body away from her own. There was more of the unexpected to follow. As we got into conversation, the child began to fuss: the mother without turning her head, plumped a chocolate into the baby's mouth and continued to talk about herself. page 3

She and her husband were students. She was a chemist, and he a mathematician. The little girl kept fussing, but the mother did not speak to her or even pull her close. I had to suppress an impulse to take her up myself. The inhibition was strongly reinforced by what was happening. Every time the child whimpered, another chocolate had been popped into her mouth so that by now her face, arms, and dress were streaked with brown. Still the mother did nothing.

I reached into my pocket...and took out a "wash and dry". I explained it's purpose and offered it to my companion. "Spasibo" she said with a smile, and undoing the wrapper and sniffing the fragrance, proceeded, with slow, measured strokes, to wipe her own brow.

I learned later the purpose of her journey. In Tashkent where she and her husband lived, there were no places left in public nurseries. The situation in Alma-Ata was far better, and she was flying there to enroll her baby. Some relatives were living there. "Besides it was only a couple hours by jet so that it would be easy to get up to see the baby on occasional weekends." A World of Two Childhoods, by Urie Bronfenbrenner.

It is my professional opinion that this is the direction that the state of Kansas is heading-- not by purpose--but because the state is so focused on meeting the needs of the few who do need help that it is hurting the many who do not need state intervention. Contrary to popular belief most families are NOT dysfunctional. If this were true, than most of you on the committee would be dysfunctional, also, since you all are from a family.

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G. K. Chesterson said, "Whatever inspiration or idea we trust as a substitute for the family becomes a cold temple. The builders of that cold temple shall see his folly, the gradual dehumanization of his own children before his own eyes."

Government spending on social programs has gone from \$143,725 billion to \$787,000 billion in the past years, and yet we have more social problems than ever before.

The majority of Kansans are functioning, caring, responsible, involved families whose taxes help to fund the programs that I mentioned that are to aid the non-tax paying persons. It is my job to help these types of families. Sadly, healthy families have no say about whether their own children participate in such programs, or receive my "help" in the classroom. These children deserve the support of each of you on this committee by way of your supporting their parents in decision making rights and responsibility. Please support the Parental Rights Amendment.

Thank you for your consideration and help.

Dr. Beverly LaHavé
President



Cathy Holthaus
Area Representative

Testimony on HCR 5009 before the House Judiciary Committee
By Marsha Strahm, Legislative Liaison, CWA of Kansas

Mr. Chairman, Members of the Committee:

Concerned Women for America (CWA) is a pro-family women's organization with over 600,000 members nationally and approximately 10,000 state-wide members. Concerned Women for America is structured to give women and men across the country a voice at both the national and state levels; turning the concern they have into productive action by working to preserve, promote, and protect traditional values regarding public policy issues. We do so not because we are "old-fashioned" or because we long for "the good old days", but rather because these values are enduring, and timeless, and because they work.

Last year seven states introduced Parental Rights Amendments. At least twelve additional states are certain to introduce this important amendment in 1995, with efforts for sponsors underway in 27 more.

There are many negative influences on families today, but perhaps the most dangerous is the pervasive attempt by government to micro-manage every aspect of family life.

Through tax policies, government is forcing parents to spend less and less time with their children, then riding to the rescue with every conceivable social service to replace the absent parent. Though many parents may be unaware of it, their rights are quietly being undermined through government initiatives, particularly education bureaucracies.

Some states now allow public schools to send students off-campus for psychological, reproductive and other types of counseling without their parents knowledge; schools distribute contraceptives and condoms against the expressed will of parents; legislators and school officials are actively lobbied to mandate values-neutral, contraceptive based sex-education; and state agencies and commissions are recommending that legislatures mandate in-home visits and/or in-home parent training by the state.

It has been noted that widespread loss of the role of the family leads to the deterioration of society and the eventual collapse of a nation. The "experts" have had thirty years to test their education and child-rearing theories. During thirty years of education "reform", the United States has slipped from first in the world in science and math to the lowest scores of the industrialized nations. According to the Census Bureau, the United States now has the highest divorce rate in the world, the highest teen pregnancy rate, the most abortions, the highest percentage of children raised in single-parent homes, the highest percentage of violent deaths among the young, and a male homicide rate which is five times greater than any other developed country except Mexico. 4,000 years of human history testifies that it takes strong families, not government intervention, to rear successful, productive citizens. It is for this reason, that CWA joins with other pro-family groups to support the Parental Rights movement.

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

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By recognizing parental responsibility and the right of parents to teach and train their children in their own values rather than the values of the state, the Amendment assures religious freedom and pluralism.

The Amendment is not intended to be a legal sanctuary for those parents who have violated their responsibilities. Child abuse and child neglect are criminal offenses and override any claim in the name of parental rights.

The United States Supreme Court has consistently affirmed parental rights. The Amendment would give parents an effective legislative vehicle to ensure that their rights are respected by governments at all levels.

The Parental Rights Amendment would help to assure that public policy be supportive rather than harmful to family integrity and would serve to be a catalyst to help revitalize our culture.

Certainly much more could and should be said in the way of public discourse regarding parental involvement and commitment to our families.

CWA of Kansas would respectfully urge you to act favorably on HCR 5009 and thereby allow the people of our state to acknowledge and reaffirm their fundamental rights and obligations relative to parenting.

Thank you for your consideration.

Dr. Beverly LaHaye
President



Cathy Holthaus
Area Representative

Traditionally, U.S. law and the various institutions operating under the auspices of the state have recognized the inherent right of parents to direct the care, upbringing and education of their children without interference by the state. A number of Supreme Court cases have reinforced these rights. The most important cases, *Meyer v. Nebraska* (1923) and *Pierce v. Society of Sisters* (1925), are discussed at length on the accompanying report, *Constitutional Protection for Parental Rights: The Meyer-Pierce Legacy* by George and Baldwin. The following are highlights from seven Supreme Court cases upholding the rights of parents.

1923: Meyer v. Nebraska The Court invalidated a state law which prohibited foreign language instruction to young school children for the reason that the law did not promote education, but arbitrarily and unreasonably interfered with the "*natural duty of the parent to give his children education suitable to their station in life.*" The Court established that the liberty protected by the Fourteenth Amendment due process clause included "*the right of the individual to establish a home and bring up children . . . and, generally to enjoy those privileges long recognized at common law as essential to the orderly pursuit of happiness by free men.*"

1925: Pierce v. Society of Sisters the Court struck down an Oregon law which required every child to attend public schools.

"The fundamental theory of liberty upon which all governments in this Union repose excludes 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."

1968: Ginsberg v. New York The Court upheld a New York law making it illegal to sell pornographic magazines to persons under seventeen years of age. The Court identified several justifications for the restrictions, including an assertion that

"constitutional interpretation has consistently recognized that the parents' claim to authority in their own household to direct the rearing of their children is basic in the structure of our society."

1972: Wisconsin v. Yoder The Court upheld parental claims, based on grounds of both religious freedom and parental rights, to exempt children from state compulsory education laws as applied to children beyond the eighth grade. The Court indicated that the state may not interfere with the First Amendment freedoms of parents unless there is *"harm to the physical or mental health of the child or to the public safety, peace, order, or welfare. . . .* The religious freedom claim in *Yoder* was buttressed by the *"history and culture of Western Civilization [which] reflect a strong tradition of parental concern for the nurture and upbringing of their children."*

1977: Moore v. City of East Cleveland The Court struck down a housing ordinance limiting occupancy of a dwelling unit to only members of a traditional nuclear family, thus excluding a grandmother and her two grandsons who were cousins rather than brothers. Justice Powell noted:

Our decisions establish that the Constitution protects the sanctity of the family precisely because the institution of the family is deeply rooted in this nation's history and tradition. It is through the family that we inculcate and pass down many of our cherished values, moral and cultural,

1979: Parham v. J.R. Chief Justice Warren Burger wrote for the majority opinion:

"Our jurisprudence history has reflected Western civilization concepts of the family as united with broad parental authority over minor children . . . The law's concept of the family rests on a presumption that parents possess what a child lacks in maturity, experience, and capacity for judgment required in making life's difficult decisions. More importantly, historically it has been recognized that . . . parents. . . act in the child's best interest. . . The statist notion that government power should supersede parental authority in all cases because some parents abuse and neglect children is repugnant to American tradition."

1982: Santosky v. Kramer This case dealt with the termination of parental rights. The Court noted that few forms of state action are both so severe and so irreversible. Thus, the Court said parental rights cannot be terminated based on the evidentiary standard of a preponderance of the evidence, but rather the state must support its allegations by at least "clear and convincing evidence."

The fundamental liberty interest of natural parents in the care, custody, and management of their child does not evaporate simply because they have not been model parents or have lost temporary custody to the State.

In recent years, there has been a subtle shift in the way the Court has viewed the relationship between public schools and students. Historically, it was assumed the school operated *in loco parentis* (in the place of the parent), and that its authority was the delegated authority of the parent and should never contradict the authority of the parent. As compulsory education laws have proliferated, the Court in recent years has enabled schools to undergo a metamorphous from protector of parents rights to protector of the interest of the state.

It appears the authority of the school began this shift in the 1960s when the Court recognized independent civil rights for students, thus putting the school in the position of the state in ensuring these civil rights for students. (See *In re Gault* 1967, which established the principle that minor children may not be denied basic rights in juvenile court proceedings; *Tinker v. Des Moines ISD* which found that the First Amendment rights of three students had been violated when they were suspended from school for wearing black armbands to protest government policy in Vietnam; *Goss v. Lopez* 1973, which held that students facing temporary disciplinary suspensions from public school are entitled to such due process protections as prior notice and an opportunity for a hearing.)

From this point forward, the case law on student/parent/state rights is somewhat schizophrenic. *Planned Parenthood v. Danforth* overturned the parental consent requirement of a Missouri abortion statute, while *H.L. v. Matheson* upheld a Utah statute requiring notice to a minor patient's parents prior to an abortion. In *Matheson*, Justice Burger commented, "*It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder.*"

Thus, parents now find themselves in need of clarifying statutes to ensure their right to raise their children without interference from the state.

◆ THE ROAD GOES ON ◆

Volume 2 Issue 1

CHRISTIAN WORLDVIEW LIBRARY

JANUARY 1995

America's Most Wanted: Mom & Pop

-Editor's Note: The following article is an indication of the shift in the perspective of officials in civil government citing the failure of the traditional family to care for its own and that has precipitated the need for their intervention. However, it is the civil authorities who have created the pressures that have fragmented the family. We have watched them, through the intervention of the state in education, in added tax disadvantages, in medical restrictions, in media propagand, and elsewhere, add burdens under which the family is staggering. The "victimized" children in these dysfunctional families are now to be championed by the bureaucratic state.

As in so many situations, the state creates and then offers solutions to the crisis, but the solutions disregard the God ordained order of things, a sure formula for disaster.

By what appears to be a most peculiar coincidence, the Department of Justice recently mailed out some 17,000 copies of a new law enforcement manual on the investigation of missing and abducted children cases. The mailing seems to be a coincidence because this week happens to be the aftermath of the atrocities in South Carolina and Florida where two mothers are charged with the murders of their own children. But that may not be such a coincidence after all.

Among the recommendations the manual makes to the local law enforcement agencies that will receive it is to cast suspicion upon the parents of



the missing child early in the case and to have them submit to a polygraph examination as soon as possible. The manual also instructs police: "When a child is reported missing, always search the home, even if the child is missing from another location. Such searches may turn up clues to the disappearance or even a child who has returned or been concealed by parents."

On the face of it, such advice is fine and probably prudent. There are in fact lots of cases in which parents abuse, abduct, abandon or even kill their own children. But there may be more lurking behind the apparently

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sensible advice offered by the manual.

One of the crusades of certain movements on the extreme left in recent years has been to cast doubt upon the whole concept of the traditional family and to cast suspicion upon the parents of children. There are cases on record where "child abuse" has merely served as an excuse for the state, in the form of social workers and counselors, to intrude into the private affairs of the family and usurp authority over children, their rearing and their education. There are also cases on record in which parents have lost custody of their own children because they chose to raise the child in ways of which the state, in the guise just mentioned, didn't approve. Unusual religious practices, dietary habits, educational practices in the home, the presence of guns in the house or corporal punishment have all been used by the left to stick its nose into other people's business.

Of course, there are many families and parents that are, to use the socio-babble now popular, "dysfunctional," and in some of those cases suspicions of the parents may be appropriate. But Polly Klaas in California was not kidnapped and murdered by a relative, but by a violent convict with a criminal record who had been paroled by the state. Anthony Williams, an 11-year-old child in the District of Columbia kidnapped by another ex-con last month, was not a victim of his parents either, nor were thousands of other children victimized by criminals whom the state refuses to keep locked up or whom it lets out of jail as soon as possible.

The left is able to gain credibility in its crusade precisely because it exploits such atrocities as those in South Carolina and Florida to buttress its dubious claim that the traditional family is obsolete and that leaving the rearing of children to their natural par-

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ents exposes the kids to brutality and backwardness. The Clinton administration and the Justice Department under Janet Reno are lousy with leftists of this kidney, and since the department contracted with the National Center for Missing and Exploited Children, which also tends to lean in this direction, to produce the manual in question, it's a fair inference that the manual may be pushing a hidden agenda and trying to conscript local police agencies into its crusade.

There are, however, good things about the manual, especially its advice that "law enforcement agencies respond to every report of a missing child as if the child is in immediate danger." In the case of Anthony Williams, the Washington police apparently didn't take that line, and tragedy might well have ensued had it not been for the assiduous search efforts privately organized by Anthony's mother. If no doubt is a good idea to search the child's house and quiz the child's parents and relatives to find out exactly what might have happened to the child and where, if he simply ran off, he might have gone. You don't have to leap to suspicions about parents or the relevance of the traditional family to take such measures.

If that's all the new manual seeks to do, fine, but the Clinton-Reno concept of justice has so often in the past turned out to be nothing more than the most naked effort to seize power over parents, families and private social institutions that citizens as well as police officers need to raise an eyebrow at the department's apparent eagerness to put mom and dad in the police line-up. Reprinted from *The Washington Times, National Weekly Edition, November 21-27, 1994*

**Don't Forget:
God & Government
Thursday Evenings
7:00 p.m.
Beginning January 19**

Moses, Joshua, AAPS, and The House of Medicine

Editor's Note: This address was given by Charles W. McDowell, Jr., M.D., at the 51st annual meeting of the Association of American Physicians and Surgeons on October 14, 1994, immediately after the death knell of the national health care plan had rung in the 103rd Congressional session.

It was the AAPS and in particular, their executive director, Jane Orient, who had initially cast doubt on the legality of Hillary Clinton's healthcare task force that had been meeting and planning in secret. By bringing this to the attention of the judicial authorities, AAPS was able to pry into the plans of the taskforce, and expose to the public the strategies and the meaning of those strategies in Mrs. Clinton's healthcare reform. The result was the defeat, for the time being, of the nationalization of medicine in this country.

In the following remarks, Dr. McDowell expresses his sentiments about the battle in the medical field, but the wisdom and encouragement set forth could just as well be used for the battles in education. One person's tenacity will always make a difference, and one person's faith will always be a witness to motivate others. We hope that as the new year commences these words will help you and your family take up your daily routine with great understanding of its necessity and its effectiveness.

Dr. Jordan scheduled this time for personal remarks from the President. I have thought a great deal of what to say to you today and it is very personal.

AAPS has gone through an interesting year. We find ourselves embroiled in a law suit against the White House and the Justice Department. Physicians are awakening and looking

to AAPS for direction. We are being quoted in newspapers, TV, and radio. The concept of high-deductible insurance with Medical Savings Accounts is actually being debated in the local, state and national forums.

Our board has been active to say the least and faced with serious, soul-searching questions. They have performed willingly and well in my opinion. They are a credit to you who voted them this position of responsibility.

Well, what do Moses, Joshua, and their relationship to God teach us about AAPS and why we find ourselves in our present position?

When Moses led the Israelites out of Egypt, after God had made a distinct impression on Pharaoh, he led them to the land that God had promised Abraham and his descendants.

As they were poised on the banks of the Jordan River, Moses sent out spies, a dozen men, one from each tribe of the Israelites. They came back afraid of the inhabitants but said that the land was as God promised, full of milk and honey.

Only Joshua and Caleb issued a minority report: "Surely if God is with us, no one can stand against us."

God was angry at the Israelites for not having faith in Him and declared that none but Joshua and Caleb would ever see the promised land. So the Israelites wandered in the wilderness for forty years until all the elders who had disobeyed God's will for them had died.

After Moses died, Joshua led the remaining Israelites across the Jordan River and captured the promised land.

The trip from Egypt to the Jordan River crossing takes less than two weeks, but failure to obey the principles that God had given them caused many of them to wander for forty years and never see the land of Abraham.

As I see it, the House of Medicine is much like the spies who first looked at the promised land and saw a foe too great for them. We know that all of the many medical organiza-

tions, except AAPS, and a few others have compromised the principle of Hippocratic Medicine on the altar of apathy, on the slippery slope of expediency, to the siren of power, for a seat at the table, or at the worst for the monetary imperative. This may sound harsh, but no matter how you sugar coat it the facts bear it out. I believe that many or perhaps most physicians don't agree with their organizations.

AAPS was founded 51 years ago on the principle of freedom in medicine. We embrace the Oath of Hippocrates that places the patient in charge of medical decision making, with the physician acting as his ally. Most importantly, the physician answers to no one other than the patient. This is Private Medicine.

This principle has led AAPS in the past, leads now, and must lead in the future. Our members join AAPS because they know where we stand. Not everyone agrees with us, but everyone, including those actively opposed to us, knows we stand by our beliefs and will fight for them.

For me, the principles are founded in the Scriptures. Many lessons from both the Old and New Testaments serve as my guide.

When we are unsure or faint of heart, Nino Camardese reminds us that God and one are a majority.

Moses told the Israelites before Joshua led them across the Jordan:

DEUT 7:17-18 "If you should say in your heart, These nations are greater than I; how can I dispossess them? You shall not be afraid of them; you shall well remember what the LORD your God did to Pharaoh and to all Egypt."

God had put the big hurt on Pharaoh and gave us a very clear picture of what a mighty God He is.

The House of Medicine is floundering. It is without values and is addicted to the opiate of membership at any cost. This latter point is accentuated by the paradox that when the organization becomes more important than the profession (and its principles), it is doomed to shrivel and die. The more it

strives to be all things to all people, the more poorly it is defined.

AAPS articulates and fights for what we believe is right and what, in their heart of hearts, almost all American physicians believe.

It is because AAPS is different that we find ourselves in our current position.

How are we different?

Our entry into our current lawsuit against Hillary Clinton and the Health Care Task Force is a good example. An observer of the Washington scene felt that the Health Care Task Force violated the Federal Advisory Committee Act, known as FACA.

Your board almost two years ago voted to proceed on the course of holding the government to obeying its own laws by filing a law suit asking that the Task Force be declared a FACA committee.

A FACA committee must open all its meetings to the public, divulge who the committee members are, and assure a balanced representation of differing points of view.

Our small organization, holding to a principle, has caught the government in a snare of desperate fabrications, side stepping, and casual disregard of the truth, time and time again. No one could have expected this suit to be timed and orchestrated to meet the needs of the health-care debate in the public and in Congress in the way that it has.

Our board was faced with an offer by the Justice Department to settle the suit. It was necessary for us to explore the possibility of settlement. The terms of the settlement offer are ordered confidential by Judge Royce Lambert at this time. Suffice it to say your board voted to not accept the settlement offer, again on the basis of principle, although some experts advised us to do the opposite. Present circumstances make that decision look very good. I feel without question the Hand of the Lord is guiding the way for AAPS.

I feel He blesses our principles and our dependence on Him in seeking

His wisdom and discernment. However, the battle is not over.

This scripture was given me by my pastor. He called when he was on vacation, and said that the Holy Spirit pressed it upon his heart for me to hear it. This was during our most difficult moments of the settlement conferences.

JOSHUA 1:7 "Only be strong and very courageous; be careful to do according to all the law which Moses My servant commanded you; do not turn from it to the right or to the left, so that you may have success wherever you go."

1:8 "This book of the law shall not depart from your mouth, but you shall meditate on it day and night, so that you may be careful to do according to all that is written in it; for then you will make your way prosperous, and then you will have success."

1:9 "Have I not commanded you? Be strong and courageous! Do not tremble or be dismayed, for the LORD your God is with you wherever you go."

We do not know where the corporate actions of the House of Medicine may lead our profession. We may wander in the wilderness before we are led across our own Jordan River. But let us join Joshua and Caleb in our "minority report" so as to be ready to lead medicine on the true path. Crossing over the Jordan was just the beginning for the Israelites as it will be for us. We will need to be vigilant, steadfast, and faithful to our cause.

The prophet Jeremiah said years ago what is too true today:

JEREMIAH 9:23 "Thus says the LORD, Let not a wise man boast of his wisdom, and let not the mighty man boast of his might, let not a rich man boast of his riches;"

9:24 "But let him who boasts boast of this, that he understands and knows Me, that I am the LORD who exercises loving kindness, justice, and righteousness on earth; for I delight in these things, declares the LORD."

I leave you with one last point. For me it is one of the hardest to obey.

This comes from the prophet Isaiah:
LORD Yet those who wait for the LORD

Will gain new strength;
They will mount up with wings like eagles,
They will run and not get tired,
They will walk and not become weary.

Thank you for your support for the last year and God bless you.
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What's News at the LIBRARY?

New Classes Have Started

With the commencement of 1995 we are off to a fast start with the classes being offered at the Library. We are very gratified by your response and will strive to provide you with excellent instruction at a cost from which we will all benefit.

Thanks to our teachers, Hilda Kilgroe in Art and Spanish, Brian Anderson in Fitness, Betty Evans in Ballet and James Stivers in the evening God & Government class. And many thanks to Love Box for giving us room in the Fitness Center. Come join us.

Usborne Books...Galore !

Joyce has taken us into a new pursuit

with the introduction of a great selection of books from Usborne Publishers. We are trying to find the topics and titles that interest and benefit you. If you don't find something you were looking for on the shelf, let Joyce know. And don't forget that Deb Shelley's Curriculum Corner is helping us pick and choose between many useful options. What a benefit to be able to see before we buy!

Oh, no...Higher Postal Rates... Again

Thanks to the United States Postal Service, and in the interest of putting more resources in the Library, we regret that we will have to make the Road Goes On an every other month publication. When the rates go back down, we'll go back up! Sorry, sorry, sorry.

Come See Us At The LIBRARY

THE ROAD GOES ON

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" But solid food is for the mature, who by constant use have trained themselves to distinguish good from evil." Hebrews 5:14 NIV

Members of the House Judiciary Committee
February 8, 1995

RE: Parental Rights Amendment

Thank you for allowing me to speak in support of the Parental Rights Amendment. My name is Debra Dowler. I work at Winfield State Hospital. I'm a Union Steward, City Council member, a volunteer firefighter and First Responder with EMS.

I'm married with two sons, one a minor ^(Dustin) the other married ^(Nathan) and in the army. My husband is a pipe welder at Strother Field.

^(Steve)
On September 19, 1993, our family was torn apart due to humiliating actions by the local government official. A situation occurred because of our power-hungry Mayor who had just been appointed as police chief over our new police force.

The following story could be yours--especially if you have a teenager.

My youngest son, Dustin, is a typical teenager. He disliked doing school work so his grades were down. He did not like to do chores before doing things with his friends. So, on September 18, at midnight, he left a note (see attached), took some clothes, and moved to his grandmother's house. She agrees that Dustin should not have to do chores or have any responsibility at all. She thinks he should be waited on hand and foot which she does.

This is where my story begins.

After finding the note, my husband felt Dustin should come back to try to work our problems out. He went to my mother's to bring Dustin home. Tempers flared when my mother and oldest son met my husband before getting to the house. Nathan pushed Steve, Steve then pushed Nathan and a screaming match occurred. Dustin ran out of the house to the neighbors. The neighbor, our Mayor, taking a 15 year old's word, called the police and pressed charges. This all happened in just a few minutes.

An hour went by and Steve and Nathan apologized and everything was over and done. Until a police officer pulled into the drive, handcuffed my husband and loaded him into the police car. He was treated the same as a murder. We were not asked what happened or allowed to tell our side of the story. He was booked, finger printed, searched, and shackled by one foot to a chair along with handcuffs.

Dustin, whom we had not seen, was placed in what they said was protective custody and a restraining order placed against Steve.

House Judiciary
2-08-95
Attachment 6

The pain and fear of the next few hours were worse than anything we had ever gone through. It almost cost us our marriage.

Steve was bailed out and a diversion was drawn up. There were added expenses we were not prepared for. We were also told Steve had no parental rights to Dustin or Nathan even though he had raised Dustin as his son since he was 2 1/2 years old.

As parents we want our children to understand there are limits on their behaviors. There will always be rules and laws that they must obey even after they are grown and enter the work force and they may not always like them. We can not have extremists in the government that are so tied to their agenda that they don't consider the human side of life. There are no perfect families. But as parents, we try to do our best.

When actions by parents are suspicious, they should be investigated but do not automatically assume guilt and deem the parent a criminal without due process. I work at Winfield State Hospital TC and deal with residents some of whom are products of domestic violence. As a First Responder I have been called to domestic violence situations so I know what true domestic violence is.

A balance must be found where children aren't neglected or abused, but when the government, relatives, neighbors and the parents disagree on rules, limits, homework, chores, etc. who will decide? To whom do the children belong? I believe it must be the parent and the law must say so explicitly. This does not give license to abuse any more than free speech gives license to libel and slander. This freedom to raise our children from unfounded government intervention and gross abuse of position can only be protected by an amendment to the state constitution. Then the innocent will never have to endure a nightmare as we did September 19, 1993.

Thank you.

Debra Dowler
Box 20
Geuda Springs, Kansas

This Note left Night
Dustin left

93C736

Mom

I don't want you to take off work because me. don't worry I still love you and will visit. I just don't want to leave this house someday hating Steve because he hit me or kicked me out. I don't want to put you or Steve through the same thing Nate did. I want to leave this house being at least friends with Steve. I'm just tired of being kept around for your ~~of~~ tw's Nigger. I'm not saying I'm over worked because the work Steve's taught me has helped me alot. It's just I'm tired of not having any say so around here and having to do a certain amount of work before doing something with my friends. Grammother didn't brain wash me like you might think and neither did my friends so don't gripe at them. Mom you know ~~what~~ The rest why I'm leaving. Bye, love you

ps. # Nate and I will Be back w rest of my stuff

DUSTIN C.

If you have children, a successful parent is something you desperately want to be. Being a parent is an institution that requires the vast amount of Love, Time and Patience.. The children that have been intrusted to our care must take top priority. My children are the very soul of my life. I have a responsibility to raise them in the manner that God has commanded me to do. And to raise these children into adults that our community, and country accepts and welcomes. I take parenthood very seriously, as so should you.

A family is build upon a human relationship. It takes efforts on the parts of the parents to develop relationships with their children.

This means taking time with children, reading outloud to them, playing with them, talking with them, shopping with them and so forth. THIS IS ALL RELATIONSHIP BUILDING. But along with our love and nurturing, we have yet another responsibility, one which requires putting restrictions on them.

We set forth these "laws" within our own culture and household because we care very deeply about our children. Traditional laws which, among others, restrict a child's right to drink liquor, smoke, gamble or watch indecent programs, have been set in place for the welfare of children--TO ALLOW PARENTS TO GUIDE THEM THROUGH CHILDHOOD AND ADOLESCENT. Bruce Fein wrote; " Children desperately need protection from their self-destructive impulses attributable to inexperience, ignorance, and obsession with the moment."

PARENTS ARE THE PRIMARY EDUCATORS OF THEIR CHILDREN!

As parents we have been granted a God-Given Right to raise our children with our values, heritage and customs that have been in our families for generations. Our God-Given rights have been bestowed by our Creator, and thus we are commanded to raise our children according to God's laws.

Because a small minority of parents in our country abuse and neglect their children, parents guidance and paternalistic laws are being placed in jeopardy.

Some even argue that children are competent to make their own "major" decisions unless they are proven incapable. I wonder what major decisions should these "competent" children make on their own?

To view parents guidance as some kind of interference in a child's life is not only insulting to parents all over the country, but it's intolerable in a country that was established on the right that individuals, Not government, should run their own lives.

In the 1979 Supreme Court Case, Parham V. J.R., Chief Justice Warren Burger wrote for the majority opinion;

" Our jurisprudence history has reflected Western civilization concepts of the family as united with broad parental authority over minor children. The law's concept of the family rests on the presumption that parents possess what a child lacks in maturity, experience, and capacity for judgement required in making life's difficult decisions.

More importantly, historically it has been recognized that Parents Act in the Child's Best Interest....The statist notion that government powers should supersede parental authority in all cases because some parents abuse and neglect children is repugnant to American tradition."

Parents are victims of rapid change, many within our government feel that they are better equip to raise our children. It is a movement that says that parents should have no say over their children, and that the only authority the children should answer to is the State, no matter what the parents say or will for their sons and daughters. Many parents retreat and respond with fear whenever "government" sets forth another law. Since the founding of our nation the goal of institutionalized government has been to be a servant of mankind, never the master of man. The framers of our constitution advocated that people govern themselves under God's law. Government should never have the power to deprive individuals of rights that the Constitution stated were "endowed by their creator." The Declaration of Independence states that governments derive "THEIR JUST POWERS FROM THE CONSENT OF THE GOVERNED," and that "WHENEVER ANY FORM OF GOVERNMENT BECOMES DESTRUCTIVE OF THESE ENDS, IT IS THE RIGHT OF THE PEOPLE TO ALTER OR TO ABOLISH IT..."

The family unit is the backbone of this nation, the parents of our children should never allow the state, or any form of government dictate, set forth and intrude within our family. The future of our country, and indeed our own entire civilization, hangs on the question on whether parents will put a stop to their retreat, face their challenge and look for the answers.

Many husbands and wives I know feel that their own relationship is the most important gift they can give their children. The quality of this relationship nourishes a child for adulthood, and is as essential to his psychic health as food is to his bodily health. CAN THE STATE DUPLICATE THIS?

Children are the living messages we send to a time we will not see. They are the combine images of their parents. They must, therefore, be molded with love and compassion. HOW DOES A STATE INSTITUTION ABLE TO PASS THESE VALUES TO THE CHILDREN? Children must be guarded and protected, but not shielded altogether from reality. Reality, like strong medicine thought, must come in small doses. Only a mother who carries her child for nine months in her womb, and a father who walks the floor with a crying sick child, can know what is best for their children, NOT THE STATE.

Lastly, any governmental institution that allows to replace and destroy the family unit, violates many God-given parental rights. Parents need to be wise in raising of their children because God has entrusted those children to their care. Likewise, parents Must defend their family against state intervention into their parental authority. When parents fail in their responsibility, the state does need to step in to provide care and protection for a child. But the answers to these problems lies in policies that strengthen the family unit, not in initiatives that increase government control.

The existence of government intrusion within the family, shows what a fraud is our modern "democracy" which claims that the "people" have the right and competence to elect their own leaders, while at the same time claiming these same "people" have neither the right nor the competence to raise their own children.

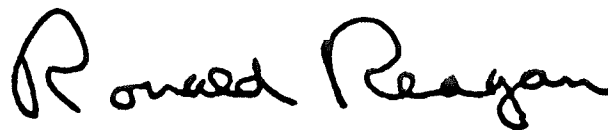
TC Mosier
Rt. # 1 Box 92
Cassoday, Kansas 66842
316-735-4240

The family has always been the cornerstone of American society.

Our families nurture, preserve and pass on to each succeeding generation the values we share and cherish, values that are the foundation for our freedoms. In the family, we learn our first lessons of God and man, love and discipline, rights and responsibilities, human dignity and human frailty.

Our families give us daily examples of these lessons being put into practice. In raising and instructing our children, in providing personal and compassionate care for the elderly, in maintaining the spiritual strength of religious commitment among our people—in these and other ways, America's families make immeasurable contributions to America's well-being.

Today more than ever, it is essential that these contributions not be taken for granted and that each of us remember that the strength of our families is vital to the strength of our nation.



RONALD REAGAN
THE WHITE HOUSE

February 8, 1995

House Judiciary Committee

My name is Ruth Heitsman. Thank you for allowing me to share why I support the Parental Rights Amendment currently before this committee. My story is not one of exception. A similar expose' could be given by any number of parents. My husband and I were raised in Kansas and both graduated from the same public high school. Our oldest son graduated from that same school and our daughter attended it for two years.

Our story starts years ago when our daughter entered the Kansas school system in 1st grade. Because my husband and I had been laid off for over a year, we qualified for the free/reduced lunch program. This automatically put our daughter into the "at risk" category. Unbeknownst to us, by second grade when our youngest child was born, our daughter received a new "at risk" designation--new sibling in the home. Already two counts against us as parents.

This is the starting place because of the philosophy that is prevalent in our state.

According to the Corporation for Change, a quasi-government group that is charged with looking out for Kansas children, "It takes a whole village to raise a child."

According to the Kansas Training Book, the government believes "Today, development in the earliest years of life involves a more variable set of agency responsibilities, including less exclusive involvement of the families and more involvement of child care, education, health, and social services agencies."

According to the Kansas State Board of Education, "parents are the first teachers" and "parents are partners with the school system in raising children".

As parents trying to work with the "education system", we found ourselves frustrated and frequently unable to remedy the problems. The public school seemed to be "in charge" of our daughter's education. What happened to our daughter over the next eight years is inexcusable.

- In 3rd grade our daughter began a new experimental program--peer tutoring. This took time away from her own studies. At the time Christi was struggling with her own work and we seemed to have major problems with the teacher--the principal's solution was counseling for Christi without our permission or knowledge. (Interestingly, the majority of parents were experiencing the same problems and the teacher left at the semester break.)
- 4th grade, at a new school, was another experimental time. It was decided that the principal would be half time at two elementary schools. Communication problems were evident between parents, teachers, and staff as rumors were rampant about closing this neighborhood school. A Spanish class was offered and we requested that Christi be in it. We were told that the school decides participation, not the parent. She did not take Spanish.
- 5th grade was difficult for Christi. She was in a combined 4th/5th class so she was left to work on her own frequently. Walking home from school Christi was assaulted by two girls from her school. The school principal admitted that these girls were in constant trouble but could do nothing. Vandalism and pranks during school hours became the norm with fires in

the bathrooms, writing on walls, etc. The school defended the "problem kids" and said they had to attend even though their behavior was disruptive to the other students.

- In 6th grade, Christi was bussed to a "science magnet school". Her teacher had surgery that summer so Christi had more than a half dozen substitutes. As a parent it was difficult to work with a new teacher every few days. Also, the school decided not to do the science labs that year--so much for a science magnet. We didn't seem to have the same problems with violence but it is interesting that the news on TV the last day of the school year told of a bus driver that was molesting children on the bus. We were shocked to discover that it was her bus. She got off at the same stop with the girl that was repeatedly molested.

- In 7th grade a new experimental program was started called C.O.R.E. This curriculum included hypnosis, out of body experiences, guided imagery, and many other Eastern religious activities. As a parent, I was told that this class was required. Christi was not allowed to attend and received pressure from teachers and staff "because of her parents". We also learned the meaning of "passive consent" this year. If a parent doesn't specifically opt out in advance, in writing, then the school may assume that the child has permission to participate in any activity.

During this year gangs became "popular" in the middle schools--Christi's school had one of the largest incident reports in the city.

- By 8th grade a new experimental program was implemented in all middle schools--team teaching and integrated learning. Classes were chaotic that year as teachers struggled to learn the new methods and make the necessary changes. Parents were asked to be patient with all the changes. A wasted year academically for our daughter.

- 9th grade introduced a new experimental program in Christi's high school--outcome based education. Having heard that her school would be doing OBE, Christi and I went to the principal before classes began that year and asked about it. We were told that this was a rumor and that this school did not do OBE or QPA. A blatant lie--we discovered later that they were in their second year of OBE. Teachers were struggling to write and achieve "outcomes" and academics seemed, again, to take a back seat.

- In 10th grade, we experienced many "new" concepts. Group activities were used extensively--all kids received the same grade regardless of who did what work. Mid-year history was changed to a computer-taught class--experimental again. But her English class demonstrated the most outlandish activity. My daughter asked me to attend and we spent 20 minutes of the 40 minute class listening to a tape on how to create your own reality and the five steps to visualization. We were working on two outcomes--listening skills and notetaking. The rest of the class time was spent visiting.

Over and over we worked with the school, at the school, with our daughter and with individual teachers to resolve problems. I offered to volunteer on a regular basis (3 hours, one day per week, every week) and was told that I wasn't needed unless I wanted to help on the carnival. It took 3 months to discover when and where the site council meetings were held. We never realized the depth of the problems resulting from experimentation on our daughter until it was too late.

Our daughter turned 16 in February of her sophomore year. Christi was popular at school. She was a swimmer and made state as a freshman. She was on the honorable mention and honor role throughout high school. Her teachers liked her. It was a shock at spring break when she came home and said she was not returning to school...she was not wasting any more time since she wasn't learning anything. We had her tested and wanted to place her in a private school but she would be required to repeat all of 10th grade and some of 9th. Her academic scores were terrible. As an example, she had passed Algebra 1, Algebra 2, and Geometry with good grades--she tested on the California Achievement Test at the 7th grade level in math.

I cut back on work and began home schooling our daughter. She was devastated over her lack of academic knowledge and it took many months to "catch up". At the age of 17 our daughter passed the practice GED and was ready to take the final exam then begin college. She was unable to do this without a signed form from the public school. We, her parents, did not qualify to give permission.

Well, we tried it your way, Parenting Partner. But I would like to know where you were when our daughter cried her heart out that she could be so dumb and not know it. Where were you when I had to quit work to educate our daughter? Where were you when we had to sell our possessions and change our lifestyle so we could buy curriculum? Where were you when we worked hours into the night helping our daughter learn the basic academics she never got in 10 years of public school?

You were there still collecting our taxes. You were still passing laws that infringed on our rights as parents. And you were still lowering academic standards for other children. What if Christi had been from an unstable family environment? What if the child experiencing all of these things came from a single parent home? How do you think our children feel being tossed and shuffled through a maze of experimental programs?

Well, it does not take a whole village to raise children.

It does not take less family and more government agency intervention to raise children.

It does not take a government partnership to raise children.

It takes loving parents, it takes a family. It takes time, love, effort, commitment.

It takes the full authority of law to stand up to anyone, including the government bureaucracy or the school system, that wants to infringe on our rights as parents, invade our privacy as families, and experiment on our children.

You tell me that as a parent I already have the final say for my children. Well, we trusted you for years and it cost us greatly. Now, I want it in writing...an amendment to our Kansas constitution.

Thank you.

Ruth Heitsman, Arkansas City, Kansas

TESTIMONY BEFORE THE HOUSE JUDICIARY COMMITTEE
FEBRUARY 8, 1995
by GLENDA R. RYAN ON BEHALF OF MR. & MRS. MARVIN JAHDE

March, 1989, our son, Matthew Jahde, age 4, was diagnosed as ADHD [Attention Deficit Hyperactive Disorder] by a psychologist in Worthington, Ohio. With medication and structured preschool environments he progressed very well. Before relocating to Kansas, we contacted three school districts to discuss our son's special needs and decided to enroll him in the Blue Valley School District.

BVSD was confident and assuring that everything he required would be satisfied by their support systems. There were no support systems offered to Matt during his first year of kindergarten. After two years of kindergarten and first grade he was moved to Harmony Elementary for second grade. Matt struggled during first grade. During this time two more evaluations were made by a professional outside the system. A smaller student-teacher ratio at Harmony was expected to be an advantage.

Matt began to manifest ever increasing signs of stress and frustration. Upon a fifth examination and evaluation in 1993 by a clinical psychologist, it was discovered that Matt had been undergoing private counseling sessions at the school without our knowledge or consent. There had been approximately 17 sessions.

Mrs. Jahde met with the principal and staff who admitted doing this and doing so without documentation. The counselor could not explain the problem being addressed, the counseling intervention or the outcome of counseling. We withdrew our son from the BVSD and enrolled him in a private school, Oxford. We filed for Due Process and settled out of court.

The following year, our daughter, Sarah, age 11, grade 6 at Harmony Middle School was assaulted in class. Several boys pinned her against her will in the assault. We were not notified by principal, teacher or counselor even though they were well aware of this. Our daughter was traumatized and unable to discuss it. Weeks passed and her depression worsened. Finally she and two friends told us what had happened.

We notified the school and eventually arranged a meeting to discuss this. We met with the principal, assistant principal, five teachers, school counselor, nurse and the school psychologist. We asked why they had not reported this assault to us and they said it was "confidential information." We asked for Sarah to be moved to another class to avoid further contact with these boys and our

request was denied. She finished the year having to sit surrounded by her assailants. We reported the assault to the police and recorded her testimony. We notified BVSD at the end of the year that Sarah was withdrawing from BVSD and would be attending Oxford.

After the school year's end, we received a letter from BVSD notifying us of a Due Process Hearing charging us with denying both our children a "free and appropriate public education." We retained Mr. Louis Helmuth, a Special Education attorney and Mr. Jerry Hill of Landmark Legal Foundation. The negotiated settlement agreement requires us to assume financial responsibility for all our children's educational needs and have both children re-evaluated yearly by BVSD.

We are willing to discuss our experiences privately with any legislator and share our log of documentation in an effort to promote protection of parental rights for all families.

Judy A. Jahde

Marvin and Judy Jahde
14114 Woodward
Overland Park, Ks. 66221

From: Kent and Patty Dunn
Proponent to the constitutional amendment HCR 5009.
Representing ourselves.

In January 1992 my daughter brought home a permission slip from the Elementary School Counselor to join a support group. [see photocopy attached]

I immediately contacted the school to voice my concern about advertising these services prior to informing the parents that this would be presented to the children. Within the week I was made aware that my daughter had already been receiving individual counseling on a regular basis for four and half months without any parental knowledge or consent. This counseling did not have a positive effect on my child, In fact, it had and adverse effect.

When I asked questions of her counseling sessions I was given vague and conflicting answers. When I asked more precise questions I was refused answers on the grounds of client confidentiality. Please note that my daughter was ten years of age, and in the fifth grade.

I then requested access to the Counselor files on my daughter under the state and federal laws. I also complied with district policy by signing the proper release form at the elementary school. This too was refused. The District Superintendent after consultation with an attorney stated that he was using the sole possession exclusion under Federal laws calling the counselors file on my daughter personal notes belonging to the counselor and I was not entitled to view them. [refer to the Superintendents response].

I then hired an attorney to request these files. He was notified by the school districts attorney that the counselor files had been destroyed.

My rights to the decisions concerning my daughter were violated. The decision as to whether she needed counseling or not is mine. The decision as to whom she would receive counseling from, if it was needed, and in her best interest is mine. The school disregarded my right to these decisions.

I then continued to question the school Counselor, Principal, and District Superintendent as to why these decisions were made without my knowledge. My answer was the local school board allows this. I then contacted Dr. Paul Adams of the Kansas State Board of Education he informed me that the local school board controls the counseling program.

We then asked specific questions of our local school board concerning counseling, at the September 1993 meeting.

1. Do you as a school board allow individual counseling without parental consent?
2. Is it the school boards intention to withhold information concerning school counseling?

They said they would answer our questions in a "timely fashion".

In October 1993 at the local school boards request the school counselors presented to them what they were currently doing. The counselors program that they read from during their presentation to the board was put together two days before the meeting, and is the first public documentation of the district counseling program made available to the public.

Since then the Counselors had formed policies. This was approved by the school board at the June 1994 meeting. It is basically what they told the board they were doing.

This continues to show disregard for parental rights and shows the control of decisions made for the children is maintained by the school counselor.

We have been told by many agencies that they believe this practice is wrong, but are unable to address this. Here are a few of the agencies we have contacted and their response

Kansas State Board of Education We were informed by Dr. Paul Adams that this was a local matter.

Kansas Advocacy and Protective Service They are unable to help due to my daughter not being in special education.

Kansas Attorney Generals Office Assistant Attorney General Richard D. Smith and Camille Noy could not help. Suggested we go through State Legislation.

Kansas State Board of Nursing Attorney for The Kansas State Board of Nursing Diane Glenn stated that the school counselors appear to be crossing boundaries into professional areas of practice but has not helped.

Kansas Board of Behavioral Sciences They are unable to help. KSA 65-5812 excludes school counselors from the Kansas Professional Counselors Act.

Kansas State Board of Healing Arts Myrna Harman suggested we go through State Legislation.

Please read through the information concerning our school district counseling program, policy and procedures they have authorized themselves, [with the local school boards approval], to make many decisions concerning children with out parental consent or knowledge.

The school counselors employed by our district, state there are no laws preventing them from practicing in this manor. This statement is based on information from the Kansas Association of School Boards and the Kansas National Education Association. [Please refer to the letter form Henry Murphy, dated October 28, 1993.]

When this is viewed on an Educational level my daughter, and a Room Mother have informed me that the individual counseling sessions had occurred during math class. My daughter had missed several fifth grade math lessons due to this individual counseling.

During the sixth grade she was not considered as a candidate for the Pre-Algebra course to be offered in the seventh grade.

The decision as to whether she would be allowed to enroll in Pre-Algebra was made by her sixth grade math teacher. When we asked the Building Principal for documentation concerning the requirements for enrolling in seventh grade Pre-Algebra, he admitted that there was none, stating that this decision was made by the sixth grade math teacher. We then contacted the USDE Civil Rights Department. After a conversation with them we contacted the School District Superintendent.

Within the week the school decided that parents of all sixth grade students passing math with a 90 percent or above would be contacted and offered to enroll their child in Pre-Algebra. This included myself since my daughters grade was 90 percent.

Parents of children with math grades 89 percent and below were not allowed to make this decision, and the school cannot offer them a documented reason as to why their child cannot enroll in Pre-Algebra.

Information I received from the Kansas State Board of Education shows that my daughters entire sixth grade class of 79 students, [during the 93-94 school year], mastered algebraic concepts, but the school informed parents of these students that only 20-25 of them would be eligible for Pre-Algebra. [Please refer to the information concerning middle school math]

This is an Educational Decision!!!

More recently I have decided to opt my daughter out of the Human Sexuality and AIDS course. My reason is not a personal or religious one. It is simply that the educators are so consumed with teaching this over and over again, and I feel she has the knowledge necessary for her age and life style. Further teaching on this subject would only take away from more important academic subjects.

The problem is I do not feel confident that my decision is being honored. After several attempts to gain access to current Human Sexuality and AIDS curriculum in my daughters school, failed. I then requested information submitted to the state, by our local school district. This information shows that the Human Sexuality and AIDS course is contained in the Health course, and that at least five of the seven required Health topics are included in other classes. This information was not available to me from the school or district office.

If the school does not agree with my decisions concerning my daughters mental and emotional well being, or educational decisions, they have available to them legal processes to override my parental authority. They are using the secrecy and confidentiality of the school counselors services and lack of documentation concerning their educational programs to deny parental rights of due process. I believe that as a parent I am not alone, that this is common practice in our states public school system.

For further information please contact Kent or Patty Dunn, Rt. 1 Box 67Q, Perry KS, 66073, [913] 286-4225.

PERRY SCHOOL DISTRICT #343

K-8 COUNSELOR REFERRAL

Date 9-16-92

Student's name _____

Grade 3

Referred by self

Date of birth _____

Reasons for referral _____

Parent name Patty Dun

Telephone # 597-8405

Counselor's day in building M.W. Fr. pm

Teacher's signature Kathy Foster

Principal's signature Kouialullogg

10-5

Would you like to belong to a group
to talk with others and Mrs. Hupe about

Friendships

Divorce

Alcohol

ANGER

If you need help getting along with others;
Controlling your anger, or your feeling pain
from your parents divorce or someone you
love is abusing alcohol - joining a support
group might be just for you!

Circle the group you would like to join,
sign your name, then Mrs. Hupe will be in
contact with you and your parent to get their
permission.

NAME: _____

Mrs. Hupe

10-6

This Group will:

- Give us a way to get support and help during a difficult time.
- Provide a safe place to discuss feelings and fears about divorce.
- Offer ways of coping with strong feelings and things we don't understand.
- Help us make friends with people who share our experience of divorce.

Rules

1. Confidential
2. No Put downs
3. Listening
4. Right to Pass

Rec. 5/12

PERRY UNIFIED SCHOOL DISTRICT #343

Board of Education

Dan Rockhill - President
 Patrick Mulvihill - Vice-President 591-5838
 Greg Howard - Member
 Gary Kraus - Member
 Glen Phillips - Member
 Pat Schaefer - Member
 Ed Daniels - Member

Perry - Lecompton - Williamstown - Grantville

P.O. Box 29 Perry, Kansas 66073
 Phone 913-597-5138
 FAX 913-597-5139

Administration

Henry F. Murphy, Supt.
 Bill Culver, Adm. Asst.

May 10, 1993

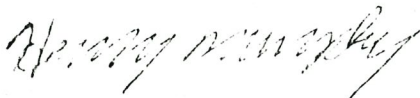
Mr. Kent Dunn
 R.R. 1
 Perry, Kansas 66073

Dear Kent:

I have enclosed the information from our policy and rule book concerning State Law 72-6214. I hope this will answer your concern.

If you have any questions with the enclosed material, please let me know.

Respectfully,



Henry Murphy
 Superintendent of Schools

HM/re

Records are maintained for the invaluable assistance they provide the professional staff in dealing with students as individuals. It is the policy of the board to assure that the welfare of each individual student is the only criterion used in releasing information from student personnel files.

All student records are to be treated as confidential and primarily for local school use unless otherwise stipulated. Where records include information on more than one student, the parents of any student shall have access to copies of that part of the record that pertains to their child. Each school shall establish appropriate procedures for the granting of a request by parents for access to their child's school records within a reasonable period of time, but in no case more than 45 days after the request has been made.

In situations where the parents of a student are divorced or separated each parent, custodial and/or non-custodial, has equal rights to their student's records unless a court order specifies otherwise. Private agreements between the student's parents shall not be recognized by the district's personnel.

Parents shall have an opportunity for a hearing to challenge the content of their child's school records to ensure that the records are not inaccurate, misleading or otherwise in violation of the privacy or other rights of students; to provide an opportunity for the correction or deletion of any such inaccurate, misleading or otherwise inappropriate data contained therein; and to insert into such records the parent's written explanation of the content of the records.

Any eligible parent/guardian or student may inspect the personal records of the student during regular school office hours. The district

reserves the right to interpret selected records to students and/or parent/guardians at the time of the inspection.

When a student attains 18 years of age, the permission or consent required of and the rights accorded to the parents of the student shall thereafter only be required of, and accorded to the student.

The parents of students, or the students if they are 18 years of age or older must be informed annually by the superintendent or his designated representative of the rights accorded them by this section. In addition, the public must be informed annually by the superintendent or his designated representative of the categories of information the institution has determined to be directory information.

Approved:

JRA Types of Records

JRA

Student record files shall include but shall not be limited to the following: administrative, supplemental and tentative record files.

Approved:

JRA-R Types of Records

JRA-R

Information about students that is collected and stored by any school personnel shall be separated into one of the following three classifications:

Administrative records. This classification includes official administrative records that constitute the minimum personal information necessary for operating the educational system. It shall include birth date, sex, race, names, telephone numbers, addresses and places of employment of parents, academic work completed, grades attendance records, withdrawal and reentry records, honors and activities, date of graduation and follow-up records of a student.

Supplementary records. This classification includes verified information that is important in operating the educational system but is of a more sensitive nature and of less historical importance. It includes: test data, such as scores on standardized achievement, aptitude and intelligence tests; observational data such as systematically gathered teacher or counselor evaluations and observations of social and personal assets; clinical findings and verified reports of serious or recurrent deviant behavior patterns; general data such as health data, family background information and educational and vocational plans.

Tentative records. This classification includes useful information that has not been verified or is not clearly needed beyond the immediate present. It includes unevaluated reports of teachers or counselors that may be needed in ongoing counseling or disciplinary actions.

Approved:

PERRY UNIFIED SCHOOL DISTRICT #343

Board of Education

Dan Rockhill - President
Patrick Mulvihill - Vice-President
Greg Howard - Member
Gary Kraus - Member
Glen Phillips - Member
Pat Schafer - Member
Ed Daniels - Member

Perry - Lecompton - Williamstown - Grantville

P.O. Box 29 Perry, Kansas 66073
Phone 913-597-5138
FAX 913-597-5130

Administration

Henry F. Murphy, Supt.
Bill Culver, Adm. Asst.

May 18, 1993

Mrs. Patty Dunn
RR 1 Box 67Q
Perry, Kansas 66073

Dear Patty:

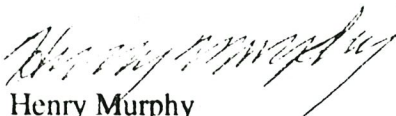
This letter is in response to your request dated May 13, 1993. There are several things that I want to respond to with regard to your request.

First of all, you are more than welcome to view the educational records with regard to

However, if you are requesting that individual notes that were made by the counselor when meeting with to be shared with you, **I am denying that request.** Individual notes taken by the counselor are not considered to be educational records and consequently you are not entitled to see.

In terms of giving you a day and time to see the educational records for you will need to call the principal of Perry Elementary School, Paula Kellogg, and make those arrangements. Since all educational records for are located at Perry Elementary School.

Respectfully,


Henry Murphy
Superintendent of Schools

HM/re

To: Henry Murphy May 13, 1993

I am submitting a written request to view any personally identifiable records, files, and data of the Perry Elementary School Counselor regarding or concerning

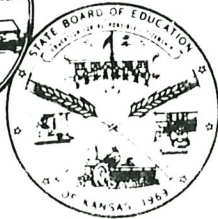
I would like a reply in writing stating time and date that I may view this material, or ~~reason~~ reason for denying me this request.

Thank-you,

Patty Dunn

Rt 1 Box 67Q

Perry, KS 66073



Kansas State Board of Education

Kansas State Education Building
120 S.E. 10th Avenue

(913) 296-3203
Topeka, Kansas 66612-1182

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District 1

Connie Hubbell
District 4

Bill Musick
District 6

Michael D. Gragert
District 8

Kathleen White
District 2

I. B. "Sonny" Rundell
District 5

Wanda Morrison
District 7

Mandy Specht
District 9

Paul D. Adams
District 3

Gwen Nelson
District 10

June 15, 1993

K. W. Dunn
Rt 1, Box 67Q
Perry, Kansas 66073

Dear Mr. Dunn:

Under Kansas administrative regulation, K.A.R. 91-31-8, a secondary school is required to have the services of a certified counselor for its guidance program. An elementary school that has an organized guidance program is required by K.A.R. 91-31-14a(f) to have the services of a certified counselor, as well. The certification requirements for a school counselor are found at K.A.R. 91-1-131.

The nature and the extent of the guidance program offered in a school is determined and governed by the local board of education. Each locally-elected board of education has the authority to adopt the type of guidance program it believes is most appropriate for its student population. Copies of K.A.R. 91-31-8, 91-31-14a(f) and 91-1-131 are enclosed for your reference.

I hope the enclosed information is of assistance.

Sincerely,

Paul D. Adams
Chairman, State Board of Education

PDA:blh

Enclosures

PERRY UNIFIED SCHOOL DISTRICT #343

Board of Education

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Patrick Mulvihill - Vice-President
Greg Howard - Member
Kevin Wade - Member
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Pat Schafer - Member
Ed Daniels - Member

Perry - Lecompton - Williamstown - Grantville

P.O. Box 29

Perry, Kansas 66073

Phone 913-597-5138

FAX 913-597-5130

Administration

Henry F. Murphy, Supt.
Bill Culver, Adm. Asst.

October 28, 1993

Patty Dunn
R. R. 1 Box 67Q
Perry, Kansas 66073

Dear Patty:


Dan Rockhill shared with me a letter dated October 24, 1993 that you had sent to him. I apologize for any inconvenience that you experienced in obtaining all of the information that you had requested. Hopefully, I have included everything that you requested, with the exception of a small group parent letter. I did not have this item. I am sure that a sample of this letter can be obtained from Perry Elementary School.

I do want to touch base with you on two other matters that we had talked about earlier. You had requested a copy of a letter from the school district's lawyer to the school board that spoke to the fact of whether or not personal notes by a counselor are considered to be educational records. I told you that I would check with our lawyer and see what the status was with regard to giving you a copy of that letter. The Board of Education is the body who determines whether or not you can have a copy of this letter. Our attorney advised our Board of Education to not share this letter with you and our Board of Education agreed with the lawyer's request.

The second matter that I want to touch base with you on was the idea of state laws that would pertain to counseling, and in particular, to individual counseling. According to the Kansas Association of School Boards and the Kansas National Education Association, there is no law prohibiting a child to seek individual counseling with their school counselor. This information is taken directly from the information that was presented from the counselors report at the October Board meeting.

If you have any questions or need any further assistance, please do not hesitate to call.

Sincerely,


Henry Murphy
Superintendent of Schools

PERFORMANCE EVALUATION

COUNSELOR

NAME _____

BUILDING _____ YEAR _____

KEY: ¹
 Exceeds Expectations: Work receiving this mark is outstanding and above the standard that the district expects from teaching staff. This mark represents work clearly above and beyond that judged to meet district expectations.

²
 Meets Expectations: Work receiving this mark is the standard expected by the district. It represents high quality work and/or effective teaching.

³
 Needs Improvement: Work receiving this mark needs to be improved.

⁴
 Unacceptable: Work receiving this mark is clearly below the expectation of district. Work that is marked unacceptable must be brought up to district standard if continued employment is expected.

B. Counseling skills

1. The counselor shows mastery of counseling techniques.

As Evidenced By

The Counselor:	1	2	3	4
a. Uses and understands diagnostic measures and other evaluative devices.				
b. Is discreet in the use of confidential information				
c. Develops a comprehensive guidance program (i.e., orientation, career education, educational placement, testing).				
d. Uses major percentage of time working directly with students and staff.				
e. Develops sound working relationship with all levels of staff.				
f. Uses individual as well as small and large group counseling.				
g. Works well with support personnel (i.e., Resource Team, Psychologist, Community Agencies).				
h. Understands human behavior and social emotional needs.				

2. The counselor focuses on the individual.

As Evidenced By

The Counselor:	1	2	3	4
a. Contributes to the schools' attempt to educate all students.				
b. Establishes rapport with counselees.				
c. Helps students to learn about themselves and to analyze their potential.				
d. Helps counselee develop alternative solutions to situations.				
e. Helps the individual develop skills needed in decisionmaking.				
f. Provides for individual pupil growth.				
g. Provides for individual differences.				

3. The counselor continues to grow professionally.

As Evidenced By

The Counselor:	1	2	3	4
a. Attends workshops and inservice activities.				
b. Is informed about current counseling and educational theories and policies.				
c. Clearly states both short and long term goals.				

TEACHER REFERRAL FORM

To: Mrs. Truitt

From:

Date:

Re:

I am referring the above-named student for the reason(s) checked below.

- | | | |
|------------------------------------------|-------------------------------------------|------------------------------------|
| <input type="checkbox"/> self-concept | <input type="checkbox"/> test grades | <input type="checkbox"/> friends |
| <input type="checkbox"/> fighting | <input type="checkbox"/> inattentiveness | <input type="checkbox"/> absences |
| <input type="checkbox"/> hyperactive | <input type="checkbox"/> class work | <input type="checkbox"/> homework |
| <input type="checkbox"/> family concerns | <input type="checkbox"/> withdrawn | <input type="checkbox"/> unhappy |
| <input type="checkbox"/> bullying | <input type="checkbox"/> anxious in class | <input type="checkbox"/> depressed |
| <input type="checkbox"/> always tired | <input type="checkbox"/> worried | <input type="checkbox"/> shyness |

Other concerns/comments: _____

To:
From: Mrs. Truitt
Date:
Re:

Feedback on the above-named student:

Issues being addressed: _____

Counseling style/techniques being used: _____

Recommendation: _____

Thank you for the referral. Please see me at any time to discuss this or other concerns.

PERRY ELEMENTARY SCHOOL

K-5 COUNSELOR REFERRAL

Date _____

Student's name _____ Grade _____

Referred by _____

Check Reason for referral: School _____
Family _____
Other _____

Parent(s) name(s) _____

Telephone # home _____
work _____

Teacher's signature _____

Principal's signature _____

Parental Notification

The school counselors of USD 343 have consulted with many individuals when writing the USD 343 School Counseling Policy and Procedures: Dr. Fred Bradley, Professor of Counselor Education, and Dr. Robert Shoop, Professor of Law at Kansas State University; Dr. Dom Pellegrino, Professor of Counselor Education at Iowa State University; Tom Henley, Counseling Consultant, at the Kansas State Board of Education; Dr. Barbara Callahan, Elementary Counselor, as well as many other professionals in related fields. These individuals and their views were reflected in our school counseling policy and procedures.

The issue at hand is **parental notification vs. a student's right to emotional and mental health and the school counselor's responsibility and judgement.** After much consideration and collaboration with other professionals, the school counselors of USD 343 conclude that it is not of the best interest of the students in our district to set an arbitrary, general limit on counseling sessions prior to parental notification. The following circumstances preclude us from supporting a limit on counseling sessions prior to parental notification.

1. Several counseling sessions are needed before rapport can be established. It often takes two to three sessions before a student will even start talking. We have all worked with students who met with us for several sessions before they even started to share their real concerns. Trust takes time.
2. The type and severity of cases vary greatly. Cases range from "my best friend won't talk to me" to cases of incest. How can we be expected to arbitrarily set limits on the number of counseling sessions with such a range of concerns?
3. School counselors who work with teenagers need to consider their normal, developmental need for autonomy and sense of responsibility. **Adolescents and their parents live in a world that is both connected, and yet autonomous.** School counselors who do not respect a student's need for independence will soon find that they are not effective or approachable. School counselors do make every effort to involve parents when concerns are of a very serious nature.
4. And most importantly in considering this issue, parental notification will inhibit a student's protection from physical or sexual abuse. In all probability, notifying parents would increase the level of abuse, or at the very least, place the child at risk.

For these reasons, we are opposed to an arbitrary, general limit on counseling sessions prior to parental notification. Our mission as school counselors is to be student advocates. The more sensitive our district is to the needs of students, the more successful our schools will be.

Beth Hupe, Jana Snyder and Heidi Truitt - U.S.D. 343 School Counselors

USD 343 SCHOOL COUNSELING, K-12 POLICY AND PROCEDURES

The comprehensive, developmental school counseling program at USD 343 is designed to help all students develop their educational, social, career, and personal strengths and to become responsible and productive citizens. The counseling program consists of a variety of services and activities, including educational and career consultation, individual and group counseling, parent and teacher consultation, referrals to other programs and services in the community, testing and test interpretation, the classroom guidance.

USD 343 recognizes and supports the comprehensive school counseling program at all educational levels, and its policy and procedures.

1. Students can be referred for counseling by parents, staff, peers, or by self-referral.
Referrals may be made either through a counselor referral form, or verbally.
2. Communication with parents is integral to the counseling program.
Although parental notification is not required prior to counseling or consulting with a student, school counselors will notify parents when problems are of a very critical nature or require on-going services, except in the case of suspected abuse.
3. The school counselor protects the confidentiality of information received in the counseling process as specified by law and ethical standards. School counselors always consider actions in terms of the rights, integrity, and welfare of students.
4. School counselors as well as all school personnel are obligated by law to report and to refer a cause when a student has indicated he or she has been harmed. School counselors are obligated by ethical standards to report and to refer a case when a student intends to harm himself, herself, and/or others.
5. The school counselor may serve as a referral agent to help students and their families receive assistance from other programs and services in the school system and from agencies outside the school. Except in the case of suspected abuse, every attempt will be made to directly involve parents in the referral process.
6. School counselors may consult with other school and community professionals to enhance student development.
7. The number of counseling sessions is subject to the discretion of the school counselor.
8. Parents or guardians may choose to Opt-out of school counseling services. Opt-out forms are available from the school principal.

Soon we will be selecting the Pre-Algebra class for next year. The students are chosen by present and past math performance mainly with abstract thinking skills. Just because your child has done well according to his/her grade does not mean s/he is ready for Pre-Algebra. Many excellent math students are not ready to tackle abstract math so only 20-25 students out of the total 82 math students will be placed in this class. *I want to assure you your child will NOT be behind anyone by taking the regular math classes.* Pre-Algebra is NOT a pre-requisite for Algebra I. The majority of eighth grade students going to the high school go directly to Algebra I and do very well. Also, students placed in Pre-Algebra will miss some skills which are taught in seventh and eighth grade math classes.

School Year:
1993-94

Quality Performance Accreditation 1993-94 Annual Report

Perry
0 5
13:43:37

For

Perry Middle

Bldg# 4029
USD# D0343

Student Mastery of Algebraic Concepts

Grade	Total	Total		White		Black		Hispanic		Am.Ind./Alsk.Nat.		As./Pac Islander		Free and Reduced		Number of Spec. Ed.	
		M	F	M	F	M	F	M	F	M	F	M	F	M	F		
Grade 6	79	39	40	38	40	0	0	0	0	1	0	0	0	6	8	4	1
Grade 7	97	46	51	44	50	0	0	1	0	0	1	1	0	6	15	9	3
Grade 8	87	42	45	40	42	0	0	1	1	1	2	0	0	5	6	10	1
Bldg. Total	263	127	136	122	132	0	0	2	1	2	3	1	0	17	29	23	5

SIXTH GRADE MATH -- AN OVERVIEW

Every student must reach outcome mastery for each of the outcomes taught. Outcome mastery includes mastery of the assessment over the outcome plus 10 points of extensions and/or reteaching activities.

TEACHING UNIT FOR OUTCOME

1. Introduce outcome
2. Practice, Quiz, Review
3. Preassessment
4. Freeday for students scoring 90% or better on Preassessment
or
Intensive review for Assessment.
5. Assessment (everyone)
6. Freeday for those who reached mastery
or
Review for those who did not reach mastery
7. Reassess (students who did not reach mastery retake Assessment)
or
Freeday for those at mastery level

Students who do not master the outcome must report to Assistant Components for additional assistance until mastery is complete. Work assigned during this time will gain extension points,

8. Introduce next outcome (everyone)
- ++++ On Freedays students may work on extensions or play board games which require math skills in real life situations.

**** Extensions After a student masters the assessment for an outcome s/he must complete 10 points in extensions to reach outcome mastery. A variety of activities will be offered with differing point values. The student may do one extension for 10 points or several activities which total 10 points. This will be the students choice. Extensions may be done during freedays, study halls, at home, or during math hour if other work is complete.

NOTE A student in assistant components will be responsible for the work assigned during this time and the classroom work. I am available before school for appointments to help students catch up. If you or your child wants this additional time please call school and make arrangements.

A student who is assigned assistant component time is responsible for attending these sessions, I will NOT send another student to get one who is missing.

PARENT'S SIGNATURE _____ DATE _____

STUDENT'S SIGNATURE _____ DATE _____

HEALTH EDUCATION INFORMATION -

Refer questions to Outcomes Education Team, (913) 296-4946.

Report the following information on human sexuality/HIV (AIDS) education and health education.

Human sexuality/HIV education is:

- based on a planned, sequential curriculum which includes developmentally appropriate student outcomes.
- taught in a regular classroom setting by school personnel trained through preservice or inservice education.

Health education:

- is based on a written curriculum plan which identifies developmentally appropriate student outcomes for acquiring essential knowledge and skills necessary to engage in and value the importance of healthful lifestyle practices.
- includes instruction in a minimum of five of the following areas: (a) alcohol, tobacco, and other drug prevention education, (b) disease prevention, (c) human sexuality, (d) nutrition, (e) injury prevention and first aid, (f) physical, emotional, and social growth and development, and (g) physical fitness and activity.

Code 13	Number of students receiving HUMANSEXUALITY/HIV education by Grade during 1994-95		For each grade, does your school provide a HEALTH EDUCATION course (minimum of 35 periods)? <i>Circle one.</i>		For each grade, is human sexuality/HIV education taught as part of a health education course? <i>Circle one.</i>		For each grade, are five or more of the areas taught in subjects other than health? <i>Circle one.</i>	
	(01)	(02)	(03)	(04)	(05)	(06)	(07)	(08)
1	(01)		Yes	No	Yes	No	Yes	No
2	(02)		Yes	No	Yes	No	Yes	No
3	(03)		Yes	No	Yes	No	Yes	No
4	(04)		Yes	No	Yes	No	Yes	No
5	(05)		Yes	No	Yes	No	Yes	No
6	(06)	83	<u>Yes</u>	No	<u>Yes</u>	No	<u>Yes</u>	No
7	(07)	82	<u>Yes</u>	No	<u>Yes</u>	No	<u>Yes</u>	No
8	(08)	101	<u>Yes</u>	No	<u>Yes</u>	No	<u>Yes</u>	No
9	(09)		Yes	No	Yes	No	Yes	No
10	(10)		Yes	No	Yes	No	Yes	No
11	(11)		Yes	No	Yes	No	Yes	No
12	(12)		Yes	No	Yes	No	Yes	No
Sp. Ed.	(13)		Yes	No	Yes	No	Yes	No

X. SCHOOL SITE COUNCILS -

Code 14

For questions on this section, call the Outcomes Education Team, (913) 296-4946.

The following information will be used to help evaluate site councils in a report to the Kansas Legislature. The responses should reflect the opinions of three or more council members with at least one response coming from a parent or business person. Thank you in advance for your efforts and information.

1. The council has reviewed and provided advice and counsel on:

- (01) yes School goals and objectives
- (02) yes District goals and objectives
- (03) yes School Profile
- (04) yes School Improvement Plans
- (05) yes Other (as determined by local school) Please specify below.
School Mission Statement; Outcome Based Education grading

2. Briefly describe activities planned for the 1994-95 school year. (Action plan) (06)

Grade card revision, school-home communication

February 8, 1995

Jim McDavitt
Executive Director
Kansas Education Watch

PROPONENT OF HCR 5009

Mr. Chairman,

I would like to thank you and the members of the Judiciary Committee for the opportunity to speak to you today on the issue of Parents Rights. I have been involved in the education issues of Kansas for about 4 years. My focus is primarily on education, but I have looked at many facets of the public sector during that time and have come to see what amounts to a drastic need for this amendment to be placed into the Kansas Constitution.

The personal experience I would like you to consider occurred 2 years ago when my youngest child was still attending the public school. The events revolved around a complaint against a male gym teacher who was touching in inappropriate ways, and making comments that were off color, to the 6th grade girls gym class. My daughter was one of those girls.

The school investigated, with the result that the teacher was reassigned to other duties, but the matter lingered until someone called SRS to file a complaint. No warning was given regarding the SRS investigation, and none of the parents were advised that their daughters would be questioned as witnesses or victims in the complaint.

The first indication I received that my daughter was still involved in the matter came when she announced that she had been questioned at length in the principals office after having been removed from class. She advised that there was a team consisting of an SRS investigator and a law enforcement officer that asked her many questions about what the teacher had said, if she had been touched, and even whether she wished this teacher to go to prison for his actions.

After the segment on the teacher, my daughter was asked a series of questions regarding our home life. She told me that they asked if I ever touched her in ways that made her uncomfortable, and they wanted to know if I ever got into bed with her or did things that I wasn't supposed to. After a time they sent her back to class.

Being somewhat angry about not only the attempted guilt trip placed upon my child for the teachers problems, but also the fishing trip into our personal lives, I began a series of calls to find out why these imitation professionals had interviewed my child without my being advised or allowed to attend.

I finally managed to speak with the SRS investigator, and was promptly informed that I had no rights in the matter. I was told that whether my child was a victim or suspect was irrelevant. She said I had no right to demand anything. There was no legal requirement for me to be notified or

allowed to attend the interview. However, if my child exercised **her right** to have me present, she would be taken into custody and placed into holding until a mutually agreeable time could be arranged for me to attend. **It was clear that my 6th grader had the rights her father was supposed to have.**

In my opinion, this is bureaucracy running amok.

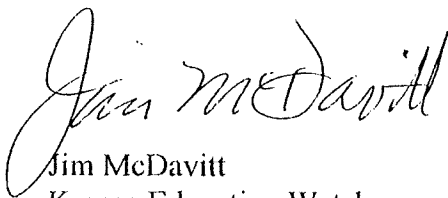
Last year, it was said that there was not a need for this amendment because the right of parents to control the raising of their children already existed. I am one who knows that this is not so.

In summary, I would point out the answer given to a teacher in the February issue of "Issues" magazine published by the KNEA, regarding the rights of parents who complain that curriculum violated their Biblical beliefs:

"While it is a generally recognized principal that parents have some input, though limited, in the education of their children, districts are not required to accommodate their requests."

I believe that this "politically correct" attitude, from the largest government workers union in the world, permeates every department of government, and is the precise reason a Parents Rights Amendment is needed in the Kansas Constitution.

Thank you for your consideration of my testimony.



Jim McDavitt
Kansas Education Watch
316-685-5664



Testimony on HCR 5009
before the
House Judiciary Committee

by

Patricia E. Baker
Associate Executive Director/General Counsel
Kansas Association of School Boards

February 8, 1995

The Kansas Association of School Boards appreciates the opportunity to present concerns regarding House Concurrent Resolution No. 5009. The Association does so in the spirit of protecting the rights and responsibilities of parents and the well-being of all children.

Fully recognized at common law and in our statutes and court decision are the ultimate rights of parents to direct the upbringing of their children. To assert that an amendment to the Constitution of our state is necessary to ensure this right raises the immediate question of "Why?" If this amendment is adopted by the legislature and the people of Kansas, what changes are foreseen by the sponsors? Does this amendment override compulsory school attendance laws? Does it override our statutes on child abuse and neglect? In the area of education, does each parent have the right to determine all curricular issues for their children in the public schools?

No one wishes to usurp the paramount rights of parents. But careful thought should be given to the full ramifications of any amendment to our Constitution. If the intent is to recognize parental rights, the law has done so for hundreds of years. If there is a different agenda it should be totally explored.

Thank you for the opportunity to express our concerns.



**Kansas Action
for Children, Inc.**
Where Kansas Kids Count!

715 SW 10th Suite 215
PO Box 463
Topeka, Kansas 66601-0463
Phone: (913) 232-0550
Fax: (913) 232-0699

Johannah Bryant
Executive Director

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TESTIMONY TO: HOUSE JUDICIARY COMMITTEE

BY: SYDNEY HARDMAN

WEDNESDAY, FEBRUARY 8, 1995

First, let me assure you that my appearance here today in no way indicates that my organization is opposed to parental rights. To the contrary, Kansas Action for Children was formed with the belief that there is no substitute for strong, capable, and resourceful parents to give Kansas children the start in life they deserve and that we all need them to have. KAC has supported numerous projects in its seventeen-year history which support families and assist parents in their parental role.

However, we have also recognized that an increasing number of our children are growing up without nurturing families which are able to ensure their safety and security. The future of all of our children and our communities is endangered when we neglect our most vulnerable citizens. A few examples may help to illustrate the point.

- 16% of our children are born without early prenatal care.
- 19% of our young people will not graduate from high school on time.
- Reports and confirmations of child abuse/neglect remain high, with 2,867 confirmations in 1992.
- 14% of our children live in poverty.
- In one year's time (1990 to 1991), Kansas went from the 18th state to the 26th state in terms of infant mortality (deaths from all causes from birth to age 1).

So, in regard to HCR 5009, KAC's interest is in including protection of our children as a right guaranteed by our state's constitution. I have attached some suggested language for your consideration.

House Judiciary
2-08-95
Attachment 13

House Concurrent Resolution No. 5009

By Representatives Cornfield, Boston, Bradley, Carmody, Donovan, Farmer, Flower, Freeborn, Graeber, Haley, Hayzlett, Howell, Hutchins, Jennison, Kejr, King, Landwehr, Lawrence, Lloyd, Long, Lowther, Mason, Mayans, Mays, Merritt, Mollenkamp, Morrison, Myers, Neufeld, O'Connor, Packer, Pauls, Powell, Powers, Ruff, Shallenburger, Swenson, Thimesch, Toplikar, Vickrey, Wagle, Weber and Yoh

1-25

14 A PROPOSITION to amend the bill of rights of the constitution of the
15 state of Kansas by adding a new section thereto, regarding rights of
16 parents to direct the upbringing and education of their children.
17

18 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*
19 *members elected (or appointed) and qualified to the House of Repre-*
20 *sentatives and two-thirds of the members elected (or appointed) and*
21 *qualified to the Senate concurring therein:*

22 Section 1. The following proposition to amend the constitution of the
23 state of Kansas shall be submitted to the qualified electors of the state
24 for their approval or rejection: The bill of rights of the constitution of the
25 state of Kansas is amended by adding a new section thereto to read as
26 follows:

27 "§ 21. Rights of parents. The rights of parents to direct the
28 upbringing and education of their children shall not be infringed.
29 The legislature shall have power to enforce, by appropriate legis-
30 lation, the provisions of this section."

[Neither shall children's rights to be safe and secure
be infringed.]

31 Sec. 2. The following statement shall be printed on the ballot with
32 the amendment as a whole:

33 "*Explanatory statement.* This proposed amendment would rec-
34 ognize the rights of parents to direct the upbringing and education
35 of their children.

[It would also recognize the rights of children to be
safe and secure.]

36 "A vote for this amendment would favor recognizing in the con-
37 stitution the rights of parents to direct the upbringing and education
38 of their children,

[, and the rights of children to be safe and secure.]

39 "A vote against this amendment would favor retaining current
40 provisions of the constitution which do not contain language spe-
41 cifically recognizing the rights of parents to direct the upbringing
42 and education of their children,"

[, and which do not contain language specifically
recognizing the rights of children to be safe and securr."]

43 Sec. 3. This resolution, if approved by two-thirds of the members

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