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## The Growing Power Struggle Over Parental Rights in Education

The unyielding demands of a radical LGBT agenda infiltrating U.S. public education have brought traditional parental rights under attack. Unsurprisingly, the power struggle has found its way into America's courtrooms, and lawsuits are flying in *both* directions.

### Coast-to-Coast Legal Battles

On Aug. 28, 2023, California Attorney General Rob Bonta's office sued Chino Valley Unified District Board of Education over its mandatory gender identity disclosure policy. Chino Valley, one of six California school districts standing up for parental rights, adopted the policy in July requiring schools to inform parents whenever a student requests to change pronouns or use facilities

or participate in programs that don't align with their sex on official records. If the court rules in Bonta's favor, the ruling diminishes the parent's role not only in their child's education but also in their God-given mandate to exercise primary guidance, discretion, and authority in raising their own offspring.

Disintegrating nuclear family bonds may have been California's insidious goal from the start. But parents are fighting back. In Monterey County, Jessica Konen sued Spreckels Union School District when her 11-year-old daughter, Alicia, was "socially transitioned" to a boy without the single mom's knowledge or consent. Konen settled that case in what's being called a "landmark victory for parental rights" and was awarded $100,000 after a federal judge approved the settlement on Aug. 3.

Konen's settlement comes exactly three weeks prior to another ruling on a lawsuit brought by Muslim parents in Maryland. In *Mahmoud, et al. v. McKnight,* the federal judge ruled that parents can't opt their children out of curriculum laced with LGBTQ content in Montgomery Public Schools (MCPS), the state's largest school district. After MCPS shelved its opt-out option last spring, Jewish, Muslim, and Christian parents alike sought to reinstate the policy, arguing that the inability to opt out of curriculum that did not align with their family and religious values was an infringement of their First Amendment religious liberty rights.

Judge Deborah L. Boardman, a Biden appointee, disagreed. In her court opinion, she wrote that parents do not have "a fundamental right" to direct "their children's upbringing by opting out of a public-school curriculum that conflicts with their religious views."

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## 'This is America, not North Korea':

### Anti-religion group has no grounds for threat after coaches help baptize 200 students at Auburn

**By Mat Staver**

Just days after hundreds of college students were baptized in a single night after a powerful time of worship at Auburn University, an atheistic, anti-Christian group was quick to attack and claim a violation of the First Amendment. As always, they're wrong.

The Freedom from Religion Foundation (FFRF), a self-proclaimed "state/church watchdog" sent a "warning" letter to Auburn officials, calling the public baptisms in a


Photo courtesy of Jennie Allen

lake on campus an "abuse of power" since some university officials, like head football coach Hugh Freeze, assisted in the baptisms after "Unite Auburn," a private worship event. FFRF called on the university to take "immediate action" to educate coaches on their "constitutional duties" and said they should not participate in any student-led religious activities.

As we've seen before, FFRF is once again attempting to twist the First Amendment Establishment Clause of the U.S. Constitution and use it to infringe on Christians practicing their faith. My message to FFRF: "This is America, not North Korea."

Keep in mind that this was a private gathering, not a university-sanctioned event. The Constitution protects the free exercise of religion, such as through public baptism, for all individuals, regardless of their employer, at private events. While the distinction of a private event is critically important for the Constitution's protection, FFRF's mission is to ban virtually all expressions of faith,

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State rulings in California and Maryland arrived at different conclusions, hanging the fate of parental rights in the balance. In the middle of what seems to be an uptick in parental rights lawsuits nationwide, what can we discover from a hundred years' worth of legal precedent? Is it largely being ignored?

**SCOTUS Precedents Are Clear**

The answer is clear. The Supreme Court stated it as recently as 2000: "The interest of parents in the care, custody, and control of their children is the oldest of the fundamental liberty interests recognized by this Court." *Troxel v. Granville,* 530 U.S. 57, 65 (2000).

This echoed another case almost 100 years ago, when the Supreme Court declared the obvious: Parents and guardians have the fundamental right "to direct the upbringing and education of children." *Pierce v. Society of Sisters of the Holy Names of Jesus and Mary,* 268 U.S. 510, 535 (1925).

The court went a step further in that case and stated, in no uncertain terms, that the government is *excluded* from any attempts "to standardize its children" and that *parents* and *nurturing guardians* retain the right to direct a child's destiny. In its ruling on that case, the court said, "The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the state to standardize its children."

Also, "The child is not a 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."

Again, in *Wisconsin v. Yoder (1972),* the Supreme Court affirmed that "the values of parental direction of the religious upbringing and education of their children in the early and formative years have a high place in our society." 406 U.S. 205, 213-14 (1972).

"There can be no question that the government has no authority whatsoever to infringe the fundamental right of parents to remove their children from an education that is blasphemous and directly contrary to the parent's sincerely held religious convictions," said Daniel Schmid, senior litigation counsel for Liberty Counsel. "In Maryland's curriculum opt-out case, Judge Boardman ignored the oldest fundamental right that exists in American constitutional jurisprudence, and her order represents a gross misunderstanding of the Constitution."

Liberty Counsel Senior Counsel for Governmental Affairs Jonathan Alexandre concurs with Schmid's analysis. He added that in Konen's case, "Government schools' audacity to infringe upon parental rights and withhold essential information from parents knows no bounds. Supreme Court precedent unequivocally establishes parents' fundamental rights in raising and nurturing their children, a principle echoed in numerous state constitutions. It is imperative for government schools to understand that 'in loco parentis' does not equate to co-parenting and recognize their ad hoc policies can't fabricate that it does."

As state courts weigh questions of parental rights in education, SCOTUS precedent undeniably provides an answer, and history a lesson, if parental rights are ignored. Any nation (think Nazi Germany or the communist regimes of Cuba and the Soviet Union) that purposefully dismantles the most basic of societal foundations, such as the bond between parent and child and their roles in the family unit, does not fare well in the long run. LC

***>>continued from ...Anti-religion group has no grounds for threat after coaches help baptize 200 students at Auburn.***

even though the government has no place dictating to state employees when and where it's acceptable to exercise their religious liberty at a private gathering.

I was pleased to see Alabama Governor Kay Ivey stand up against FFRF in a letter, saying that "requiring college officials to entirely remove faith from their lives could well violate those officials' *own* religious freedom. After all, the First Amendment protects the 'free exercise' of religion just as much as it prohibits government establishment of religion."

Gov. Ivey said Alabama would not be "intimidated by out-of-state interest groups dedicated to destroying our nation's religious heritage."

Just as the government cannot restrict a high school football coach from privately praying on the football field as we saw with Coach Joe Kennedy in the *Kennedy v. Bremerton* Supreme Court case in 2022, the government also cannot restrict a college football coach, like Auburn's Hugh Freeze, from practicing his faith through baptizing college students at a private event.

The First Amendment assures that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

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Contrary to FFRF's false narrative, the phrase "Separation of Church and State" is found nowhere in our nation's founding documents. Thomas Jefferson penned the phrase "wall of separation between church and State" in a letter to reassure Danbury Baptists that the United States was a refuge for religious freedom when they expressed concern over the possibility of federal-mandated religion.

The wonderful thing about America is that the free exercise of religion is protected for all. Employees and students at a public university have the liberty to participate in religious expression or choose not to participate. Educators (and coaches) are not expected to "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."

The United States of America was founded as a bastion for religious liberty, and we must preserve our First Amendment rights against these frequent attacks.

Last year, I argued a case in front of the U.S. Supreme Court to allow Boston resident Hal Shurtleff and his Christian civic organization, Camp Constitution, to fly the Christian flag on the Boston City Hall flagpole after Boston brazenly censored the Christian viewpoint.

Boston had previously approved 284 flag raisings by private organizations, but in 2017, Hal Shurtleff and Camp Constitution's request to fly the Christian flag celebrating Constitution Day was denied due to unconstitutional viewpoint discrimination. Amazingly, Boston censored the flag because of one word on the application form — "Christian." Had Hal referred to the same flag with a nonreligious modifier (anything other than "Christian"), Boston would have allowed it.

In *Shurtleff v. City of Boston*, the Supreme Court ruled 9-0 in favor of flying the Christian flag. Last August, I was proud to celebrate this victory and join Hal Shurtleff in raising the Christian flag on the flagpole in Boston City Hall Plaza. Of course, this irritates groups like FFRF because they prefer absolute censorship of anything deemed religious.

I am thankful the Supreme Court sided with the Constitution and religious liberty, ruling that the government cannot restrict a flag solely because of a Christian viewpoint. Religious liberty is an unalienable right that comes from God and is preserved by the First Amendment. If we cede ground on religious liberty, we will lose the soul of our nation.

Whether it's baptizing students on campus at a private event, kneeling on a football field to pray after a game, or raising a Christian flag on a public flagpole open to all applicants, the free exercise of religion is a fundamental right of all Americans, guaranteed in the Constitution. Auburn University should be commended, not warned, for allowing the free exercise of religion on university grounds during a private event. LC