

Dear Committee and House members:

March 8, 2021

I am an immigrant, a naturalized US-citizen, and a Minnesota resident. I have first-hand experience with socioeconomic and ethnic disparities in education and the hardships they bring. I was able to rise above these challenges. I am now a home-educator, and I strongly oppose HF 874.

Many homeschoolers have spoken out against this bill. Their concerns have been brushed aside with the argument that a right does not constitute a mandate. However, the concept of “children’s rights” is different from other fundamental rights in that children are not generally in the position to decide what is in their best interests. The authority to determine what is in their best interests belongs to others. Therefore, the real question at stake in this bill is whether parents or the political agenda of the state will be the ultimate determiners of the child’s best educational interests.

The concern that this amendment will eventually be used against homeschooling rights is not an imagined, irrational fear. It is based on the clear statements of Harvard Law Professor Elizabeth Bartholet in her article published in *Harvard Law Review*, entitled “[Parent Rights Absolutism vs. Child Rights to Education & Protection](#).” In this article, she urges adopting the language of “children’s rights to public education” on a constitutional level as a strategic legal weapon with the goal of eventually limiting or eliminating the rights of homeschooling parents altogether.

This proposed amendment will certainly not result in an immediate ban on homeschooling next year. So far, the parents’ right to determine the ideological formation of their children has been upheld by the United States Supreme Court. Rather, the *implications* of the language of this bill are what matters. Carelessly formulated legal language has implications beyond what the authors may intend. The good which the authors of this bill promise us may ultimately pale in comparison to the threat posed by how this language can be used against parents. Coincidentally, the [UN](#) and the [EU](#) both use the language of “a right to education” in the same way as Prof. Bartholet: stating a “right” to education while simultaneously making this right into a mandate.

When the authors claim that this bill carries no legal implications for homeschooling rights, they appear to be woefully ignorant of the legal implications of their language, as illustrated in no less prestigious a journal as *Harvard Law Review*. If this danger is indeed merely a gross oversight on the part of the authors, let the authors rectify the situation by including within this proposed amendment additional wording that explicitly guarantees the fundamental constitutional right of parents to homeschool their children. The authors may decline to include such language on the grounds that legal precedent for homeschooling has already been set by court rulings. They may argue that such language guaranteeing homeschooling rights is moot. In that case, I reply that this proposed amendment is also moot. After all, the authors of HF 874 have already pointed out that in 1993 the State Supreme Court ruled that children have a fundamental right to public education and that this amendment would not establish a new right. If court rulings have set such a strong precedent that legislators need not bother enshrining a “child’s right” to *home* education, why is there such urgency to guarantee the “child’s right” to *public* education? The double-standard is only too evident.

Whether the authors have proposed this amendment with an intent to deceive or simply out of gross ignorance, I urge them to withdraw their support of this bill.

Thank you very much for your time.

Sincerely,

Olga LaGrave