



HOMESCHOOL MINNESOTA

MÂCHÉ

MINNESOTA ASSOCIATION OF CHRISTIAN HOME EDUCATORS

Testimony for Minnesota House File 874

From: Dr. Seann M. Dikkers, Executive Director

Date: March 5, 2021

Updated from: MACHE 2020 Testimony for Senate E-12 by David Watkins

My name is Seann Dikkers and I am the Executive Director of the Minnesota Association of Christian Home Educators (MACHE). MACHE began in 1983 and worked with the Minnesota Legislature to pass the law in 1987 that made homeschooling legal in Minnesota. We exist to inspire, equip, and protect the freedom of homeschool families, and represent over 1,000 members with 3,000 families on our mailing list.

We have significant concerns with the proposed amendment to the Minnesota Constitution, several of which are listed below:

1. Compared to the current Minnesota Constitution, which has served the state well with clarity and direction, the proposed amendment adds no new powers to the state education system. The current language does not preclude quality and has in the past allowed for quality. Local school boards answer to the state and currently have total authority over the funding, curriculum, and delivery of state-run education. This amendment alone does not improve schools.
2. Compared to the current Minnesota Constitution, which has served the state well with clarity and direction, the proposed amendment contains language that is obscure and misleading.
 - a. “**All children**” is not conditioned in any way. This implies that this right overrides established rights that parents have to choose educational settings. All text following would apply then to “all children,” not just those in state-run school systems. This would not stand in courts, but would exhaust time and effort to establish new precedent required after a constitutional amendment.
 - b. The term “**fundamental right**” appears twice and is used as if it is fact. However, there is no mention in the Minnesota Constitution, the Declaration of Independence, nor the United States Constitution of a right to an education of any sort. Using the term “fundamental right” does violence to a correct notion of what fundamental rights are, and would suggest that a child who received a private education was being denied a fundamental right. Also ‘rights’ for a minor need to

be advocated for. If the state is responsible, then it is assuming advocacy for that right - not the parent.

- c. The term **“quality”** is also used twice. How would quality be defined, and by whom? The parents who love their children and want the best for them, or the state which really has no personal interest in the child, other than so they can participate in the economy? Parents are the best stewards of quality. Second, local communities of parents, working together, are going to ensure high-quality schools. The wording of the proposed amendment clearly indicates it would be the state deciding the definition. That would be a huge governmental overreach assuming that children are the ‘mere creatures of the state’.
- d. The term **“fully prepare”** and **“skills necessary”** is wide open for interpretation. What does this mean? Who defines preparation for life? Children have different capacities and learn differently. Moreover, economies change over time. Preparation needs to be fluid to local educational innovation and parental decision-making. Suggesting that the state can guarantee them some specific opportunity is socialistic; or that the state could even know what their full potential is is misleading. The skills necessary are subjective and best left as the responsibility of parents and guardians, not the state. As the proponents of this legislation already admit the failings of the state system, why strengthen its hold over the particulars of learning? MACHE maintains that full preparation includes elements that the state has no part or business being a part of, (i.e. spiritual development, interpersonal skills, religious instruction, artistic expression, and purpose).
- e. The term **“democracy”** is used in the proposed amendment, but our country and state is a republican form of government as mentioned in the current constitution, not a democracy.
- f. **“As measured against uniform standards”** reinforces the misguided notion that all children are the same, all children can be measured, and that they can be measured with uniform tools. This is a trend in education that began with the 2000 NCLB Act, it has not proven to improve education by any agreed upon measure over the last 21 years. Uniform achievement standards can only measure academic achievement, pit children against each other, and create arbitrary social engineering tools for the test makers. They cannot measure character, emotional stability, motivation, or wisdom, which are far more important qualities in life. Notwithstanding the preponderance of empirical evidence to contest uniform standards driven education as a philosophical boondoggle, the state-run system already has a comprehensive high-stakes testing system in place. In 21 years, the *prima facie* outcome has been devolving “quality” that has motivated the proponents to write this bill.
- g. **“Set forth by the state”** is problematic as the state regularly changes its standards. If the goal is anything uniform or measurable, the state’s standards are anything but. The state has added to a growing list of standards since their inception. Children and their education are not the playthings of the state; or

should education as an institution be changing its goals and standards with every whim of the state political climate.

- h. **“Paramount duty”** is undefined and subjective. Does it abdicate the duty of the state to build roads? To foster commerce? To support safe and orderly communities? The state already has the duty laid out in the third sentence to establish a system of state-run schools. This amendment doesn’t change the duty or obligation of the state. The new wording of ‘paramount’ and ‘quality’ dictate to future Minnesotans decisions that should be left to them, school boards and most importantly parents that have vested interest in the well being of their children. If the legislature chooses to make state-run education a priority, it can vote to do so. If state-run public schools are failing, this emphasizes the essential freedoms of parents to remove their kids from them and find better options (like existing free state-run charter schools, scholarshipped private schools, state-run and private virtual schools, and/or homeschools). Sustaining options and liberty are far more paramount than dictating state funding decisions to the next generation.
3. Compared to the current Minnesota Constitution, which has served the state well with clarity and direction, changing the current constitution in this way is unnecessary, short-sighted, and dangerous.
 - a. It would replace the responsibility of the parent to see that the child is educated, and of the legislature to see that an efficient system of public schools existed, to a so-called right of a child to a quality education. There is no more right to a “quality” education than there is a right to a quality job, or a quality place to live, or a quality income.
 - b. It would place the state in control of education rather than the parents and the local school districts. It would be far more effective to put more emphasis on strengthening the home and parents. The well-functioning home is the bedrock of our society and should be regarded as such.
 - c. It would diminish the individuality and diversity of the student population by measuring them with a test of uniform conformity to an arbitrary and unsubstantiated standard set by the state based on political trends. We are not designed as robots to function on a civic assembly line of state elites.
4. Compared to the current Minnesota Constitution, which has served the state well with clarity and direction, the financial impact of this proposed amendment could be devastating. The proposed amendment would produce a fertile field for lawsuits. All of these questions are *not* unreasonable when pushing the vague and subjective terms in this amendment.
 - a. For instance, what happens if a graduate has trouble finding a job and says he was not provided a quality education, and then sues the state? Would his parents be forced to withdraw him from public school? If a child was being homeschooled and had time of rebellion against his parents, would the court remove him from

the home and place him in the public school so support the child's 'fundamental rights'?

- b. If a child was having trouble learning at school, would the state be forced to provide a private tutor? If computer simulations could potentially create better uniform test scores based on academic standards, would the state have the paramount duty to shut down all face-to-face schools? Do parents and school districts have any role left in ensuring quality or does the state's responsibility stand as paramount in the court?
 - c. Will there be a new "Department of Quality Assurance" established to put a state official in every classroom?
 - d. Since homeschooling has demonstrated much success in turning out a 'quality' student and one who is well-prepared for life, what would happen if a child insisted on being homeschooled? What if the parent did not have the will or capacity to dedicate to homeschooling? What if mass withdrawal from state-run schools saved the state billions of dollars (economic benefit) and there was a financial incentive for the state to define homeschooling as the highest quality education based on measured results (already documented)?
5. Compared to the past record of court cases, and hard fought legal victories premised on the current constitution, the proposed changes will cause years of legal challenges.
- a. There is already an overloaded court system. This amendment resets all Minnesota court precedents based on the current constitution.
 - b. Any new rights will need to be tested in the courts in contest against other existing rights. Subjective language will make for some cases that will be undoubtedly challenged to higher courts.

We do not support an amendment that adds nothing to the state's existing authority over its own state-run schools, confuses responsibilities of the state and parental rights, has vague and subjective (non-legal) language, poses financial questions, and assumes uniform standards have a positive impact on education.

We should have a strong educational system in place, but this proposed amendment would do nothing that the current constitution does not already provide.

We also realize that perhaps this proposed amendment is really aimed at public schools, but does changing the wording really address the concern of achievement gaps created by the same measure of quality being used in the amendment? How would giving the child a right that is not in the constitution improve the education? What needs to be changed, and why is it not clearly stated in measurable terms? Why does all of this start with "All children" when *most* children in Minnesota are already getting an outstanding education as defined by their parents and post-high school admissions to college, military, trade schools, and employment?

We are concerned that this proposed amendment would lay the groundwork for the stripping away of more parental rights, and open the door for stronger state control of the family. It is

socialist in the worst sense philosophically by assuming the state is responsible for children. It is the role of the state to see that children have an opportunity to be educated, but it is not the role of the state to mandate early education, late education, “quality” education, or to approve the curriculum or methodology.

All too often, well-meaning individuals assume a political position that education is a panacea for a vast array of political ills. Good policing, robust trade infrastructure, road systems, housing policy, taxation policy, and many other elements go into a healthy or failing school. A good education is important, but it is not the only answer to society’s problems. It is easy to blame schools for issues that have much deeper roots in a society.

We need to assume that even in the lowest ‘quality’ school district, there are vested, compassionate, hard-working, and capable citizens that need support and empowerment to build new schools. Instead of further regulating state-run schools, consider freedom and liberty in the form of widespread *removal* of state oversight and return full and total control to parents and then local school boards. Uniform standards-driven educational trends can be agreed upon as an abject failure nationwide. Locally, ‘failing’ schools are the intiontion for this legislation, but good intentions do not necessarily write good law.

Instead of amplifying what measurably hasn’t worked, try unplugging it. Reject the ‘carrot’ of the federal government via NCLB/ESSA and restore full local control to parents and local school districts. Save millions of dollars and watch basic skills soar again in Minnesota - along with the arts, trades, and souls of our children. We advocate for legislation that further protects parents and/or school boards, because historically this actually works.

We encourage you to reject this proposed amendment to the Minnesota Constitution.