

Testimony for Minnesota Senate E-12 Finance and Policy Committee

From Patrick J. O'Banion

Date, Monday, March 8, 2020

My name is Patrick O'Banion and I am the parent of two school-age children. I am also a professional educator with a doctorate and more than two decades of higher-education classroom experience. I have committed much of my life to teaching and learning, and I am deeply committed to seeing my own children and, more generally, the children of the Twin Cities grow into mature, conscientious, and wise members of a thriving community — one that can discern right from wrong as well as read and write. Part of that process of growth and formation dovetails with their formal education, but only part.

I am writing to express my concerns with the proposed amendment to the Minnesota Constitution (HF 874) and to encourage you to reject it. I understand that the primary motivation behind the proposed amendment is probably a desire to address the achievement gap that exists in the context of public schools. This is a laudable goal, but the proposed amendment introduces ambiguity rather than clarity, makes incorrect assertions, and reframes education in inherently problematic ways.

First, rather than clarifying existing problems and proposing clear solutions in the existing educational system, the proposed amendment asserts the “fundamental right” of children to a “quality education” without explaining either whence that fundamental right derives or how “quality education” is defined. The proposed amendment furthermore asserts that this quality education, which is deemed a fundamental right, will “fully prepare” children to participate “in the economy, our democracy, and society, as measured against uniform achievement standards set forth by the state.” This seems an unattainable goal. Different children have different levels of ability and gifts; not all will be able to achieve a meaningful bar on any standardized test. Finally, the proposed amendment appears to suggest that this “fundamental right” can be achieved *only* when a student participates in a “public education,” which raises a host of questions about the place of private education in its various manifestations. As a family that has chosen to homeschool one of our children, we are strongly opposed to an amendment that seems to suggest that this is an unacceptable choice and that it is primarily the role of the state (rather than the parents) to oversee and safeguard the education of children.

Second, the proposed amendment is not only unclear but also appears to be incorrect in its claims. As noted above, it asserts a quality education as a fundamental right. But the existence of this right has never been asserted in previous legislation at the state or federal level. Whence derives this new right? Upon what basis is it being claimed? If on the basis of natural law, then by what process has it suddenly been discerned? Simply asserting a right does not make it so. We all wish that every member of our community had quality relationships, quality jobs, quality physical and mental health, quality housing, quality income, quality political views, quality values, and so forth. But wishing for those things does not suddenly elevate them to the level of a “fundamental right.” To assert, then, that it is a “paramount duty” of the state “to ensure quality

public schools that fulfill this fundamental right” is to assume something (i.e., a “fundamental right”) that has not been proven to exist and then legislate it into existence.

Also, please note that at both the state and national level we live in a republic, not a “democracy.”

Third, the proposed amendment reframes the conversation about education in problematic ways. The most significant concern here is that it assumes that both the authority to determine what is best for a child and to oversee the formation of that child into a mature adult lies with the state (as it exercises that presumed authority through “public schools”) rather than with the child’s parents. This is patently false. It represents not only a flawed assumption — viz., that the state knows best how to form children into adults who are well-prepared for life — but also a deeply troubling extension of state authority into the home of its citizens that strikes near to the vitals of the founding documents of our republic and the natural rights to which they bear witness.

In conclusion, I strongly urge you to oppose this proposed amendment to the Minnesota Constitution.