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An Analysis of Parental Rights in the Education of their Children

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AN ANALYSIS OF PARENTAL
RIGHTS IN THE EDUCATION
OF THEIR CHILDREN

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The Graduate Faculty
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Master of Education

by
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AN ANALYSIS OF PARENTAL
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This study presents an analysis of the parental rights involved in the selection and direction of the education of their children.

Six kinds of source materials are examined in the study: (1) legal citations, annotations, and digests; (2) constitutions, laws, codes, statutes, rules, regulations, policies, and proceedings; (3) law reports, reviews and analyses; (4) general reading lists, books and periodicals; and (5) related graduate degree dissertations.

There were two major reasons for analysis of parents' rights in the affairs of learning and education of their children. They include (1) that many of the controversies involving parental rights have their roots in the various relationships in education among parents, children and the state; (2) parental rights in the education of children have been given relatively less attention than those rights in other areas.

It can be concluded that the rights of parents and children are correlational, and should not be mutually exclusive, nor adversarial.

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CHAPTER ONE

Introduction

Ours is a society of the law. From the time of birth to the time of our death, and beyond, the individual in our society is involved in the law. The body of law was established by the Founding Fathers in the Constitution by legislative acts, by administrative rules and regulations, by contracts, by professional standards, policies, or by decisions of the courts. These legal elements outline the extent of liberty, define rights, fix responsibilities, and regulate the actions of the group and the individual citizen. Each person exists and derives his or her rules for living and relating to others in ways appropriate to age and circumstances. As Glazer points out,

Legal rights in Anglo-Saxon countries have for centuries concentrated on the protection of persons and property and on the limits of governmental power. This power has rapidly expanded to include the social services--education, welfare rights, housing, medical care.

How individuals and groups in this nation have accepted or exploited the law constitutes a historical commentary on the society.

The corpus of the law has been shaped and tempered by the Federal Constitution and its Amendments, expanded and refined by legislation, amplified by administrative rules and regulations, and continuously tested by the courts. The

law has grown to be both the curse and the salvation of modern man. Some significant signs of these times are: (1) U.S. Supreme Court cases increased by 120% from 59,284 to 130,597 between 1960 and 1976; (2) the U.S. Supreme Court, however, made 4,761 decisions in 1975, continuing a line of relatively steady caseloads over the same period; (3) the number of lawyers increased by 47% between 1954 and 1970, with legal advice becoming available in store front offices and public housing areas; (4) in 1972 over 10 billion dollars were spent for legal services in the U.S.²

The social and political consequences of this increasing reliance on the laws and the courts have certainly changed the shape and processes of our lives; Glazer calls it a revolution.³ Every individual has been affected by this. For example, malpractice insurance rates have skyrocketed to a level so high that it is often less expensive for some professionals to operate without insurance. The tendency to resort to legal action to solve even minor problems is commonplace. Faith in a smart lawyer as a social savior has become common. Even more frightening is the cynic's view that the law can be manipulated for personal gain. If one has enough money, things can be fixed.

As Kirp and Yudof explain,⁴ the past two decades of this legal revolution have brought about a rearranging of social policy, political growth, and a prompt means of achieving new relationships. There have been very

significant adjustments in distributions of power within the family, the school, and the state. Landmark court cases such as Brown v. Board of Education of Topeka,⁵ In re Gault,⁶ and Tinker v. Des Moines Independent School District⁷ have profound effect upon all segments of American society.

At the center of often conflicting, often common aims among the individual, the family and the state, lies the question to be examined: In the education of their children, what rights do parents actually have?

In the realm of education, schools are challenged when Roper compares the contention of parents with the schools to a war. The parents are viewed as the natural enemy of the school system.⁸ Roper says that by using the devices of compulsory attendance, consolidations, and centralization of power, the schools have fashioned devastating weapons against the "diffuse, unorganized, and diverse institution of parenthood."⁹ Lurie is even more straightforward. "Parents are up against unbeatable odds. Everything rational and logical says we cannot beat this system."¹⁰ Holt contends, "Meanwhile, education--compulsory schooling and compulsory learning--is a tyranny and a crime against the human spirit."¹¹ More encouraging writers, such as Cronin, maintain the parents have been, are, and should be, natural allies of educators.¹²

Parents in American society have many roles to fill. They are progenitors, nurturers, guardians, teachers and

models. Yet, parents increasingly are facing some penetrating questions. There are many challenges to the traditional rights of parenthood. These challenges are coming from the schools, the state, and the children themselves. They seem to be shifting familiar functions out of parental control. Children are no longer mere possessions of their parents.¹³

Conflicting views between the school and the parents, the state and the parents, and even children and parents, have created a real arena of legal contention.¹⁴ Children are now suing their parents.¹⁵ Even more shocking is the newest syndrome of family violence--parent battering by their own children.¹⁶ Parents' rights are being tested at every turn. Many organizations have been developed to carry on the defense of children's rights with parents and society, both in the courts and within various social agencies.

Carter, Harris and Brown suggest that the best way to comprehend recent developments relating to parent and student rights is to consider the development of education in the United States.¹⁷ Much of child-parent interrelating is concerning school affairs. This is, however, only part of parenting.

Purpose and Scope

The purpose of this study was to examine the authority of parents with regard to their legal rights, especially those pertaining to education, due to parenthood. Parents

and the family they nurture have become confused and embattled in their contentions with the social institutions--the schools, the government, and the courts. Issues such as parental liability with regard to an unemancipated child, a child's rights against the parent, erosion of the parental immunity rule, evaluation of the child's rights, tort actions between family members, have thrown the traditional and natural rights of parents into a new perspective. To build an understanding of the rights of parents, the schools must look beyond student rights and the formal education process for more complete answers to questions.

The rights of parents before the law may or may not be clearly complementary to the rights of the child. The natural rights of parents are being challenged by the advocates of children's rights. These advocates are not only educators, but they also represent other agencies as well as the courts.¹⁸ Also, the interactant rights of the parents, the children, the schools, and the state, may be changing significantly into different, perhaps new balances of decision-making power.¹⁹ These possibilities should be examined carefully if schools are to determine what parents' actual rights are today.

Again, the purpose of this study was to view the matter of respective rights among these competing groups from the perspective of the parents. The scope of the study extends to the rights of selecting and directing education. The

rights which presently prevail are of particular interest, but significant evolving changes of the past have been considered as well.

Design of the Study

This is primarily a selective analysis of case law and related literature. The literature provides examples of the prevailing rights of parents in American society. A group of relevant court decisions were reviewed with the intent of determining these rights. References were also made to common law rights and statutory provisions. In researching the central subject of what parental rights are, both recent and landmark decisions of the past were used. Each case is considered to be part of the process of change.

Three criteria were applied to the selection of particular court decisions:

1. Relevance to some phase of the parent-child relationship.
2. Significance of case; each case is either recent or it has historical significance.
3. The implications and the impact of the case can be further substantiated by social reactions or other court decisions.

To achieve a set of results from this study, one major postulate was developed. This postulate was formulated from general reading on the subject.

The right to educate one's children, to select and direct schooling as sustained in such landmark court

decisions as Pierce v. Society of Sisters, and many other cases involving such matters as private schools, home instruction, and compulsory attendance, substantiate this right of parents. Not only are lines between parents' rights and the judgment of professional educators being probed and tested legally, but the degree of rights of the individual student are also being examined in hearings.

Two illustrations help to clarify the process of the study. First Brown v. Board of Education²⁰ fits the criteria for case selection. Minors, through their ethnic parents and legal representatives, sought through the courts admission to segregated schools. It was a fundamental challenge of school systems to the fairness of the separate but equal doctrine previously established in the case of Plessy v. Ferguson.²¹ Other cases such as Griffin v. County School Board²² have substantiated the importance of Brown v. Board of Education²³ in the matter of racial segregation in the schools. An analysis of this major decision sets forth a significant parental right. Parents have the right of equal and integrated educational opportunity for their children. It would seem that this right would be obvious under the Constitution. However, this right was not a reality until the U.S. Supreme Court rulings of 1954.

Second, the case of Hewllette v. George²⁴ is of historical significance. It involved the legal challenge of a mother, and her estate, by her daughter, for committing the daughter to a mental hospital. It is historically

important, as the court decision, which in 1891, established the concept of parental immunity. Many subsequent court cases, such as Roller v. Roller,²⁵ Borst v. Borst,²⁶ and In re Roger S.²⁷ all include the legal concept of parental immunity. The right of parents to have immunity from tort actions by their children, or other persons or agencies, is still relevant. But as Belzer points out, the modern trend is to whittle away at parental immunity in instances such as business negligence, employer (third party) liability, actions when the child or parent is dead, and wrongful death.²⁸ Liability insurance and educational obligations still call for parental immunity. The status of parental immunity is one of the rights investigated in this study.

The procedure in this study was to cite the court decision, relate the facts of the case, state the judicial action taken, indicate the significance of the ruling, and to make reference to other germane materials (statutes, commentary, opinions). From this process a set of parental rights which are valid, current and important today has evolved.

Significance of Study

Very little attention has been given to the specific rights of parents.

Typical treatment of parental involvement, or lack of it, is found in such reports as Ladd's on student behavior,²⁹ in which the matter of regulating students virtually ignores the participation and rights of parents.

Perry and Ridgley seem to consider parents' participation as "insidious" and even "trecherous."³⁰ Holt, on the other hand, argues that schools do not have the power to cause parents mental and physical pain, to threaten, frighten, and humiliate them, or to destroy their future lives.³¹ Parental rights, with regard to education of their own children, needs clarification.

In contrast with the schools, parental involvement in other social arenas is becoming the norm. Even so, the differences in other areas create problems. For example, numerous attacks upon the failures of individual families, and of individual parents, must be viewed from a broader perspective if the basic social group, the parents, is to be better understood and strengthened.

Definition of Terms

Certain terms, following the lines of the conceptualizing employed in legal searches, are used to delineate the arguments. In general, however, literal and not specialized meanings or jargon of the law, social sciences, or education are to be used.

Case law precedent refers to the aggregate of reported cases as forming a body of jurisprudence, or the law of a particular subject as evidenced or formed by the adjudicated cases, in distinction to statutes and other sources of law.³²

Common law is the body of law and juristic theory which was originated, developed and formulated and is

administered in England, and has obtained among most of the states of the United States and people of Anglo-Saxon stock. It comprises a body of those principles and rules of action relating to the government and security of persons and property which derive their authority solely from usages and customs of immemorial antiquity, or from the judgments and decrees of the courts recognizing, affirming and enforcing such usage and customs--in this sense particularly the ancient unwritten law of England.³³

Emancipated child is the child who, by reaching the age of majority, by marriage, or by providing certain competencies, gains full or partial adult citizen's rights.

Extended family refers to all related or claimed members of a family, whether or not they live together in the family domicile, have the same surname, or are blood relatives.

Foster rights are the legally established rights of the child or parents or home not having the standing of birth, or of the adoptive process. These rights are generally inferior to natural or adoptive rights.

Household choice is the parents' right to decide such matters as the educational activities their children shall participate in.³⁴ This right is based upon two assumptions: tastes in educational services differ; parents have more relevant information than others about their own children.

Indeterminacy is the general notion that certain processes, social or political situations, are indeterminant, not presently settled or decided upon.³⁵

In loco parentis refers to parental powers exercised in the absence of the legal parents, literally in place of the parents.

Natural rights of the parent, or the child, are those based upon instinctive moral feelings, rights innately felt to be right. "Status of a parent is one of guardian by nature."³⁶

Nuclear family is that family made up of the parents and their offspring only, a couple and their own children. This concept has been challenged in such cases as Moore v. City of East Cleveland.³⁷

Parent is one who begets or brings forth offspring, and denotes consanguinity rather than affinity.³⁸

Parenthood is the state of being a parent, the status of being a mother or father to one's children. This is a status which survives divorce, and is terminable only by death or removal by adoption.

Parenting is the process of carrying on one's duties and responsibilities with regard to one's children. General obligations include the following minimum standards: (1) to evince love and affection for the child, (2) to express personal concern over the health, education and general welfare of the child, (3) the duty to supply necessary food, clothing and medical care, (4) the duty to provide an

adequate home, and (5) the duty to give social and religious guidance.³⁹

Sovereignty is the state of having dominion or power over people and property. As Coons uses the term,⁴⁰ it is the law's way to recognize in some one or some institution a residual authority to protect, control and prepare one subject to it.

Statutory provisions refer to those provisions relating to statutes, created or defined by statutes, or confirming to statutes.

Subsidiarity is the presumption that the power to choose among acceptable social options should be kept as close as possible to the individual or individuals whose interests are at stake. It is a preference for a sovereignty of an intimate.⁴¹

Tort is a wrongful act, not including a breach of contract or trust, resulting in injury to another's person, property, or reputation, and for which the injured person is entitled to compensation.

Unemancipated child is one who has not reached the time of independence from its parents, and has not reached a majority, nor has it been rendered competent to exercise choice. This distinction becomes very critical in court cases such as Planned Parenthood of Central Missouri v. Danforth.⁴²

As the seemingful inevitable adversarial complexities of the law expand, the distinctions among parents' rights

and children's rights and family rights, not to disregard school rights and state rights, become more and more sought after. In order to achieve sensible distinctions, judicial semantics have become highly refined in this pursuit of determinacy, in this never-ending pursuit of an ideal balance among the rights of the governed.

CHAPTER TWO

Procedure

This study was based on an investigation of primary and secondary sources contained in the libraries of Walla Walla College, Central Washington University, Gonzaga University, Eastern Washington University. The review of literature primarily indicates how this study is related to other investigations. An adequate relationship to the broad literature of the law has been demonstrated without intending to be exhaustive.

The review of the relevant literature is divided into six major areas:

1. Legal citations, annotations, and digests.
2. Constitutions, laws, codes, statutes, rules, regulations, policies, and proceedings.
3. American law reports and case records.
4. Professional law journals, reviews and reports.
5. General reading lists; books and periodicals.
6. Graduate dissertations.

In dealing with the available literature, it became apparent that the most difficult problem initially was to achieve an objective, balanced, and yet representative to the following ends:

1. It brought out previous related studies in the area of rights of the family and of the individual.

2. It suggested an organized structure of the study.
3. It helped to frame the basic postulate used in the study.
4. It helped to define the size and scope of study of a very large amount of material.

Legal Citations and Digests

The legal citation system in the United States is a bibliographical shorthand tool to which most legal materials are adapted. References which are contained in the uniform system of legal citations can be found through many paths of research. Two basic routes to legal research, citations and subject matter, were used in this study to explore parents' rights.

Another legal tool is the legal digest. The digest consists of all current decisions of the American courts as reported in the national reported system and other standard reports. Each entry contains a brief summary of the case itself, so that, in a search, many cases can be covered and selected cases can be pursued further. It is easy to trace the subject areas of cases because these digests use a numbering system by key number for digest topics.

Constitutions, Laws, Codes, Statutes, Rules, Regulations, Policies, and Procedures

This area of literature is the basis of any legal description. These are the bases upon which binding decisions are made. This then becomes the material from

which a representative society is governed. Patterns of legislated law can be researched by subject to show the chronological changes and developments which have helped to shape and maintain a set of rights for parents, as well as for their children, and for the state. It is important to remember that due to the vast amounts of legal information, one must be objectively selective.

Law Reporters and Other Case Records

These are the most widely available official reports on trials and regulatory agency actions. Sets of law reporters are published by the United States Government and by commercial publishers for the Federal court system, for the regulatory agencies, and for all state court systems. These reporters are all reports of trials and decisions. They are not transcripts of the trials. They are not lawyers' briefs. In their texts they use the legal citation method of identifying specific entries.

Professional Law Journals, Reviews, Reports

Professional law journals have become very important in the profession as sources of current thinking about issues of the law in the United States. Developmental thought by law professors, judges, and practicing lawyers can be found here. They are published by law schools on a monthly or quarterly basis. Each seems to reflect the particular interests of the school itself. Each has its own style of

publications and are accessible through the system of law citations so that various subjects can be traced.

General Reading Lists:
Books and Periodicals

The use of general reading sources calls for great care and selection, as they are likely to be less objective than the law. They are usually biased accounts that are written with a certain degree of emotional involvement or conviction.

Graduate Studies

The graduate studies were of little value, as there were few with any specific relevance.

CHAPTER THREE

Literature Review and

Data Analysis

Significant Judicial Changes Chronologically

In 1896, in the case of Plessy v. Ferguson,⁴³ the U.S. Supreme Court held that separate but equal facilities in public services did not violate the Equal Protection Clause of the Fourteenth Amendment. This decision established the acceptability of the concept of separate but equal facilities and services.

Separate but equal practices prevailed as a reference point in U.S. law for 58 years. It was applied to public school governance and to education generally. This continued as a means of continuing racial segregation until it was overturned in 1954 by the U.S. Supreme Court in the case of Brown v. the Board of Education of Topeka.⁴⁴ In this decision the basic principle of separate but equal facilities and opportunities was held to have no place in a free society. It was stated the separate educational facilities are inherently unequal.

This was a dramatic change for the American society. Alexander states that these two cases have done more to shape and change American education than any other litigated cases.⁴⁵

The change from state-backed segregation to integration is a long and continuing process.

Another important case which served to bring about a basic change in American education was Meyer v. Nebraska⁴⁶ in 1923. The State of Nebraska passed a law forbidding the teaching of any modern language other than English to any child who had not successfully passed the eighth grade in any private, denominational parochial and public school. A teacher who taught reading in German to a ten-year-old child was convicted and the conviction was affirmed by appeal to the State Supreme Court.

The U.S. Supreme Court, however, ruled that the law invaded the liberty guaranteed by the Fourteenth Amendment and thus exceeded the power of the State. The Fourteenth Amendment assures the right to pursue a given vocation. The U.S. Supreme Court concluded that teaching in a foreign language is not immoral or detrimental to the public welfare and, therefore, cannot be prohibited. The U.S. Supreme Court pointed out that the statute also interfered with the liberty of parents and guardians in directing the upbringing and education of children under their control. The U.S. Supreme Court ruling in this case underlined the rights of parents in the education and training of their children.

One of the most often cited of all parental rights rulings in education is Pierce v. Society of Sisters.⁴⁷ This involved another state invasion into the parents' domain in the education of their children. Two private

school establishments in the State of Oregon challenged a State statute which made it a misdemeanor for parents to send their children (between the ages of eight and sixteen) to private schools. The District Court ruled in favor of the private schools but the State appealed the ruling of the U.S. Supreme Court.

The State argued that the Fourteenth Amendment of the Federal Constitution does not remove or restrict the power of the State to enact laws necessary in the promotion of health, safety, peace, morals, education, or general welfare of its people. The State argued that it should be able to exercise unlimited supervision and control over the occupation and conduct of minors as well as the liberty and rights of those who presume to deal with them. This argument seemed to be a direct challenge to traditional parental authority.

The U.S. Supreme Court ruled that the Oregon statute was a denial of the parents' right to have a choice in the education of their children. The statute was, in fact, a violation of the Fourteenth Amendment which guarantees parents the right to direct the upbringing of their children. The U.S. Supreme Court thus ruled that the State could not take action to destroy private or parochial primary and preparatory schools.

As the concepts of the rights of children broaden, they will have a direct effect upon the rights of parents. There is a proposition that the traditional protection of the Bill

of Rights should be extended to children uniformly and with equal force as to adults. In support of this concept is the U.S. Supreme Court decision in Tinker v. Des Moines School District.⁴⁸ In this case three public school students wore black arm bands to class to protest the federal government's policy in Vietnam. The students were all suspended, although there was no real interference with school work during the protest.

The U.S. Supreme Court ruled that the suspension was unconstitutional based upon the First Amendment's guarantee of free speech and the Fourteenth Amendment's assurance of due process of the law and equal protection.

There are other cases that did not reach the U.S. Supreme Court that show the importance that the courts have attached to the peaceful versus disruptive behavior of students.

In Burnside v. Byars,⁴⁹ where students had been removed for wearing protest buttons, the court ruled for the students because they had generated curiosity, not violence. In Sullivan v. Houston Independent School District,⁵⁰ action by school authorities against an underground student newspaper was reversed by the courts because there was little evidence of unrest. In Scoville v. Board of Education,⁵¹ the courts reversed the suspension of a student because there was no real disruption of school programs. All of these decisions seem to indicate that the degree of responsible social behavior exhibited by the student is

important and is a gauge of the student's maturity and rights. Ginsberg v. New York⁵² was a case in which a minor's right to buy obscene materials was contrary to state law. The U.S. Supreme Court found that the minor child might not be as well prepared as an adult to choose the kind of material to be read.

Neither Tinker nor Ginsberg were concerned with only children's rights. The decisions were also concerned with family rights.

In the case of In re Gault,⁵³ a 15-year-old boy was taken into custody at school because of a complaint that he had made obscene phone calls. He was immediately placed in a juvenile detention home, his parents were not notified, he had not been represented by counsel and had not been allowed to confront his accuser. He was sentenced to a maximum of six years in a state school for delinquent juveniles with no provision for an appeal to a higher court. The state law for juveniles was challenged by his parents.

The U.S. Supreme Court ruled that there must be notice of charges, right to counsel, right to confrontation, no self-incrimination, cross-examination, and the right to have a copy and review the proceedings. Therefore, the parents' interest in the child's welfare constitutes parental rights. There are important differences between the adult and the juvenile situation. The child is controlled by the parent, the guardian, or a court-appointed person, while the adult is completely responsible for his own actions.

It matters who has control over the child because the parents have an interest and responsibility in the legal treatment of the child. Gault⁵⁴ makes this evident when the decision points out that the parents' rights to custody are at stake. The state cannot disrupt the relationship of parent and child without exercising extreme care. The parents have legitimate rights and interests in what happens to the child.

Relevant Educational Issues

There is a widespread role controversy between parents and the public schools. This controversy is seen differently by growing numbers of parents, by school personnel, and by other interested groups. George Gallup observes,⁵⁵ "The public schools have lost favor with the American public during the recent years. Therefore, heroic efforts must be devoted to restoring this confidence and respect." Washington State's Superintendent of Public Instruction, Frank Brouillet, cites such general perceptions by the public as the "image" of school "slips," as millions of illiterate adult Americans, escalating costs, declining enrollments, Johnny can't read or add, etc.⁵⁶

There is a fundamental misunderstanding. School people think that they have tried to involve parents and that they have been quite successful. Cronin calls educators and parents natural allies.⁵⁷ "The rest of the world marvels at the way American schools actually welcome parental visits, organize parent/teacher organizations, and often schedule

parent conferences as part of the school day several times a year."⁵⁸ Cronin continues, "if any social institution undid the fabric of family life and diminished parenthood, it was the modern urban factory." This sounds like wishful thinking and indicates that even respected educators are less than aware of the rights of parents and dynamics of the falling confidence.

Estes reluctantly admits the low level of public confidence in education,⁵⁹ and suggests that the partnership between schools and parents be strengthened. Roper reports that "Public school people in America generally take a jaundiced view of parents' motives, concerns with the school and interest in their own children."⁶⁰ He calls the relationship an undeclared war where mandatory attendance, consolidations and the superintendents are the major weapons which schools have used against parents.

The most important issue in considering the educational rights of parents is the conflicting view of what the parents' role actually is in an operational sense.

CHAPTER FOUR

Conclusions and Recommendations

Conclusions

A very important body of rights and responsibilities pertain to education. Parents, educators, students, the state, and the courts are interested in the affairs of education. They have all pressed their roles in the governance of it. However, opinions differ greatly with regard to rights and responsibilities to educate the masses.

A generalization of each group's self image might be:

1. A significant number of parents seem to think they should have a more integral role in education.
2. Educators are truly interested in involving parents in the process.
3. Students, having felt some rights and freedoms, want more earlier.
4. The state continues to encroach upon localized control in the name of efficiency and fiscal responsibility.
5. The courts seem to see their role as adjusters and mediators increasing in the battle for a balance of control in education.

A review of the court cases cited in this study delineate certain parental rights. The rights of parents to select in education include the following:

1. The right to choose public or private schooling.
2. The right to choose a certain place to live and, therefore, a certain school.
3. The right to select among several kinds of educational curricular choices.
4. The right of access to special programs. For example, remedial, specially staffed, and technical education.
5. The increasing right to make choices based upon quality.

The legal process continues to be more and more supportive of these kinds of parental rights in the education of their children.

Unfortunately, schools seem to resist a high degree of parental involvement. Part of the problem may be that parents have become defensive in regard to the degree of their participation. Parents may be ignorant of school affairs because of a lack of communication between the two. Parents should take the initiative to assert their rights and the state and educators should be willing to recognize that these rights do exist. Only through a combined effort can a balanced participation in educational affairs be achieved.

Recommendations

The future in the matter of parental sovereignty will probably involve the following issues, among many others,

and it is recommended that these issues should be subjected to further study and investigation:

1. The challenge of continued parental immunity attacks.

2. The challenge of child rights and the element of what is best for the child.

3. The challenge to take initiatives in selection, direction and quality control in education to fulfill the role of parent.

4. The challenge of rights and involvement in education and training activities outside the formal school system. This is in the realm of non-formal education.

It can be said, finally, that the sovereignty of parents in our complex society has tremendous potential and strong reality. Like all rights in a free society, they must be won, re-won, and re-tempered again and again.

Notes

¹ David L. Kirp and Mark G. Yudof, Forward by Nathan Glazer, Educational Policy and the Law: Cases and Materials (Berkeley: McCutcheon Publishing Corp., 1974), p. xxxv.

² Statistical Abstracts of the U.S.: 1977 (Washington D.C.: Bureau of the Census), pp. 181-185.

³ Kirp and Yudof, p. xxxv.

⁴ Kirp and Yudof, p. xxxvii.

⁵ Brown v. Board of Education of Topeka, 347 U.S. 483 (1984).

⁶ In re Gault, 387, U.S. 1 (1967).

⁷ Tinker v. Des Moines Independent School District, 393 U.S. 503 (1969).

⁸ Dwight Roper, "Parents as the Natural Enemy of the School System, Phi Delta Kappan, December, 1977, p. 239.

⁹ Ibid, p. 242.

¹⁰ Ellen Lurie, How to Change the Schools: A Parent's Action Handbook on How to Fight the System (New York: Random House, 1970), p. 267.

¹¹ John Holt, Instead of Education: Ways to Help People Do Things Better (New York: C. P. Dutton and Company, Inc., 1976), p. 222.

¹² Joseph M. Cronin, "Parents and Educators: Natural Allies," Phi Delta Kappan, December, 1977, p. 242.

¹³ Michael Serrill, "The Search for Juvenile Justice," Saturday Review, June 23, 1979, p. 22.

¹⁴ Jacqueline Trescott, "Children vs. Parents," The Spokesman Review, 4 May, 1979, p. 23.

¹⁵ "Teens Sue Parents for College Funds, The Denver Post, 17 June, 1979, p. 5.

¹⁶ Virginia Adams, "Social Scientists Tackle Another Syndrome - Parent Battering," The Spokesman Review, 13 July, 1979, p. E1.

17 David G. Carter, Sr., J. John Harris, III, and Frank Brown, "Student and Parent Rights. What Are Their Constitutional Guarantees?" Nolpe School Law Journal, v. 6, 1976, no. 1, p. 45.

18 John H. Garvey, "Child, Parent, State, and the Due Process Clause: An Essay on the Supreme Court's Recent Work," Southern California Law Review, v. 51, 1978, p. 786.

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