A Resolution in Support of Parental Rights

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_[[1]](#footnote-1) Public Schools

A resolution to affirm the commitment of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ School Board to the fundamental rights of parents to direct the education of their children.

WHEREAS, parents are in the best position to know their own child’s needs and circumstances, and therefore, should maintain authority over all decisions that could impact the health and well-being of their children; and

WHEREAS, the fundamental right of parents over the upbringing of their children has been unequivocally established in the United States;[[2]](#footnote-2) and

WHEREAS, the \_\_\_\_\_\_\_\_\_\_\_ School Board recognizes W. Va. Code § 44-10-7 which states “the father or mother of any minor child or children shall be entitled to the custody of the person of such child or children, and to the care of his or their education…”, and recognizes that this was interpreted by the West Virginia Supreme Court in its decision, *In re Willis,* 157 W.Va. 225, 207 S.E.2d 129 (WV 1973), which stated “[t]he preeminent right of the parent to the custody of his child has been recognized in the statutes of this State since its formation. Code 1931, 44-10-7, as amended, provides inter alia: ‘. . . But the father or mother of any minor child or children shall be entitled to the custody of the person of such child or children, and to the care of his or their education. . . .’” that “[i]t shall be the public policy of this state that parents shall retain the fundamental right to exercise primary control over the care and upbringing of their children in their charge.”; and

WHEREAS, the \_\_\_\_\_\_\_\_\_\_\_ School Board believes that all academic success begins by embracing these fundamental parental rights in our educational institutions; and

WHEREAS, it is essential that parents’ voices are respected and incorporated into the development of academic curricula to ensure that their children are receiving an appropriate education; and

WHEREAS, the \_\_\_\_\_\_\_\_\_\_\_\_\_ School Board believes that education must focus on academic subjects, and, without exception, should not include personal bias, personal political opinion, or indoctrination; and

WHEREAS, the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ School Board believes that any parent has the right to see and evaluate all surveys, data collection, and psychological profiling before they are administered to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ students and that parents have the right to ‘opt out’ of any or all such testing, survey participation, and/or data collection; and[[3]](#footnote-3)

WHEREAS, as a governmental entity in the State of West Virginia, the \_\_\_\_\_\_\_\_\_\_\_\_ School Board must adhere to West Virginia law, including W. Va. Code § 44-10-7, as interpreted by the West Virginia Supreme Court in *In re Willis,* 157 W.Va. 225, 207 S.E.2d 129 (WV 1973) in all of its practices;

NOW, THEREFORE, BE IT RESOLVED that the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ School Board affirms our commitment to the fundamental rights of parents to direct the education of their children, including the right to play a central role in what it is their children are learning; and

BE IT FURTHER RESOLVED that the \_\_\_\_\_\_\_\_\_\_\_\_ School Board, Administration, and employees will uphold the traditional partnership between teachers, students, and parents by directly communicating with and involving parents in the education of their children.

1. Insert name of City/County School Board, here and all blanks following. [↑](#footnote-ref-1)
2. *See, e.g., Meyer v. Nebraska,* 262 U.S. 390 (1923); *Pierce v. Society of Sisters,* 268 U.S. 510 (1925); *Wisconsin v. Yoder*, 406 U.S. 205 (1972); *Parham v. J.R.,* 442 U.S. 584 (1979);and *Troxel v. Granville,* 530 U.S. 57 (2000). [↑](#footnote-ref-2)
3. Note that this paragraph may need to be re-worded to account for state law regarding curriculum opt-out. Recommend talking to school district counsel to determine best wording. [↑](#footnote-ref-3)