



January 10, 2022

The Honorable Doug Richey
Missouri House of Representatives
201 West Capitol Avenue
Room 207-B
Jefferson City, MO 65101

RE: H.B. 1995, The Parents' Bill of Rights for Student Well-Being

Dear Representative Richey,

By way of introduction, I am the president of a nationwide nonprofit, ParentalRights.org. Our organization was founded fifteen years ago to protect children by empowering parents. We work in all fifty states and at the federal level to advance, defend, and protect the fundamental right of parents to direct the education, upbringing, and care of their children.

We are grateful for your introduction of H.B. 1995, The Parents' Bill of Rights for Student Well-Being. This bill will enshrine into state law that parental rights are fundamental, as the Missouri Supreme Court has long recognized. *See, e.g., In the Interest of K.A.W.*, 133 S.W.3d 1, 12 (Mo. 2004): “The bond between parent and child is a fundamental societal relationship. A parent’s right to raise her children is a fundamental liberty interest protected by the constitutional guarantee of due process. It is one of the oldest fundamental liberty interests recognized by the United States Supreme Court.” (*internal citations omitted*)

However, we recommend two changes to H.B. 1995 in order to strengthen it so that it does not inadvertently lead to harm to parental rights down the road:

1. Change proposed 161.851.10(3) beginning on line 112 of the bill by inserting a few new words as indicated below in bold, italic, underlined font: “Prohibit a court of competent jurisdiction, a law enforcement officer, or employees of a governmental entity or other public institution responsible for child welfare from acting within the reasonable and prudent scope of such court or person’s official capacity and authority ***in a manner not inconsistent with this Act;***”

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We believe that this change is necessary in order to prohibit a Missouri governmental official from acting contrary to parental rights and arguing that his or her action is “reasonable.” Additionally, this proposed language could allow a state court that may be hostile to parental rights to hold that state action damaging to parental rights is “reasonable” under this section, which could weaken the intended purpose of this legislation.

2. Change proposed 161.851.12 beginning on line 148 of the bill by inserting a few new words as indicated below in bold, italic, underlined font: “The department of elementary and secondary education may promulgate rules ***governing the conduct of public school agents and employees*** to implement the provisions of this section.”

Without this edit, Missouri’s Department of Elementary and Secondary Education may attempt to promulgate rules that would include private and homeschool programs.

On behalf of our thousands of parent supporters across the State of Missouri, thank you for introducing H.B. 1995, and thank you for considering these two proposed changes. If you are willing to make these changes, ParentalRights.org would be excited to endorse H.B. 1995, and work with you and the legislature to see it passed into Missouri law.

Please do not hesitate to contact me if you have any questions. I can be reached via phone at 540-751-1200, or via email at will@parentalrights.org.

Very truly yours,



William A. Estrada, Esq.*
President
ParentalRights.org

**Licensed in California and the District of Columbia*