

By Mr. Rauschenbach, petition (accompanied by bill, Senate, No. 247) of George Appell for legislation relative to the rights of parents to make certain choices for the education of their children in schools of the Commonwealth. Education, Arts and Humanities.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-One.

AN ACT RELATIVE TO PARENTS CHOICE RIGHTS.

1 *Whereas*, The Pierce case decided by the U.S. Supreme Court
2 in 1926 states that “The fundamental theory of liberty upon which
3 all governments in the Union repose excludes any general power
4 of the state to standardize its children by forcing them to accept
5 instruction from public teachers only.”

6 *Whereas*, The Commonwealth of Massachusetts requires all its
7 children to attend school from age 5 until age 16, but currently
8 does not dispense funds to poor families on welfare and AFDC
9 to enable their children to attend non-public schools as required
10 by the Pierce decision.

11 *Whereas*, The Universal Declaration of Human Rights
12 proclaimed by The United Nations in 1948 and to which the
13 United States is a signatory, reads: “Education shall be free at least
14 in the elementary and fundamental stages. Parents have a prior
15 right to choose the kind of education that shall be given to their
16 children.”

17 *Whereas*, Equal Education Opportunity is a widely expressed
18 ideal for all children irrespective of their color, race, religion,
19 financial condition or other accidents of birth. This equal
20 opportunity is not now available to poor children for the liberty
21 to attend non-public schools in accordance with their parent’s
22 desires in contrast to rich parents. This is a definite disadvantage
23 for the poor parents and their children in exercising the liberty
24 that they are guaranteed under the United States Constitution as
25 United States Citizens.

26 *Whereas*, Competition between automobile companies and
27 dealers, between lawyers, doctors, politicians, accountants,
28 supermarkets, department stores, restaurants and every other
29 facet of life except the post office and elementary and secondary
30 education is the greatest promoter of excellence in these and most
31 other lines of activities. It also provides freedom of choice to
32 American citizens in selecting that individual or organization that
33 meets the desires of these citizens. It is necessary now to allow
34 this freedom of choice and accompanying competition to become
35 the normal situation for education for all our children and their
36 parents without any financial penalties.

37 *Whereas*, Four per cent of our elementary and secondary
38 school age population now attend private schools with direct
39 payments to the schools by state and municipal governments. This
40 four per cent is the most difficult to educate because it consists
41 of physically, mentally and emotionally handicapped children and
42 yet private schools some with religious orientations are chosen
43 over government schools to educate these handicapped children.

44 A right is a financial certificate attesting that for good and
45 sufficient reason, the issuer of the right owes to the holder a
46 specified benefit. The good and sufficient reason is that according
47 to the Pierce decision of the U.S. Supreme Court in 1925, the
48 parents and the children live in a country with a fundamental
49 theory of liberty which excludes any general power of the state
50 to force any children to attend only public schools.

51 It is hereby mandated that every municipality in the
52 Commonwealth make available Parents Choice Rights to all
53 parents of school age children in their locality. These certificates
54 will be usable to help with the implementation of home schooling
55 or to help them to send their children to any school private or
56 public, which has openings for students who have stated
57 qualifications and which the parents desire for their children with
58 these qualifications.

59 The school receiving the certificate must be operated on an
60 unsegregated basis as to color and race and must meet the
61 minimum educational requirements of the state for curricula and
62 time in school, etc., as is now mandated for private schools and
63 home schooling. However, no parents and no schools are
64 mandated to accept any portion of the available certificates if for

65 any reason they do not desire to do so. The value of any unused
66 available certificates will revert to the real estate taxpayers of the
67 respective communities. To minimize taxes in each municipality,
68 the maximum value of a certificate will be the tuition,
69 transportation and other charges of the private or public school
70 chosen by the respective parents or the out of pocket educational
71 expenses of the home schooling parents for textbooks and home
72 schooling supplies and educational services.

73 This value will be capped by the amount computed by dividing
74 the total costs of elementary and secondary education for the
75 previous school year for the municipality including the cost of the
76 buildings and their maintenance and the costs for transportation
77 of the pupils by the total number of school age children in the
78 same community. These costs for the municipality will include all
79 cost financed by federal, state, and local taxes.

80 The caps will be adjusted up or down for grade levels in the
81 schools and whether or not the child is disadvantaged with
82 physical or mental or emotional handicaps. Any adjustments will
83 be identical for private or public school children with respect to
84 grade levels and disadvantaged children.

85 Parents or other interested individuals and organizations may
86 supplement the certificates with their own funds either as tuitions
87 or charitable donations to the schools they prefer. These
88 additional receipts for private and public schools will not effect
89 the computation of the value of the certificate representing
90 Parents Choice Rights.

91 If the parents choose to home school or to patronize private
92 or public schools with tuitions and transportation and other
93 charges less the amount of the certificate cap, 50% of the difference
94 between the schooling costs and the certificate cap will be placed
95 by the municipality in trust for the specific children to be used
96 with accumulated interest exclusively for the post secondary
97 education of the children as their respective parents may select.
98 The other 50% will revert to the real estate taxpayers of the
99 community.

