

110TH CONGRESS
2^D SESSION

S. RES. 572

Calling upon the Court of Appeal for the Second Appellate District of California to uphold the fundamental and constitutional right of parents to direct the upbringing and education of their children.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2008

Mrs. DOLE submitted the following resolution; which was referred to the
Committee on the Judiciary

RESOLUTION

Calling upon the Court of Appeal for the Second Appellate District of California to uphold the fundamental and constitutional right of parents to direct the upbringing and education of their children.

Whereas the modern homeschool movement in the United States demonstrates that homeschooled children are a vital component of the United States education system;

Whereas homeschool graduates act responsibly as parents and as students in colleges and universities, are valuable in the workplace, and are productive citizens in society at large;

Whereas many studies confirm that children who are educated at home score considerably above the national average on nationally-normed achievement tests, and above

the average on both the SAT and ACT college entrance exams;

Whereas homeschooled children, such as 2007 Heisman Trophy winner Tim Tebow, are receiving national recognition for their victories in national competitions, such as national spelling bees and geography bees, and are being highly sought after by nationally-recognized colleges and universities;

Whereas homeschooling families contribute significantly to the cultural diversity important to a healthy society;

Whereas notable individuals such as Benjamin Franklin, John Quincy Adams, Patrick Henry, Ansel Adams, Charles Dickens, and General Douglas MacArthur all received a high-quality education at home;

Whereas over 2,100,000 children are being homeschooled nationwide;

Whereas the Supreme Court has ruled that parents have a fundamental and constitutional right to direct the upbringing and education of their children, in the cases of *Pierce v. Society of Sisters*, 268 U.S. 510 (1925), *Meyer v. Nebraska*, 262 U.S. 390 (1923), and *Wisconsin v. Yoder*, 406 U.S. 205 (1972);

Whereas on February 28, 2008, the Court of Appeal for the Second Appellate District of California, in Los Angeles, California, issued an opinion in the case of *In re Rachel L.*, 73 Cal. Rptr. 3d 77 (Cal. Ct. App. 2008), that homeschool parents who did not hold a teaching credential could not legally homeschool their children;

Whereas the initial decision by the Court of Appeal in that case would have had an adverse impact on approximately

166,000 children in California who are receiving a quality education at home; and

Whereas on March 25, 2008, the Court of Appeal granted a motion for rehearing in the *In re Rachel L.* case, with respect to the decision that required parents to hold a teaching credential in order to legally homeschool their children: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) commends the Court of Appeal for the Sec-
3 ond Appellate District of California, in Los Angeles,
4 California, for allowing a rehearing in the case of *In*
5 *re Rachel L.*, 73 Cal. Rptr. 3d 77 (Cal. Ct. App.
6 2008); and

7 (2) calls upon the court to uphold the Supreme
8 Court’s opinion that parents have a fundamental
9 and constitutional right to direct the upbringing and
10 education of their children.

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