

September 5, 2014

The Honorable Jerry Brown
Governor of California
State Capitol, First Floor
Sacramento, CA 95814

RE: AB 1444 Veto Request

Dear Governor Brown,

As advocates for children and families, we support the long-held right and option of parents to wait until their children are 6 years old to enroll them in school. This is, and should remain, the decision of parents – they are obviously closest to their own child. We also support financial prudence in that the government should not spend more than its revenues. Because AB 1444 violates both these principles, we urge your veto.

Unnecessary: It is not wise or necessary to place under threat of law good parents who are conscientiously choosing to delay formal schooling for their child until first grade. These thoughtful parents clearly care for their children, and will enroll them in school when their children turn 6 years of age. The California Department of Education’s analysis of 2011-12 data reports “28,000 or 5.7% of kids entered the public school system for the first time in first grade.” (Source: Assembly Education Committee analysis, April 30, 2014). Of course, additional parents delaying formal education until first grade enrolled their children in private schools, church schools, and home schools. Parents who know their own children’s intellects, emotions, and development have good reason for waiting until age 6; these same good parents start their children in formal schooling the very next year. AB 1444 is unnecessary in that it cannot improve the love that these parents already have for their own kids.

Ironically, even the bill’s author has stated her desire for parents to continue to have this right: “The author believes that all kids should be required to attend kindergarten but also believes that parents should have the ability to start them at an older age if that is what they believe to be developmentally best for their kids.” (Source: Assembly Education Committee analysis of AB 1444, April 30, 2014).

Unaffordable: As a reimbursable state mandate, AB 1444 would cost as much as \$200 million annually in General Fund monies, reflecting additional average daily attendance costs. (Source: Senate Appropriations Committee analysis of AB 1444, June 30, 2014). This would burden an already-stressed state budget. If the more costly “transitional kindergarten” is completely unacceptable due to budget constraints, then mandatory kindergarten is also unaffordable, especially due to its onerous elimination of a long-held parental right.

Infringement on parental rights: At its core, AB 1444 eliminates a pre-existing parental right in California -- the right to decide whether your child is emotionally ready to start school. Some children truly aren’t ready for kindergarten, and home would be a much better learning and nurturing environment until they’re 6 years old. A responsible parent who knows his or her child knows best. To eliminate this fundamental

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parental right – a basic and expected privilege that current state law respects and protects – would be inconsiderate, to say the least. Consider these family situations:

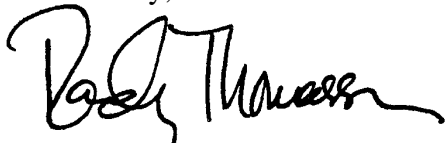
- A girl who's doing well emotionally and developmentally at home. Her parents don't want the interruption of mandatory public school or other formal schooling just yet.
- A boy who doesn't yet know how to healthily handle conflict with other children. His parents want him home for another year so they can work with and better prepare him.
- A father or mother who is concerned about the local schools, who wants more time to consider their education choices, and who doesn't want to be rushed or forced into kindergarten.

What's more, the United States Supreme Court has repeatedly held that parents have a fundamental right to determine the upbringing and education of their own children. In 2000, in *Troxel v. Granville*, involving a Washington state law that infringed on parents, the high court not only struck down the unconstitutional statute but strongly reaffirmed the fundamental rights of parents. From the majority opinion authored by Justice Sandra Day O'Connor:

In subsequent cases also, we have recognized the fundamental right of parents to make decisions concerning the care, custody, and control of their children. See, e.g., Stanley v. Illinois, 405 U.S. 645, 651 (1972) ("It is plain that the interest of a parent in the companionship, care, custody, and management of his or her children 'come[s] to this Court with a momentum for respect lacking when appeal is made to liberties which derive merely from shifting economic arrangements' " (citation omitted)); Wisconsin v. Yoder, 406 U.S. 205, 232 (1972) ("The history and culture of Western civilization reflect a strong tradition of parental concern for the nurture and upbringing of their children. This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition"); Quilloin v. Walcott, 434 U.S. 246, 255 (1978) ("We have recognized on numerous occasions that the relationship between parent and child is constitutionally protected"); Parham v. J. R., 442 U.S. 584, 602 (1979) ("Our jurisprudence historically has reflected Western civilization concepts of the family as a unit with broad parental authority over minor children. Our cases have consistently followed that course"); Santosky v. Kramer, 455 U.S. 745, 753 (1982) (discussing "[t]he fundamental liberty interest of natural parents in the care, custody, and management of their child"); Glucksberg, supra, at 720 ("In a long line of cases, we have held that, in addition to the specific freedoms protected by the Bill of Rights, the 'liberty' specially protected by the Due Process Clause includes the righ[t] ... to direct the education and upbringing of one's children" (citing Meyer and Pierce)). In light of this extensive precedent, it cannot now be doubted that the Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children.

Governor Brown, for the sake of children's best interests led by loving parents, as well as fiscal prudence, please veto AB 1444. Your veto is the wise path that cares for children and respects the People.

Sincerely,



Randy Thomasson
President