

To: Ms. Natalie Castle, Director lcs.ga@coleg.gov

From: Ms. Marla F Benavides and Debra Carroll

CC: Julia Jackson | MPA julia.jackson@coleg.gov, Cathy Eslinger, cathy.eslinger@coleg.gov

Date: February 3, 2023

Re: **Proposed initiative measure concerning the Fundamental Rights of Parents.**

The Parent Right in Education

Concerning parental rights in education

Citizens' initiative: 2023

SUBJECT: PARENT'S RIGHT AMENDMENT.

SUMMARY

For Education years commencing on January 1, 2024, the ballot initiative amends the compulsory education section, and establishes parental rights in education. The Amendment requires that the government cooperate with the parents or legal guardian when making decisions and prohibits the government from usurping the parents absolute right in rearing their children as they see fit; in short it establishes a fundamental right in the education of their children to decide all matters of school of choice that best fits their child(ren)'s needs.

1. **Article II. Bill of Rights. Section 43. Parent Rights.**

2. THE PEOPLE OF COLORADO AMEND ARTICLE II OF THE COLORADO CONSTITUTION SETTING FORCE PARENTAL RIGHTS IS A GOD-GIVEN RIGHT THAT

STARTS AT CONCEPTION, AND TERMINATES UPON THE DEATH OF THE PARENT OR CHILD UNLESS:

a) LEGALLY WAIVED OR LEGALLY TERMINATED AS FOLLOWS:

- i. **Termination of parental rights.** —The state, or any of its political subdivisions, any other government entity shall not infringe on the fundamental rights of a parent to direct the upbringing, education, health care, and mental health of his or her minor child **without demonstrating Beyond a Reasonable Doubt** that it is necessary to achieve a compelling state interest in the *welfare of the child* that such action is narrowly tailored to serve the *best interest of the child standard* and is not otherwise served by a less restrictive means. The Natural Parent Presumption applies but to prove unfitness the prosecutor must prove that there is no doubt the parent is unfit. If there is doubt, the state may not terminate the natural parents right.