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How Christian home-schoolers laid the groundwork for ‘parental rights’

By Sarah Pulliam Bailey

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Will Estrada was lobbying to get “parental rights” enshrined in the U.S. Constitution in 2009 when he held a breakout session on homeschooling at a conference in Mississippi.

Estrada, 39, who grew up in a conservative Christian home-schooling family, believed it is parents’ fundamental right to make choices for their children. But that day, he recalled, just six people showed up — armed with questions about Obamacare.

“We’ve been speaking into the void,” he said. Now, “suddenly everyone cares about parental rights.”

Over the past year, parental rights have become a popular cause as Republicans have assailed pandemic measures and the teaching of gender and race in schools. Last year in Virginia, where Estrada now lives, former business executive Glenn Youngkin rode a wave of frustration over mask mandates and anxiety over “critical race theory” to the governor’s mansion. Legislators across the country have also produced a stream of parental-rights-related bills. For Christian homeschool advocates like Estrada, it’s a long-awaited payoff.

“There are those people who in some cases have dedicated their life’s work to this,” he said. “Now their diligence and toiling behind the scenes have been vindicated with the rise of interest.”

Parental rights have not always been a partisan issue. “The parental right argument is as old as public schools,” said Adam Laats, a professor of education at Binghamton University State University of New York. “Parental rights is used by every group when you feel like you’ve lost control of the schools.”

Laats says it dates to the late 1800s when Catholic parents wanted their version of the Bible to be read in schools instead of the King James Version favored by Protestants.

In the 1960s, it became popular among conservative Christians, after the Supreme Court ruled that devotional prayer, sponsored Bible reading and the recitation of the Lord's Prayer in public schools was unconstitutional.

“Since the 1960s, parental rights have been a rallying cry for conservative evangelicals who felt repeatedly usurped in their ability to control schools,” Laats said. “It was a shock to think public schools could possibly function without religion guiding them.”

In the 1980s, conservative Christians, encouraged by figures such as James Dobson, founder of Focus on the Family, embraced homeschooling as an alternative to what Dobson has called the “[godless and immoral](#)” curriculum in public schools.

In 1983, a lawyer named Michael Farris founded a Virginia-based group called the Home School Legal Defense Association, a group designed to protect home-schooling families from government regulations it saw as unnecessary. HSLDA has gone to great lengths since to ensure legal protections for home-schooled children across the country. ProPublica has reported that the organization successfully killed proposed regulations and changed existing laws in states across the nation on visitation rights from grandparents, mandatory high school attendance, and kindergarten programs at public schools. (Farris, who has long been one of the country's most prominent conservative lawyers, also reportedly helped work on legal efforts to overturn the 2020 election.

According to the New York Times, he drafted a lawsuit to help former president Donald Trump remain in office. Farris declined to comment on his alleged election work.)

Farris launched ParentalRights.org in 2007, and in 2013 he worked on a Virginia parental rights law that Youngkin went on to cite in his 2021 executive order to eliminate mask mandates in public schools.

Besides laying a foundation for the current wave of parental rights-related policies, conservative Christian home-school advocates are also taking an active role in making these policies law.

In 2021, Estrada, who home-schools his two children with his wife in Loudoun County, left his federal government job to become president of [ParentalRights.org](https://parentalrights.org). He has since testified on the issue in states such as South Dakota, Colorado and New Hampshire. Fifteen states currently have something about “parental rights” encoded in their state laws, Estrada said, and since he started in his role at ParentalRights.org, he has been involved in related legislation in Delaware, Georgia, Hawaii, Minnesota, Pennsylvania and Rhode Island.

Estrada partly credits the pandemic for helping spread interest in parental rights beyond conservative Christians, who don’t necessarily share the same underlying beliefs. His organization tries to stick to areas of consensus. It doesn’t take a stance on specific issues, but promotes the idea more broadly that parents should be the ones driving educational choices, not government workers, including teachers. “We’re here for the simple point that parents should be making decisions,” he said.

Estrada said his organization did not get involved in legislation signed in March by Florida Gov. Ron DeSantis (R), described by critics as the “don’t say gay” bill, that outlines what educators can teach on sexuality. But Estrada said parents are especially animated when they feel that teachers are doing things behind parents’ backs.

“When home-schoolers were fighting for freedom, it united [people on the right and the left]. You just wanted to be left alone by the government,” he said. “The interesting point right now is that there isn’t unanimity about what should be the solution.”

Polls have shown slightly different opinions on policies like the “don’t say gay” bill depending on how the question is worded. A March [UChicago Harris/AP-NORC](https://www.chicagotribune.com/news/politics-government/parental-rights-poll-2021-03-11) poll found 53 percent of U.S. adults opposed “prohibiting teachers from teaching about sex and sexuality in schools,” and a March [ABC/Ipsos](https://www.abc.com.au/news/2021-03-11/parental-rights-poll-53-percent-opposed-prohibiting-teachers-from-teaching-about-sex-and-sexuality-in-schools/11555556) poll found 62 percent of adults

opposed “legislation that would prohibit classroom lessons about sexual orientation or gender identity in elementary school.” Opinion was more divided in an April [YouGov poll](#) that found 44 percent of Americans supported “banning public school teachers from providing classroom instruction on sexual orientation and gender identity to children in kindergarten through third grade,” while 41 percent opposed such a ban.

Lainna Callentine became a home-school mother of three after she attended a conference in 2007 where Farris was speaking about parental rights. As a pediatrician who worked in the emergency room, she understood the idea that parents could have their rights taken from them if the state deemed necessary, because she had seen it happen.

Callentine, who is Black, was invited to be on the [ParentalRights.org](#) board, where she spent seven years meeting with all White men, including former speaker of the House Newt Gingrich. She resigned in 2014 because it became too partisan, she said, favoring Republican politics above all.

“I really supported the idea that parents should have the ability to raise their kids in a pure, organic way,” she said. “I kept watching, and I thought, ‘Peace out. I can’t be a brown stamp on that.’”

Now, Callentine says, she has seen the cause of parental rights glom onto issues she thinks have been blown out of proportion. She has attended local school board meetings in Wheaton, Ill., where she said parents threatened board members over mask mandates and how educators taught about racial issues.

“I came in with a perspective that was naive, that what people say is what they stand for,” she said. “There’s a lot of drumming up of threat.” The Coalition for Responsible Home Education, an organization that advocates for home-schooled children, warns that “parental rights extremism” can end up harming children, especially in cases of abuse and neglect.

Leaders in the group believe that extreme “parental rights” advocacy has often been elevated to the exclusion of the rights and protections of

children. Carmen Longoria-Green, a Washington-based lawyer who chairs the CRHE board, said that whenever you create an imbalance where the parents are the only ones with rights, people will inevitably misuse those laws.

“Parental rights extremism has uniquely affected home-school children, and that way of thinking and prioritizing parental rights will harm children at large,” she said. “It affects the ability of children to get out of bad situations. I think it’s only going to continue to ramp up.”

Robert Kunzman, a professor of curriculum studies and philosophy of education at Indiana University, said U.S. courts have historically held that if you send your child to a public school, you have less say in things like curriculum, that parents can work through school boards and committees to get changes passed. Recent legislation, however, has taken teacher oversight to a new level with proposals like the need to submit lesson plans and having cameras in the classroom.

That level of official surveillance runs separate to a core goal of many Christian home-schoolers, which is to keep government out of education entirely. But what parents in both communities have in common, Kunzman said, is an impulse that is anti-authority and antiinstitutional. “This idea didn’t originate with home schooling, but [that’s where] it gained traction and momentum,” Kunzman said.

Farris, who is now CEO of the major religious freedom advocacy firm Alliance Defending Freedom and has built out a parental rights division there, hopes to revive the effort Estrada had once advocated for: adding a parental-rights amendment to the U.S. Constitution.

“There’s been a major societal shift, and I think it’s going to last a long time,” he said. Farris noted how voters in San Francisco in February tossed three school board members seen as too focused on racial justice.

“The elections we saw in San Francisco — not exactly the Bible Belt — where parents rose up and threw school board members out, should tell everyone this is a major issue,” he said. “And parents are awake, and they’re not going back to sleep.”

Emily Guskin contributed to this report.
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