

Parental Rights in Education

I chaired a bill this past week dealing with parental rights in education. This bill does these things:

1. Requires schools to keep in mind parents' rights to control the upbringing, education, and health of their children
2. Requires schools to notify parents if there is a change in a student's physical, mental, or emotional health or well-being and the school's ability to support the student
3. Schools required to get parental consent for healthcare services and surveys inquiring about student well-being or health care
4. Schools required not to discourage parental involvement
5. Requires schools to allow parents access to all of their student's school records
6. Requires schools not to discourage a student to withhold information from a parent unless the result would be abuse, abandonment or neglect
7. Prohibits classroom instruction on LGBT issues in K-8 or not age-appropriate
8. Provides a path for parents to appeal a school district decision to the State Board of Education or to bring a civil suit.

We have seen some schools trample on the rights of parents to know about their child's activity at school and to bypass or minimize exposure to informed consent that should be necessary for parents to give for certain school programs. For example, some schools have not notified parents about their children's presenting themselves as the opposite sex with a different name. Some schools have not gotten parental consent before offering mental health services. This should not be. Except in the case where it could reasonably be expected the parent would abuse the child, the parents, who have the responsibility for the child and who have the most invested in him, should know what their child is doing in school.

Some say that their schools are not violating parental rights so why do we need a law. Perhaps even most schools are not doing this. We have to remember that most people do not break into others' homes but we still have laws against burglary. Most people do not kill others but we have laws against murder. Those schools not violating parental rights do not need to worry about this law, only those that are.

Just as not all parents want others to teach their children about sex education because it involves family religious beliefs about sexuality, so not all parents want others to teach their children about sexual orientation and gender identity because it, too, involves family religious beliefs about sexuality and sexual ethics.

Many students, parents, or families do not agree with the viewpoint held by their schools regarding sexual orientation and gender identity issues. Therefore, teaching on this subject should be left with the family at home.

As seen through many conflicts all across the political landscape there is widespread disagreement concerning sexual ethics and so the school should leave teaching of this religiously-informed topic to the family.

I have heard some say that "trans" students suffer many struggles and LGBT instruction helps all students learn to treat them with respect, understanding and tolerance. I would say respect, understanding, and tolerance for all students no matter what their beliefs and viewpoints can and should be taught to all students with or without LGBT instruction. This is a basic principle that applies to much more than just LGBT issues.

I have also heard threats made that if LGBT instruction isn't given to "trans" students that their mental health issues will worsen and increase suicidal tendencies. I would say if the school notes any children with mental health issues and suicidal tendencies the school should work with the parent to help that child receive compassionate counseling and care with the goal of helping them accept themselves with the sex they were created to be.

Medical Malpractice (Tort Reform)

This bill was passed in the Senate and the House this past week and caps noneconomic damages in medical malpractice cases where there is substantial or permanent loss or impairment of a bodily function, substantial disfigurement, or death at \$2 million for hospitals and \$1 million for all other medical providers. The bill also changes the definition of “noneconomic damages” to exclude loss of dependent care, due to the injury or death. This will now be considered economic damages. The bill builds in a 2.1% annual inflation factor starting in 2028. A pregnancy is added to the list of exemptions to the current law soft cap of \$250,000. A one-year task force is also appointed to study medical errors.

I discussed this legislation more in depth in a previous newsletter, so I will just summarize here: I voted no on this bill and here’s why: This sets way too low the limits the amounts doctors and hospitals can be held accountable for damages paid to injured victims such as pain and suffering, emotional anguish, and loss of a loved one. This, for all practical purposes, denies Iowans that don’t earn income such as a stay-at-home mom, a child or a retired person that sustain egregious injuries or death due to a breach in the medical standard of care their 7th Amendment right to a jury trial. That is because attorneys will not be able to take their case as it is too risky (90% of the time the victim loses) and expensive (\$250,000 to \$500,000) to bring to trial. In effect, this hard cap will cut off access to the courts for the worst cases, the cases that need justice the most. Iowans expect us to protect victims: that’s what a right to a jury trial is all about. Some say that no one will lose their right to a jury trial but in certain circumstances that is not true. It is the job of the judicial branch, not the legislative branch, to look at the particular facts of each unique case and make a determination appropriate to that case regarding damages that should be owed.

Other Bills Passed in the Senate

District Judicial Nominating Commissions: District judicial nominating commissions are responsible for screening applicants and selecting nominees for vacant district judge positions. This bill removes the senior judge in a judicial district as the chair of the district judicial nominating commission. Instead, the Governor shall appoint six members and those members shall elect a chairperson from their own number. The other 5 members are attorneys appointed by the Iowa Bar Association. This will give a person elected by the people (the governor) more control as opposed those in the legal profession while still retaining attorneys that have valuable input to offer.

Funeral Directors' Bill: This bill creates a registered “removal specialist,” a person that will specialize in removing the deceased body from the place of death and transferring them to a funeral home or other location. The Board of Mortuary Science will develop rules around the prerequisite training and requirements for the removal specialist. Currently our law only allows funeral directors to transport a deceased body from the place of death to a funeral home or other designated place. This would relieve a funeral director on vacation or otherwise unavailable to still be able to serve the family and the community.

Feel free to contact me with ideas, thoughts, and concerns. My phone is 319-987-3021 or you can email me at sandy.salmon@legis.iowa.gov . I want to hear what you are thinking and will listen to your input. Together we will work to make a difference for the future of Iowa. Thank you very much for the honor of representing you!

Sincerely,

Sandy