CC4409 9.8.26 Tuesday

Lawsuit in Nebraska alleges that public education is unconstitutional.

The school choice militants create bizarre arguments as they seek tax support for a private education for their children. Some Nebraska parents have filed a case contending that private education violates their first amendment free speech rights and thus public education is unconstitutional.

It would seem that this action is a challenge to the Nebraska Constitution; thus the plaintiffs should initiate a change to the Nebraska Constitution to achieve their objective.

CASE **SUMMARY**

Education is speech. The curriculum taught, the books assigned, and the values reinforced inside (and outside) of the classroom all convey a message. The Constitution has long recognized that parents—not the government—hold the paramount right to direct that message for their own children.

Parents also have a legal duty to provide or arrange for educational speech. Nebraska requires parents to educate their school-aged children under threat of criminal penalties. Yet the state supplies an education only if parents enroll children in public schools and accept the government's messaging, even when such messages contradict the parents' values. NCLA represents two families in this lawsuit challenging that arrangement for violating their First Amendment free-speech rights.

Read the complaint here: Complaint for Declaratory, Injunctive, and Monetary Relief for Violation of Civil Rights - New Civil Liberties Alliance