

# When Values Indoctrination in Public Schools Becomes a Burden: Balancing Civic Values and Parents' Free Exercise Rights

Darryn Cathryn Beckstrom

Federal courts, legal scholars, and parents alike are currently debating the presence of controversial topics in public school curricula, including topics related to homosexuality and sex-education, and whether such topics are suitable for young children. Parents increasingly claim their free exercise rights under the First Amendment are violated when controversial topics are taught. However, these parents experience varied success in the federal courts when seeking relief under such a claim. This Article attempts to balance the state's interest in inculcating students with civic values and parents' right to control the religious upbringing of their children. While the state should promote the inculcation of civic values, the state must be careful to prevent values indoctrination. Parents should have some control over their child in the public school realm in order to uphold the values of self-governance and limited government in a liberal democracy and pluralistic society. This Article defines and evaluates values indoctrination, a legal theory which is underdeveloped in the Free Exercise Clause jurisprudence. This Article argues that parents, when raising a free exercise claim, should be allowed to contend that values indoctrination in public schools places a burden on their free exercise rights, therefore meeting the threshold requirement for raising a free exercise claim. When this occurs, the interests of the state and parents are both upheld.