

Congress of the United States
Washington, DC 20510

March 30, 2022

The Honorable Miguel Cardona
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary Cardona:

We write with regard to your comments about the State of Florida’s recent enactment and implementation of the *Parental Rights in Education Act*. You stated that, “Governor DeSantis has chosen to target some of Florida’s most vulnerable students and families, all while under the guise of ‘parents’ rights. . . .” and that the U.S. Department of Education “will be monitoring this law upon implementation to evaluate whether it violates federal civil rights law.”¹ Specifically, we are concerned with how you plan to “monitor” the implementation of this law and how it will impact the rights and privacy of concerned and law-abiding parents.

It is a fundamental right of parents to care, raise, and educate their children. Consistent with that, the provisions under the *Parental Rights in Education* law ensure Florida schools adopt policies that prioritize the families they serve and not woke ideologies. As a result of the law, parents will be better informed about the wellbeing of their child through its requirement that schools adopt procedures for notifying parents about changes in their child’s mental, emotional, and physical health. The law also requires a right of parental access, which will empower parents and support informed child-rearing decisions. As Governor DeSantis explained, “[p]arents have every right to be informed about services offered to their child at school. . . .”² Opponents of the measure deceptively rely on a provision of the law that restricts classroom instruction on topics relating to “sexual orientation or gender identity” in “kindergarten through grade [three],” or that is not “age appropriate.”³ These sex-based issues are not suitable for classroom instruction with children as young as five. There is a time and place for these sensitive discussions. Indoctrinating a classroom full of kindergarteners on gender identity is not it.

It should go without saying that we do not send our kids to school so that the schools can raise them, that is properly the job of parents. Nearly a century ago, the Supreme Court recognized as much when it held that “[t]he child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and

¹ Secretary of Education Miguel Cardona, U.S DEP’T OF EDUCATION, *Statement by Secretary of Education Miguel Cardona on Newly Signed Florida State Legislation*, (Mar. 28, 2022), <https://www.ed.gov/news/press-releases/statement-secretary-education-miguel-cardona-newly-signed-florida-state-legislation>.

² Governor Ron DeSantis, FLORIDA DEP’T OF EDUCATION, *Governor Ron DeSantis Signs Historic Bill to Protect Parental Rights in Education*, (Mar. 28, 2022), <https://www.fldoe.org/newsroom/latest-news/icymi-governor-ron-desantis-signs-historic-bill-to-protect-parental-rights-in-education.stml>.

³ House Bill (HB) 1557, <https://www.flsenate.gov/Session/Bill/2022/1557/BillText/er/PDF>.

prepare him for additional obligations” and that “parents and guardians [have the right] to direct the upbringing and education of children under their control.”⁴ We send our children to school to learn how to read, write, and think critically, not how to think about their sexual orientation or gender identity. Parents must bear primary responsibility and final authority over the values and intimate topics that their children might want to discuss or learn about, not the State. This is what the *Parental Rights in Education* bill confirms into law.

Your claim that the *Parental Rights in Education Act* is a “guise of ‘parents’ rights” that ultimately “targets some of Florida’s most vulnerable,” implies that laws which empower parents will lead to poor outcomes for vulnerable students, which is precisely the hubris and entanglement of D.C. politicians that the people of Florida reject. Parents have an obligation to care for the wellbeing of their children and a right to determine how and when they are exposed to different subject matters. Parents and students deserve to know the truth about the Department’s intention to “monitor” their parental decisions. Therefore, we request that you promptly respond to the following questions:

1. Should pre-K through third grade students be required to engage in classroom discussions about sexuality and gender identity?
2. Do you believe it is acceptable for pre-K through third grade teachers to incorporate topics about sexuality and gender identity into their class curriculums?
3. How does the Department view the role of a parent when it comes to their child’s education and well-being?
4. In detail, please explain the course of action the Department plans to take in implementing your order to “monitor” the Florida law?
5. Will the Department seek to monitor, or ask any other government entity to monitor, parents who exercise their rights under this bill?
6. How does the Department intend to protect the right of a parent to care, raise, and educate their child?

Thank you for your prompt attention to this important issue.

Sincerely,



Marco Rubio
U.S. Senator



Daniel Webster
Member of Congress



Byron Donalds
Member of Congress

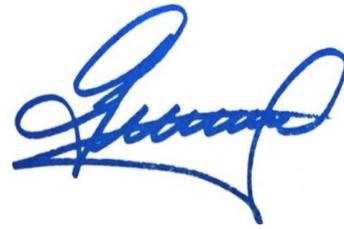


Gus M. Bilirakis
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⁴ *Pierce v. Soc’y of Sisters*, 268 U.S. 510, 535 (1925).



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