

Position on Obama's Mandates on Public Schools

RE: Transgender Bathroom Access

As you may know, Elected School Board members of the state of Florida are State Constitutional Officers. We are charged with carrying out the rules and laws of the Florida Constitution and Statutory Law. We are empowered by law to make policy for the school district we represent.

The Obama Administration, via the Federal Department of Justice and Department of Education published "guidelines" regarding use of public school restroom facilities by transgendered individuals. This is not a directive or an executive order as the President does not have the power to take such action over the states. However, these "guidelines" come with the threat of retaliation should a state or school district decide to take a different course of action. This retaliation would come in the form of withholding federal tax money for public schools. In essence, Barack Obama is circumventing the Constitution and the law by using threats and extortion against the sovereign states of this nation and public school districts across the country.

My Position

The responsible and lawfully empowered authority to make these decisions is held exclusively in the legislative bodies of the State of Florida, including the Florida Legislature, the Florida Board of Education and the individual Florida School Boards. In the Duval County School District, the Elected Board has moved constructively to address this issue, to comply with Title IX of Federal Anti-discrimination Law, and to be sensitive to the unique differences that characterize the individual students in our educational system. We have passed policy to that effect.

The United States Constitution

The 10th Amendment of the U.S. Constitution states, as follows;

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The Federal Government has no power granted to it by the Constitution to take the action stated by the Obama Administration. The Constitution specifically restrains the Federal Government from such actions though the power of the 10th Amendment. What's more, the Office of the President of the United States is not a law making entity: It is an administrative body charged with the execution of the laws made by Congress. Barack Obama's actions here are clearly de facto law-making and are a violation of state's rights, exceeding the administrative powers of his office.

Title IX

Obama argues that he has the power for this mandate by way of Federal Title IX. This is an anti-discrimination law created in 1972 that specifically states that sexual discrimination is prohibited. Obama has simply redefined Title IX to include those self-defining as "transgendered." An

action like this would typically be within the authority of the Judiciary or through the law-making powers of Congress. The President has clearly exceeded his Executive Branch authority and assumed the powers of the Judiciary in this action.

Threat of Withholding Federal Funds

Federal funds are a significant part of education funding in local public schools across the nation. The Federal Government orders the collection of tax revenue from the people of the state of Florida. If Florida lawmakers and local school districts comply with the desires of the Federal Government, the children of Florida are able to get back some of the money their parents paid in Federal Taxes. In essence, while there are no laws that grant the Federal Government the power to make local school policy, the threat of withholding funds creates a De Facto governing and lawmaking body via the Federal Government. I do not understand how this can be legal under the 10th Amendment of the Constitution, and the Federal Government's insistence on using threats and intimidation tactics are neither proper nor ethical.

Priorities

It strikes me that this President is not in touch with the realities facing public schools in America. In Duval County, two-thirds of students cannot fully afford to buy their own lunch. Each year, our district is carrying forward a quarter of a billion dollar unfunded building maintenance and repair bill. Each year, US students fall behind the rest of the world in academic achievement. Today, countries like the Russian Federation, Vietnam and Shanghai-China outscore American students in performance (PISA scores 2013). I do not see Obama's "guidelines" doing anything to assist with learning in the class room: He is setting off a national controversy and making a "power grab" when he should be providing real assistance with the academic achievement crisis in America's schools. Instead, he is circumventing the power of local citizens and elected officials

In Conclusion

The rights of the individual citizens of the State of Florida and Duval County are under siege from a serious and aggressive assault in the form of Federal overreach. Many of you are already aware that this is not the first case of the Federal Government circumventing your rights to local government, local decision-making and autonomy. It is a phenomenon that is undermining our "American way of Life" and our "American Way of Liberty."

I am open-minded about policies to deal constructively with our LGBT community -- they are U.S. citizens and are afforded the same rights and privileges as any citizen in our nation. But, I believe it is the duty and right of the people of Florida and Duval County to set these policies under the Constitutional powers granted to them, not the Federal Government, and not a brash President who has assumed powers not established to him.

When elected, I swore an oath of office. It did not say that I would support a President, a political party or personal ideals. It simply says: *[I] will support the Constitution of the United States and the Constitution of the State of Florida.*

Scott Shine
Duval County School Board
Member, District 2
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