

By Senator Hays

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1 Senate Memorial

2 A memorial to the Congress of the United States,
3 urging Congress to honor the limits of federal power
4 as enshrined by the Constitution of the United States.

5
6 WHEREAS, the Florida Legislature holds that the first
7 principle of education, and therefore of education policymaking,
8 is that parents are the primary educators of their children, and
9 because responsibility for the education of children lies
10 primarily with their parents, so too, to the greatest extent
11 possible, should decisionmaking authority over elementary and
12 secondary education in the State of Florida, and

13 WHEREAS, the Florida Legislature trusts that the educators
14 of Florida, and not the politicians or bureaucrats of
15 Washington, D.C., are better equipped to determine academic
16 content for their students and to ensure the success of each
17 child enrolled in a Florida public school, and

18 WHEREAS, the Tenth Amendment to the Constitution of the
19 United States declares that: "The powers not delegated to the
20 United States by the Constitution, nor prohibited by it to the
21 States, are reserved to the States respectively, or to the
22 people," and

23 WHEREAS, the Tenth Amendment defines the scope of federal
24 power as being that specifically granted by the Constitution of
25 the United States and no more, and

26 WHEREAS, the Tenth Amendment unequivocally sets forth that
27 we, the people of the United States of America and each
28 sovereign state in the Union of States, now have, and have
29 always had, powers that the Federal Government may not usurp,
30 and

31 WHEREAS, a federal role in education is a violation of the
32 original intent of the Constitution of the United States and the

11-01086A-16

20161384__

33 Tenth Amendment, and

34 WHEREAS, nowhere in the Constitution of the United States
35 is the Federal Government delegated the power to regulate
36 elementary or secondary education, and

37 WHEREAS, because education is not an enumerated power
38 delegated to the Federal Government by the United States
39 Constitution, it is reserved to the states respectively or to
40 the people, and

41 WHEREAS, the Florida Legislature, which is directly
42 accountable to the citizens of Florida, is the appropriate body
43 to empower parents and educators to determine academic content,
44 free from any pressure from the United States Department of
45 Education, NOW, THEREFORE,

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47 Be It Resolved by the Legislature of the State of Florida:

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49 (1) That the Congress of the United States is urged to end
50 all current, and prohibit any further, interference by the
51 United States Department of Education with respect to state
52 decisions regarding academic content standards;

53 (2) That all compulsory federal legislation that interferes
54 with the sovereign State of Florida's constitutional authority
55 over educational standards and materials through civil threat,
56 sanctions, criminal penalty, or loss of federal funding be
57 repealed and prohibited;

58 (3) That this memorial serves as a notice and demand for
59 the prohibition of federal programs that incentivize states to
60 adopt certain academic standards or that require states to pass
61 specific education legislation in order to maintain federal

11-01086A-16

20161384__

62 funding; and

63 (4) That this memorial serves as notice to the Congress of
64 the United States that it is the duty of the Florida Legislature
65 to exercise its constitutional authority to resist and overturn
66 any interference by the Unites States Department of Education or
67 the United States Congress relating to Florida's academic
68 standards and educational materials.

69 BE IT FURTHER RESOLVED that copies of this memorial be
70 dispatched to the President of the United States, to the
71 President of the United States Senate, to the Speaker of the
72 United States House of Representatives, and to each member of
73 the Florida delegation to the United States Congress.