

Rep. Nesbitt offered the following resolution:

House Resolution No. 264.

A resolution to urge the State Board of Education to reject the recently proposed Statement and Guidance on Safe and Supportive Learning Environments for Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) Students.

Whereas, Article VIII, Section 1 of the Michigan Constitution, which can be traced back to parallel language in the Northwest Ordinance of 1787, proclaims the vital nature of traditional education in Michigan: "Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged"; and

Whereas, Article VIII, Section 3 of the Michigan Constitution states, "Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith"; and

Whereas, The Fourteenth Amendment to the U.S. Constitution states, in part, "No State shall...deprive any person of life, liberty, or property, without due process of law"; and

Whereas, The United States Supreme Court has long recognized that the Fourteenth Amendment protects the fundamental liberty of parents to direct the upbringing and education of their children. As stated by the Court in *Troxel v Granville*, 530 US 57 (2000), "[t]he liberty interest...of parents in the care, custody, and control of their children—is perhaps the oldest of the fundamental liberty interests recognized by [the Supreme] Court"; and

Whereas, The United States Supreme Court recognized, in *Parham v J.R.*, 442 US 574 (1979), that "our constitutional system[']s...concept of the family rests on a presumption that parents possess what a child lacks in maturity, experience, and capacity for judgment required for making life's difficult decisions. More important, historically it has recognized that natural bonds of affection lead parents to act in the best interests of their children"; and

Whereas, The United States Supreme Court recognized in *Pierce v Society of the Sister of the Holy Names of Jesus and Mary*, 268 US 510 (1925), 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 prepare him for additional obligations." Consequently, the state cannot "unreasonably interfere with the liberty of parents and guardians to direct the upbringing and education of children under their control"; and

Whereas, On February 23, 2016, State Superintendent Brian Whiston proposed, at the State Board of Education's request, a Statement and Guidance on Safe and Supportive Learning Environments for Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) Students; and

Whereas, The Statement and Guidance directs schools to allow children, without parental knowledge or consent, to identify with a gender other than that which is recognized by their parents; and

Whereas, The Statement and Guidance directs school staff to address and treat students by the name and gender they choose, while recommending a confidentiality policy that directs schools to purposefully deceive parents. More specifically, it recommends that a school, when talking to a transgender child's parent, "use the student's legal name and the pronoun

corresponding to the student's assigned sex at birth, unless the student or parent/guardian has specified otherwise"; and

Whereas, The State Board of Education extended the public comment period on the Statement and Guidance due to several thousand comments submitted from concerned parents and educators who opposed the plan; and

Whereas, The Statement and Guidance would significantly interfere with the fundamental rights of parents to determine the upbringing of their children and direct their education; now, therefore, be it

Resolved by the House of Representatives, That we urge the State Board of Education to heed the concerns of thousands of Michigan parents and reject the proposed Statement and Guidance on Safe and Supportive Learning Environments for Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) Students; and be it further

Resolved, That copies of this resolution be transmitted to the member of the State Board of Education.