

# TEXAS EAGLE FORUM

September 2023

Dear Texas Eagles,

A little over a year ago, I had the privilege of speaking at the Title IX Take-Over Rally in front of the Department of Education building in Washington, D.C. The rally was organized by the Title IX Network leader SAVE Services, a non-profit organization dedicated to ensuring that fairness and due process are restored and upheld on campus.

The rally was held in response to President Joe Biden's Spring 2022 Executive Order changing the definition of "sex" to include "sexual orientation" and "gender identity." By June, the Department of Education followed suit, releasing a proposed rule that would force schools to offer students special accommodations - including access to opposite sex bathrooms, pronoun recognition, and dress code exemptions - if a student claimed a transgender identity. Schools would also be permitted to provide these accommodations without notifying parents or seeking their approval.

When the proposed rule was opened for online public comment, a firestorm was unleashed. Hundreds of thousands of engaged, informed, and concerned citizens inundated the Department with comments in opposition to the proposed changes. As of publication, the rule has been delayed. But we are not out of the woods yet.

The sad truth is the Department of Education has become a stronghold of evil forces in the American school system. As we explore in this month's *Torch*, the Department has weaponized and perverted Title IX far beyond its original purpose. Today, Title IX has become the backdoor the Department of Education is using to allow a progressive, radical Marxist agenda to take over our public schools: from Social and Emotional Learning (SEL) to Critical Race Theory (CRT) to LGBTQ+ sex education.

Our kids deserve better. America deserves better.

TEF believes parents have the right to direct the moral and religious training of their children, and schools must not usurp that right. That is why we continue to work with like-minded coalitions like the Title IX Network to bring awareness to important issues affecting education. We believe students in Texas and across the country deserve to learn in a safe, stable, healthy educational setting that strengthens them in virtue, knowledge, and truth, and respects the role of parents and family in raising children.

I am grateful for each and every one of you standing with us to protect children and families. These are the days to stand strong in the faith, secure in the promises of Christ and His eternal kingdom. Yes, it is important to remember why we serve. But even more so, it is important that we remember *Whom* we serve: the one True God.

(continued on back...)

Regarding the recent acquittal of Attorney General Ken Paxton, I remain dismayed that the Texas House broke Texas Government Code 301.022, which requires that the General Investigating Committee hear only sworn testimony. Only 23 representatives stood up to vote against the flawed impeachment report, which included no sworn testimony. Only 23 elected state officials were brave enough to defy immense pressure to conform.

Similarly, the gambling and marijuana bills showed us the moral compass of our elected officials. We are thankful for the Senate's leadership in stopping these bills. Passage might have raised more money for Austin to spend but ultimately would have forced them to raise tax revenues to pay for the damage such vices do to society. As more and more research becomes public about the harms caused by marijuana, we will continue to reach out to those we believe we can encourage to stand firmly against any expansion of its use in Texas.

Knowing God has my back, and that the victory and glory are His alone, gives me the energy and stamina to continue fighting for Texas families. It is easy to become overwhelmed and discouraged by the seemingly endless fight. But God has placed each of us here, in this day and time, for a unique purpose. We are stronger when we work together. The impact you have on the lives and well-being of those around you may not be immediately seen, but it is there, and your efforts do matter.

TEF will publish its Scorecard for the 88th Session soon! Keep an eye on your mailboxes!

“I have told you these things so that in me you may have peace. In this world you will have trouble. But take heart! I have overcome the world” (John 16:33).

Faithfully,

A handwritten signature in black ink that reads "Cindi Castilla". The signature is written in a cursive, flowing style.

Cindi Castilla  
President  
Texas Eagle Forum

# THE TORCH

TEXAS EAGLE FORUM

September 2023

## The Department of Education's War on Children

By Jennifer Vermeulen, TEF Editor



For the first two hundred years of American history, the federal government played a very minor, nearly nonexistent role in education. Families and local communities were solely responsible for overseeing their childrens' education. Then, over a 14-month period beginning in 1964, Congress laid the legislative groundwork for what would become the U.S. Department of Education. President Johnson signed into law the Elementary and Secondary Education Act (ESEA) in 1965 as part of his "Great Society" domestic reforms, stating he believed that "full educational opportunity" should be "our first national goal."

From its inception, ESEA was touted as a civil rights law. Proponents used the claim of protecting human rights for intrusion by the federal government into education. Every year since, Congress has increased the power and reach of the Department of Education, adding layer upon layer of new laws, policies, and guidelines, creating what is today a \$270 billion bureaucratic behemoth.

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[TexasEagleForum.com](https://TexasEagleForum.com)

## The Federal Takeover of Education

When the Education Department became fully operational in 1980, advocates for the new bureaucratic agency assured the American public that benevolent oversight by the federal government would reduce the administrative costs of education resulting in a more efficient and effective American education system. But the education system American families got instead was quite different.

Federal intervention into education spurred rapid growth in administrative costs at the state and local levels. Today, over 48,000 education-related employees at the state level are on the federal payroll - more than 10 times the number of federal employees under the Department of Education itself. Research by Heritage Foundation found that 41% of the salary costs of state education agencies are paid by the federal government. The primary responsibility of these federally-paid but locally-employed administrators is to feed data back to Washington on local compliance, spending, and student outcomes.

Additionally, special interest groups like the National Education Association (NEA), American Federation of Teachers (AFT), and the higher education lobby have captured the Department of Education, thus creating a permanent stream of revenue out of the federal coffers and into their own pockets.

Since 1965, the federal government has spent trillions of dollars on education in America and yet, across the board, student academic outcomes remain stagnant.

In 2015, President Obama renewed the Education Department's fifty-year 'lease' on the American taxpayer when he signed the Every Student Succeeds Act (ESSA). At the time, proponents sold the legislation as part of America's "longstanding commitment to equal opportunity for all students" and as necessary for "advancing equity by upholding critical protections for America's disadvantaged and high-need students."

The passage of ESSA under President Obama marked a major turning point in the role of the Education Department, from a meddling, overpaid nanny into a major player in America's culture war.

### Title IX: From Education to Activism

Between 2010 and 2016, Obama's Department of Education issued guidance - which was not part of the original amendment passed by Congress - granting transgender students protection from sex-based discrimination under Title IX, the common name for the federal civil rights law enacted in 1972 as a continuation of civil rights reforms passed in the 1960s.



The original purpose of Title IX was to prohibit sex-based discrimination in any school or other education program that receives funding from the federal government. It reads:

*No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.*

Taken at face value, it's nearly impossible to find anything in the opening language of Title IX, as quoted above, to take offense to. Who among us would wish to see another human being denied their humanity and God-given rights? And yet, who could have known back in 1972 that within such a seemingly innocent sentence sits a single three-letter word which would one day be at the center of a bitter battle in America's culture wars?

### Redefining "Sex"

Although the original text of Title IX does not mention sports, one major benefit seen in the years following implementation was a considerable increase in the number of female students participating in organized sports within American academic institutions. One study, completed in 2006, suggested that the number of girls in high school sports had increased by a factor of nine, while the number of women in college sports had increased by more than 450% since Title IX had taken effect.

But now, after decades of protecting women and girls at school and in sports, President Biden's Department of



Education is considering a set of changes to Title IX rules which would upend the original intent of the federal civil rights laws and allow biological males to compete on female sports teams, use women's bathrooms, and undress in girls' locker rooms.

By the Department's own admission, the proposed rule would cost schools \$23.4-24.4 million over ten years. They even added a caveat to their estimate: "Because of the lack of available quantitative data, the Department cannot fully quantify the economic impact of the proposed regulation."

The rules, which were published to the federal register in April 2023, met with considerable opposition and public outcry, receiving nearly 250,000 comments during the initial public comment phase.

Eagle Forum Executive Director Tabitha Walter and Texas Eagle Forum President Cindi Castilla have been sounding the alarm on Title IX changes for several months. Mrs. Walter spoke about her rights as a parent to be involved in her children's education:

"The Department of Education's rewritten Title IX regulation would erase 50 years of progress for girls and women. Regardless of what the Biden administration says, this mama bear is going to know what my children are learning, who they are sharing private spaces with, and that they can be confident in the body that God created for them."

### A Showdown with the States

Currently, 23 states have bans against transgender athletes participating in sports opposite of their biological sex. However, these laws would be overturned if the Biden administration gets its way on its proposed Title IX changes.

Rep. Burgess Owens (R-UT) had sharp criticism for the proposed rule changes stating that the debate over protecting women's sport is not about "feelings, it's fairness." Other members echoed similar sentiments.

While the budget cannot directly pull this policy out of the Title IX program, Congress can explicitly deny funds to the enforcement of Title IX while also cutting money to the Department of Education due to their gross mismanagement of the agency.

On June 14, 2023 the Texas Attorney General filed a lawsuit challenging the Department of Education's Title IX guidance as an illegal effort to force schools to adopt transgender ideology. The Texas lawsuit was the fifth such lawsuit filed against the Biden Administration for its Title IX-related proposals. In August, Texas Governor Greg Abbott signed the Save Women's Sports Act into law thus protecting the integrity of fair competition and women's sports in Texas.

Additionally, Republican presidential candidates Ron DeSantis, Mike Pence, Vivek Ramaswamy, Tim Scott, and former President Donald Trump have issued calls for the complete abolition of the Department of Education. Forty-seven state lawmakers have made similar calls. Currently, 217 national, state, and local groups belong to the Title IX Network, which stands in principled opposition to the Department's proposed changes to the Title IX law.

Pressure from informed and engaged citizens is clearly working. The Department of Education has repeatedly delayed implementation of the new rules, with experts now saying the delay could last into early 2024, though we should not celebrate prematurely. "It's possible — but highly unlikely — the department could still make its October deadline," said Melissa Carleton, a lawyer who specializes in higher ed at the firm Bricker Graydon. "That's because [the Office of Management and Budget] doesn't have to take months for review. It could sign off on the rules in a single day."

### STOP THE GENDER AGENDA

The Gender Agenda claims to be working for equality, inclusion, and non-discrimination. In reality, the Gender Agenda is an international Marxist-inspired campaign that is seeking to redefine the meaning of "sex," promote gender-transitioning, and sexualize students with inappropriate sex education classes, obscene library books, and drag queen shows.

The election of President Joe Biden marked a dramatic acceleration of the Gender Agenda.

In response, over 200 organizations joined SAVE Service's Title IX Network to combat the Left's continued attempts to transform America by:

1. Promoting Gender Ideology and Transitioning
2. Taking away Parental Rights
3. Erasing Women's Sports
4. Denying Due Process on Campus
5. Weakening the Family
6. Curtailing Free Speech

To learn more about SAVE Services, visit: [SaveServices.org/what-we-do/save-network](https://SaveServices.org/what-we-do/save-network)





## Texas AG Ken Paxton Acquitted on All 16 Articles of Impeachment

Following eight days of testimony from both sides, 30 Texas state senators voted to acquit Texas Attorney General Ken Paxton on 16 articles of impeachment. House managers needed 21 votes on any one article to convict Mr. Paxton and remove him from office. Mr. Paxton was reelected to office for a third term in November 2022 and was impeached by a GOP-led House on allegations of bribery and abuse of power. He pleaded not guilty to all of the articles. Defense lawyer Tony Buzbee said the House had not proved their case against his client and cited the impeachment as a retaliation against Mr. Paxton for beating George P. Bush in the 2022 Primary.

SOURCE: Jana J. Pruet, The Epoch Times, September 16, 2023.

## Texas School District Reverses Course on U.S. Constitution

A Texas school district has agreed to distribute a pocket version of the U.S. Constitution and Declaration of Independence to students after initially refusing on grounds that it was “political” material. Citizens Defending Freedom, a conservative watchdog group, began distributing 17,000 donated copies of the U.S. Constitution to middle schools in Williamson County, Texas, in September ahead of the Texas Celebrate Freedom Week and Constitution and Citizenship days. However, Leander Independent School District was the only school system in the county to reject an estimated 4,000 free copies of the founding documents, defining them as “political advertisements,” according to Jonathan Hullihan, a Texas CCF Attorney. Federal law requires educational institutions that receive federal money to commemorate Citizenship Day and Constitution Day every year on Sept. 17, or the first weekday after that, to celebrate the documents signed on that date in 1787. SOURCE: Darlene McCormick Sanchez, The Epoch Times, September 16, 2023.

## Public Schools Losing Students as Homeschooling Continues

The mass exodus of children opting out of the public school system - believed by many to have only been a temporary reaction to the COVID-19 pandemic - continues to gain momentum as record numbers of parents choose to keep their children’s education in the family. New Census Bureau data show that 11.1 percent of K-12 students are now independently homeschooled, an increase from 5.4 percent at the start of last spring. A recent Rasmussen poll revealed that less than a third of Americans think the country’s public schools are doing a good or excellent job

SOURCE: Matthew Lysiak, The Epoch Times, September 14, 2023.

## Lawsuit Challenges Military Academy’s Race-Based Admissions

The organization Students for Fair Admissions (SFFA) recently announced a new lawsuit against the U.S. Military Academy at West Point, seeking to stop the service academy from continuing with race-based affirmative action policies. The new federal lawsuit attempts to pick up where the U.S. Supreme Court left off last June, by challenging the race-based admissions policies employed at U.S. military service academies. In June, the Supreme Court ruled in *Students for Fair Admissions v. Harvard* that race-based admission processes employed by many U.S. colleges and universities are unconstitutional. But Chief Justice John Roberts wrote in the majority opinion for *Fair Admissions* that the ruling does not necessarily apply to the various U.S. military service academies.

SOURCE: Ryan Morgan, The Epoch Times, September 20, 2023.

### GREAT AMERICAN QUOTE

*“How strangely will the Tools of a Tyrant pervert the plain Meaning of Words!”*

- Samuel Adams, 1776

### QUOTE OF THE MONTH

*“It is unbelievable to me how radical the Left has become. They are fighting tooth and nail to keep graphic pornography in school... But guess what mortifies them: the Constitution, having the Bible in a school classroom.”*

- Oklahoma State School Superintendent Ryan Walters, 2023

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