



July 6, 2022

**Via FOIA Portal**

U.S. Department of Education  
Office of the Executive Secretariat  
400 Maryland Avenue, SW, LBJ 7W104  
Washington, D.C. 20202-4500

**Freedom of Information Act Request: National Parents and Families  
Engagement Council**

Dear FOIA Officer:

America First Legal Foundation (“AFL”) is a national, nonprofit organization working to promote the rule of law, prevent executive overreach, protect due process and equal protection, and educate Americans about the individual rights guaranteed under the Constitution and laws of the United States.

Our mission includes promoting government transparency and accountability by gathering official information, analyzing it, and disseminating it through reports, press releases, and media, including social media platforms, to educate the public and to keep government officials accountable for their duty to faithfully execute, protect, and defend the Constitution and laws of the United States. To that end, we file Freedom of Information Act (FOIA) requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute information to a national audience through traditional and social media platforms. For example, AFL’s employees regularly appear on radio and on cable and broadcast news programs; our email list contains over 34,000 unique addresses; our Twitter page has over 15,000 followers and the Twitter page of our Founder and President has over 192,000 followers; and we have another 30,000 followers on GETTR.

**I. Introduction**

Last fall the White House, Justice Department, and the Department of Education colluded with the National School Board Association in a scheme to silence parents who were exercising their First Amendment rights by speaking out at school board

611 Pennsylvania Ave SE #231  
Washington, DC 20003

meetings about mask and vaccine policies, school closures, and the use of critical race theory and gender theory in public schools.<sup>1</sup>

To carry out this scheme, the NSBA sent a letter to President Biden asking him to deploy the Justice Department, the FBI, the Department of Homeland Security, the Secret Service, and the National Threat Assessment Center against parents and to investigate them under the Patriot Act and its domestic terrorism provisions.<sup>2</sup> Three business days later, Attorney General Merrick Garland issued a memorandum to the FBI and all US Attorneys claiming that there had been “a disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff” and directing them to use their authority and resources to discourage these threats, identify them when they occur, and prosecute them when appropriate.”<sup>3</sup> The FBI then began investigating parents for engaging in constitutionally protected speech at school board meetings.<sup>4</sup>

Now, after weaponizing federal law enforcement against dissenting American parents, the Department of Education has launched a “National Parents and Families Engagement Council,” apparently to promote pro-Biden Administration propaganda and misinformation. Announced on June 14, 2022, the ostensible purpose of the Council is to ensure parents can “constructively participate in their children’s education” and to facilitate “strong and effective relationships” between schools and families.<sup>5</sup> However, it is comprised solely of Biden allies and leftist groups. By way of example, one member, the “National Parents Union”, was founded only in 2020 and is run by a SEIU labor organizer who both defended the use of domestic terrorism authorities against protesting parents<sup>6</sup> and who claims to be an “elected member of the Massachusetts Democratic State Committee, the Executive Committee of the Ethnic Council of the Democratic National Committee and the advisory board of [the radical anti-parent] Democrats for Education Reform.”<sup>7</sup>

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<sup>1</sup> Tyler O’Neil, “NSBA coordinated with White House, DOJ before sending notorious ‘domestic terrorists’ letter: emails,” Fox News (Nov. 12, 2021) <https://tinyurl.com/4wwm6864>; Peter Hasson, “Education Secretary Cardona solicited NSBA letter comparing protesting parents to domestic terrorists: email,” Fox News (Jan. 11, 2022) <https://tinyurl.com/yjj95ycn>.

<sup>2</sup> Memorandum from NSBA President Viola Garcia and CEO Chip Slaven to President Joseph Biden, Sep. 29, 2021. <https://tinyurl.com/4wcstcd9>.

<sup>3</sup> Memorandum from Attorney General Merrick Garland to Director, Federal Bureau of Investigation, Director, Executive Office for U.S. Attorneys, Assistant Attorney General, Criminal Division, United States Attorneys, Oct. 4, 2021. <https://tinyurl.com/bdfuyjek>.

<sup>4</sup> Talia Kaplan, “Whistleblowers saying FBI targeted parents via terrorism tools ‘scary stuff’: Rep. Jordan,” Fox News (May 15, 2022) <https://tinyurl.com/5n6e4shx>.

<sup>5</sup> Brooke Singman, “Biden Education Department launches parents council to strengthen relationships between schools, families,” Fox News (June 14, 2022) <https://tinyurl.com/yc2xts9x>.

<sup>6</sup> Crissy Clary, “Biden Creates ‘Parents Council’ That Includes People Who Publicly Defended Letter Labeling Parents ‘Domestic Terrorists,’” Daily Caller (June 14, 2022) <https://tinyurl.com/3pr977hz>.

<sup>7</sup> National Parents Union, “Keri Rodrigues” Bio (last accessed July 6, 2022) <https://tinyurl.com/2vn65am2>.

Pursuant to the Freedom of Information Act (FOIA)<sup>8</sup> AFL requests the records specified below.

## **II. Custodians**

- A. Office of the Secretary:
  - a. Miguel Cardona
  - b. Lexi Barrett
  - c. Montserrat Garibay
  - d. Melody Gonzales
  - e. Donna Harris-Aiken
  - f. Phillip Kim
  - g. James Lane
  - h. Lynda Lopez
  - i. Hollie Mackey
  - j. Cindy Martin
  - k. Hayley Matz Meadvin
  - l. Staci Monreal
  - m. Shannon Myricks
  - n. Sheila Nix
  - o. Christian Rhodes
  - p. Scott Sargrad
  - q. Shital Shah
  - r. Nick Simons
  - s. Chris Soto
  - t. LaWanda Toney
  - u. Dietra Trent
  
- B. Office of the General Counsel:
  - a. John Bailey
  - b. Lisa Brown
  - c. Joanna Darcus
  - d. William Desmond
  - e. Lynn Eisenberg
  - f. Toby Merrill
  - g. Jesse Mirtle
  - h. Gypsy Moore
  - i. Marcella Goodrich
  - j. Kristina Spencer
  - k. Greg Schmidt

## **III. Records Request**

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<sup>8</sup> 5 U.S.C. § 552(a).

The timeframe for each request is January 20, 2021, to the date this records request is processed.

- A) For all custodians, all calendar items that contain the terms “National Parents and Families Engagement Council” or “NPFEC” or “parents council”.
- B) For all custodians, all records of e-mail communications with any email domain ending in “eop.gov” and/or “ed.gov” mentioning or relating to the National Parents and Families Engagement Council.
- C) For all custodians, all records containing the phrases “school boards”, “NSBA”, “National School Board Association”, “mask mandates”, “vaccine mandates”, “school closures”, “equity”, “culturally responsive training”, “social emotional learning”, “critical race theory”, “gender identity”, or “transgender”.

#### **IV. Processing Requirements**

The Department must comply with the processing guidance in the Attorney General’s Memorandum on Freedom of Information Act Guidelines.<sup>9</sup>

#### **V. Fee Waiver**

Per 5 U.S.C. § 552(a)(4)(A)(iii), AFL requests a waiver of all search and duplication fees associated with this request.

#### **VI. Production**

To accelerate release of responsive records, AFL welcomes production on an agreed rolling basis. If possible, please provide responsive records in an electronic format by email. Alternatively, please provide responsive records in native format or in PDF format on a USB drive to America First Legal Foundation, 611 Pennsylvania Ave SE #231, Washington, DC 20003.

#### **VII. Conclusion**

If you have any questions about how to construe this request for records or believe further discussions regarding search and processing would facilitate a more efficient production of records of interest to AFL, please do not hesitate to contact me at [FOIA@aflegal.org](mailto:FOIA@aflegal.org). Finally, if AFL’s request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

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<sup>9</sup> U.S. Dep’t of Just. (Mar. 15, 2022), <https://tinyurl.com/4duy4r5k>.

Sincerely,

/s/ Ian D. Prior

Ian D. Prior

America First Legal Foundation