

Congress of the United States
Washington, DC 20515

May 14, 2021

The Honorable Miguel Cardona
Secretary of Education
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Dear Secretary Cardona:

We write to convey our deep concerns with the growing use of Critical Race Theory (CRT) in school curricula across the country. While diversity of thought and intellectual curiosity are important educational elements, CRT undermines civil rights, constitutionally guaranteed equal protection before the law, and American institutions at large. Even worse, the application of CRT in the classroom serves to divide institutions of learning and balkanize students into groups by race and ethnicity.

Under your watch, the Department of Education's (Department) Office for Civil Rights (OCR) has the responsibility to assist schools in protecting the civil rights of all students. As you know, the Civil Rights Act of 1964 prohibits discrimination, including the creation of a hostile environment, at public and private institutions receiving federal funding. Thus, we assume you are similarly concerned by recent reports of schools incorporating CRT into their activities in a way that may run afoul of this prohibition. These reports include school districts mandating activities that require students and educators to discuss how their race identity determines whether they are oppressed or privileged¹, deciding that math is inherently racist,² or declaring that keeping a class on schedule is also racist.³

We are also concerned that the Department under President Biden may have reversed its assertion that racially exclusive practices may violate Title VI of the Civil Rights Act. On January 19, 2021, OCR posted a webinar addressing how racially exclusive practices may constitute discrimination in violation of Title VI, but the Department has since archived the webinar declaring the policy may be inconsistent with the Administration's principles.⁴ Additionally, we are troubled by reports that OCR suspended its decision that an Illinois school district violated Title VI by using "affinity groups" that segregated students and staff based on their race.⁵

¹ April Corbin Gimus. "Las Vegas charter school sued for curriculum covering race, identity". Nevada Current. 21 January 2021. <https://www.nevadacurrent.com/2021/01/21/las-vegas-charter-school-sued-for-curriculum-covering-race-identity/>

² Sam Dorman. "Oregon promotes teacher program that seeks to undo 'racism in mathematics'". 12 February 2021. <https://www.foxnews.com/us/oregon-education-math-white-supremacy>

³ Redefining Racism in Madison Schools. MacIver Institute. 23 March 2021. <https://www.maciverinstitute.com/2021/03/redefining-racism-in-madison-schools/>

⁴ "OCR Webinar: Racially Exclusive Practices and Title VI". U.S. Department of Education. 19 January 2021. <https://www.youtube.com/watch?v=oXMD43fD1ug>

⁵ Houston Keene. "Biden admin suspends probe into school allegedly segregating students by race; Rep. Owens blasts decision." 11 March 2021. <https://www.foxnews.com/politics/biden-admin-education-department-racial-segregation-burgess-owens>

Last, we are also concerned with the Department's April 19, 2021 proposed priorities under the American History and Civics Education grant programs. The priorities would direct funding to school projects that integrate teaching practices rooted in CRT.⁶ In supporting this priority, the proposed rule even cites the "1619 Project," which alleges that America was founded on racist exploitation, and the work of Ibram X. Kendi, a CRT scholar who famously proclaimed "[t]he only remedy to past discrimination is present discrimination."⁷ We respectfully request that the Department withdraw the proposed priorities.

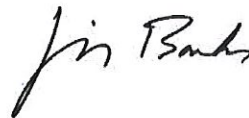
While the Department should never dictate curriculum or thought, the Department does have a duty to support schools in complying with federal law and when necessary enforce its prohibitions. This is the United States of America. No student or teacher should ever be subjected to the discrimination that our laws so clearly prohibit.

Thank you for your attention to this critical matter.

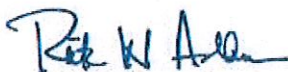
Sincerely,



Burgess Owens
Ranking Member, ECESE Subcommittee



Jim Banks
Chairman, Republican Study Committee



Rick Allen
Member of Congress



Brian Babin, D.D.S.
Member of Congress

⁶ Proposed Priorities – American History and Civics Education, 86 Fed. Reg. 20348 (proposed April 19, 2021) (to be codified at 34 CFR chapter undefined). <https://www.federalregister.gov/documents/2021/04/19/2021-08068/proposed-priorities-american-history-and-civics-education#print>

⁷ <https://www.amazon.com/How-Be-Antiracist-Ibram-Kendi/dp/0525509283>



Andy Biggs
Member of Congress



Dan Bishop
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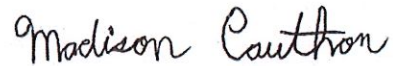
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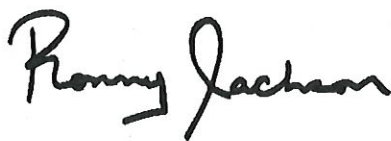
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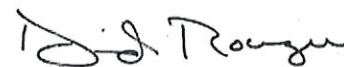
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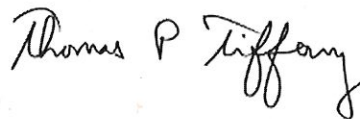
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