

May 3, 2021

Dr. Miguel Cardona  
Secretary of Education  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

**Docket ID ED-2021-OESE-0033**

Dear Secretary Cardona:

The James G. Martin Center for Academic Renewal (Martin Center) is a nonprofit institute dedicated to improving higher education in North Carolina and the nation. Located in Raleigh, North Carolina, it has been an independent 501(c)(3) organization since 2003. I am its president.

This letter provides comment on the Department of Education's proposed rule, Proposed Priorities—American History and Civics Education, Docket ID ED-2021-OESE-0033, which proposes two priorities for the American History and Civics Education programs (Assistance Listing Numbers 84.422A and 84.422B). These comments concern **Proposed Priority 1—Projects That Incorporate Racially, Ethnically, Culturally, and Linguistically Diverse Perspectives into Teaching and Learning**. The Martin Center asks you to withdraw this priority from consideration for the following reasons.

1. The Martin Center generally agrees with the 36 U.S. Senators who wrote you on April 30, 2021, stating that the narrative supporting this proposed priority is divisive and based on discredited sources:

“This is a time to strengthen the teaching of civics and American history in our schools. Instead, your Proposed Priorities double down on divisive, radical, and historically-dubious buzzwords and propaganda. For example, your Proposed Priorities applaud the New York Times's ‘1619 Project.’ This campaign to ‘reframe the country’s history, understanding 1619 as our true founding’ has become infamous for putting ill-informed advocacy ahead of historical accuracy. Actual, trained, credentialed historians with diverse political views have debunked the project’s many factual and historical errors, such as the bizarre and inaccurate notion that preserving slavery was a primary driver of the American Revolution. One renowned historian called the project ‘so wrong in so many ways.’ Citing this debunked advocacy confirms that your Proposed Priorities would not focus on critical thinking or accurate history, but on spoon-feeding students a slanted story.”

In addition to the “1619 Project” sources, the narrative is based on Ibram Kendi’s book *How to Be an Antiracist*, in support of incorporating what the Department of Education calls “anti-racist practices” into educational institutions. Yet this book explains that such practices consist of discrimination on the basis of race as the “only” way to incorporate antiracist practices: “The only remedy to racist discrimination is antiracist discrimination. The only remedy to past discrimination is present discrimination. The only remedy to present discrimination is future discrimination.”

Educational institutions that follow Kendi’s version of antiracism will violate Title IX, and they will claim Department of Education cover for this unlawful discrimination. This discrimination will not provide the “identity-safe” learning environment that the Department of Education seeks.

2. Proposed Priority 1, especially part (b), fails to track President Biden’s Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (January 20, 2021).

President Biden’s Order defines “equity” with reference to “all individuals,” including people who belong to a variety of groups far beyond what part (b) requires and what the proposed rule focuses on. Part (b) only includes “racially, ethnically, culturally, and linguistically diverse perspectives and perspectives on the experience of individuals with disabilities.” But the Order includes much more, such as “persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.” The Order adds that “underserved communities” also refers to “geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life.”

As a result of the Proposed Priority’s nearly exclusive focus on race in the supporting narrative, and the omissions of geographic communities and persons adversely affected by persistent poverty regardless of race in part (b), Proposed Priority 1 fails to be inclusive at the level envisioned in President Biden’s Order. Therefore, it fails in equity.

3. Proposed Priority 1 is unworkable in practice because part (a) cannot be addressed without violating parts (d) and (e). Although the terms are not defined, part (a) requires applicants to take into account, which is, to address, “systemic marginalization, biases, inequities, and discriminatory policy and practice in American history” in their applications.

But teaching students who are members of groups that are said to be causes of “systemic marginalization, biases, inequities, and discriminatory policy and practice in American history” that their identities are to blame does not, for those students, support learning environments that “validate” their experiences (part (d))—quite the opposite. Nor does such teaching contribute to supportive and identity-safe learning environments for such students (part (e)). The divisiveness of part (a) will cause failures of equity for all students as desired in parts (d) and (e).

4. The Department of Education generally expects that when applicants cite research in support of teaching and learning practices, they cite research that has been vetted and placed in the What Works Clearinghouse at a sufficient level of research quality, such as having used RCT (randomized control trial) studies. Not only does the narrative of Proposed Priority 1 include discredited sources but, more importantly, Proposed Priority 1 provides no guardrails on the quality of research that applicants would claim meets the priority. The Proposed Priority should be withdrawn because there is so little guidance to applicants regarding what practices are actually effective in antiracism—such as reducing rather than increasing divisiveness among students. Application judges will be left guessing whether the applicants’ proposals are based on acceptably strong research.

Additional requirements may not be added except through additional rulemaking, so research quality cannot simply be added to a grant competition—the exact language of the priority must be used. The proposed priority is simply not ready for high-quality applications.

5. Proposed Priority 1 fails to define its terms. Other Secretaries of Education have included definitions when proposing and issuing priorities. Proposed Priority 1 does not do so. “Systemic marginalization,” “biases,” “inequities,” and “discriminatory policy and practice” are extremely vague terms. Such general terms, undefined, and unconnected to research that operationalizes the terms, are unworkable as grant

conditions and could be void for vagueness. As a result, applicants will provide wildly different projects that cannot easily be scored or compared. The failure to specify what these terms mean will inevitably cause inequity among applicants.

6. Proposed Priority 1 is unworkable because it fails to account for different age and developmental levels among students. For example, part (c) is unworkable with respect to elementary school students, who barely understand what media is in the first place. Yet applicants must address how projects would “Encourage students to critically analyze the diverse perspectives of historical and contemporary media and its impacts.” Even middle school students (not to mention adults) commonly do not have the background to engage at this level of critical analysis—if the goal is simply to indoctrinate students with a pre-approved critical analysis, that practice can work, but it would not achieve the stated goal of part (c) and would be more likely to thwart genuine critical analysis.

In sum, Proposed Priority 1 is not ready for use in grant competitions. It appears to be rushed so as to be available for the upcoming round of grant competitions. But the failure to provide equity or to track President Biden’s Executive Order, the use of discredited and divisive works in the supporting narrative, the failure to provide guardrails for research quality, and the failures to define terms and to account for student developmental levels all fatally poison this priority. It has become an embarrassment and a distraction to the Biden Administration. I urge you to withdraw it.

Sincerely,

Jenna A. Robinson  
President

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Re: Docket ID ED-2021-OESE-0033

The James G. Martin Center for Academic Renewal is a nonprofit institute dedicated to improving higher education in North Carolina and the nation since 2003. I am its president. I include a formal letter as an attachment for this comment on Proposed Priority 1. The Martin Center asks you to withdraw this priority from consideration for the following reasons.

1. The Martin Center generally agrees with the 36 U.S. Senators who wrote you on April 30, 2021, stating that the narrative supporting this proposed priority is divisive and based on discredited sources:

“For example, your Proposed Priorities applaud the New York Times’s ‘1619 Project.’ This campaign to ‘reframe the country’s history, understanding 1619 as our true founding’ has become infamous for putting ill-informed advocacy ahead of historical accuracy. ... Citing this debunked advocacy confirms that your Proposed Priorities would not focus on critical thinking or accurate history, but on spoon-feeding students a slanted story.”

The narrative also is based on Ibram Kendi's book *How to Be an Antiracist*, in support of "anti-racist practices." Yet this book explains that such practices consist of discrimination on the basis of race as the "only" way to incorporate antiracist practices: "The only remedy to racist discrimination is antiracist discrimination. The only remedy to past discrimination is present discrimination. The only remedy to present discrimination is future discrimination." Following this version of antiracism would violate Title IX, apparently condoned by the Department of Education.

2. Proposed Priority 1, especially part (b), fails to track President Biden's Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (January 20, 2021).

President Biden's Order defines "equity" with reference to "all individuals," including people who belong to a variety of groups far beyond what part (b) requires and what the proposed rule focuses on. Part (b) only includes "racially, ethnically, culturally, and linguistically diverse perspectives and perspectives on the experience of individuals with disabilities." But the Order includes "persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality." The Order adds that "underserved communities" also refers to "geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life."

As a result of the Proposed Priority's nearly exclusive focus on race in the supporting narrative, and the omissions of geographic communities and persons adversely affected by persistent poverty regardless of race in part (b), Proposed Priority 1 fails to be inclusive at the level envisioned in President Biden's Order. Therefore, it fails in equity.

3. Proposed Priority 1 is unworkable in practice because part (a) cannot be addressed without violating parts (d) and (e). Although the terms are not defined, part (a) requires applicants to address "systemic marginalization, biases, inequities, and discriminatory policy and practice in American history" in their applications.

But teaching students who are members of groups that are said to be causes of these things that their identities are to blame does not, for those students, support learning environments that "validate" their experiences (part (d)), or contribute to supportive and identity-safe learning environments for such students (part (e)). The divisiveness of part (a) will cause failures of equity for all students in (d) and (e).

4. The Department of Education generally expects applicants to cite vetted research from the What Works Clearinghouse at a sufficient level of research quality, such as randomized control trials. Proposed Priority 1 provides no guardrails on the quality of research to meet the priority. The Proposed Priority should be withdrawn because there is so little guidance to applicants regarding what practices are actually effective in antiracism—such as reducing rather than increasing divisiveness among students. Application judges will be left guessing whether the applicants' proposals are based on acceptably strong research.

5. Proposed Priority 1 fails to define its terms. "Systemic marginalization," "biases," "inequities," and "discriminatory policy and practice" are extremely vague terms. Such general terms, undefined, and unconnected to research that operationalizes the terms, are unworkable as grant conditions. As a result, applicants will provide wildly different projects that cannot easily be scored or compared, leading to inequity among applicants.

6. Proposed Priority 1 is unworkable because it fails to account for different age and developmental levels among students. For example, part (c) is unworkable with respect to elementary school students, who barely understand what the media even is. Yet applicants must address how projects would “Encourage students to critically analyze the diverse perspectives of historical and contemporary media and its impacts.” Even middle school students commonly do not have the background to engage at this level. To simply indoctrinate students with a pre-approved critical analysis would not achieve the stated goal of part (c) and would be more likely to thwart genuine critical analysis.

In sum, Proposed Priority 1 is not ready for use in grant competitions. It appears to be rushed so as to be available for the upcoming round of grant competitions. But the problems above all fatally poison this priority. It has become an embarrassment and a distraction to the Biden Administration. I urge you to withdraw it.