

**Congress of the United States**  
**Washington, DC 20515**

June 20, 2025

The Honorable Linda McMahon  
Secretary  
U.S. Department of Education  
400 Maryland Ave., SW  
Washington, DC 20202

**RE: Comments to Proposed Priorities and Definitions—Secretary’s Supplemental Priorities and Definitions on Evidence-Based Literacy, Education Choice, and Returning Education to the States published in the Federal Register on May 21, 2025 [Docket ID ED–2025–OS–0020]**

Dear Secretary McMahon:

We write to express significant concerns about your proposed Supplemental Priorities and Definitions on Evidence-Based Literacy, Education Choice, and Returning Education to the States (Proposed Priorities), published in the Federal Register on May 21, 2025 [Docket ID ED–2025–OS–0020].

We believe taxpayer-funded education should support public, high-quality, equitable educational opportunities for all students in public schools, which serve 90 percent of students and 95 percent of students with disabilities.<sup>1</sup> We must ensure any policy priority from the Department of Education (Department) does not exacerbate racial or socioeconomic isolation in public schools that are subject to federal, state, and local oversight and accountability requirements. High-quality public school options allow students to receive a quality education within the oversight of the public system that upholds students’ rights. Ensuring that all students—regardless of race, gender, socioeconomic status, disability status, zip code, or immigration status—have access to high-quality public education is crucial to fulfilling our promise to the American people and building the future of our nation.

Alarmingly, the priority entitled “Expanding Education Choice” (Proposed Priority 2) would require the Department to favor charter schools, home school education, and private school vouchers over public schools. School privatization schemes, such as school vouchers, tuition tax credits, and education savings accounts, may affect only a small group of students but are detrimental to the majority of public school students in America. Taxpayers should not be required to pay for disseminating information about programs that subsidize home schools or private schools and religious schools that pick and choose which students they serve. Despite the claims made in the Proposed Priorities, school choice has not been proven to improve student outcomes. Many studies have found that unaccountable or for-profit charter schools do not have

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<sup>1</sup> *Public School Enrollment*, Nat’l Ctr. for Educ. Statistics (May 2024), <https://nces.ed.gov/programs/coe/indicator/cga/public-school-enrollment>; *Students with Disabilities*, Nat’l Ctr. for Educ. Statistics (2022), <https://nces.ed.gov/fastfacts/display.asp?id=59>.

better academic outcomes than traditional public schools.<sup>2</sup> Meanwhile, private schools are not subject to the same accountability measures as public schools, making it difficult to assess student outcomes and nearly impossible to compare student outcomes in private schools with student outcomes in traditional public schools. Further, the Proposed Priorities make no effort to create guardrails or address numerous concerns about school choice programs, including how they divert funds from traditional public schools that serve most children, provide unequal access to educational opportunities, increase segregation, permit discrimination, and fail to improve student achievement. Finally, Proposed Priority 2 claims to support “students with disabilities and special needs” but “students with special needs” is not a defined term in law and should not be used as such.

Moreover, Proposed Priority 2 would disproportionately disadvantage rural areas, undermining efforts made by the previous Trump Administration and continued by the Biden Administration to direct additional federal grant opportunities to rural areas. Only one-quarter of rural students live within 5 miles of a private school, compared to 92 percent of students in urban areas and 80 percent in suburbs.<sup>3</sup> Rural schools support nearly 20 percent of all students in our nation, yet Proposed Priority 2 would direct federal resources away from them. Defunding rural public schools will have tremendous consequences: rural schools are often the largest employers in their communities and anchor their communities. Rural schools also face heightened challenges related to transportation, teacher recruitment and retention issues, and funding challenges, all of which will only get worse if public funds are directed to private schools.<sup>4</sup>

The priority entitled “Promoting Evidence-Based Literacy” (Proposed Priority 1) would prioritize grant applications that “[a]dvance, increase, or expand evidence-based literacy instruction” or “[f]ocus on evidence-based literacy instruction.” We support efforts to promote evidence-based, research-proven, effective literacy-based instruction as well as educator preparation, training, and professional development of such instruction. However, we remind the Department that multiple federal laws prohibit the Department from dictating or controlling a state or local educational agency’s curriculum or instructional materials.<sup>5</sup> If the Department implements Proposed Priority 1, the Department will be legally required to exercise a cautious balance between encouraging evidence-based literacy education practices without endorsing curricula or particular programs. In light of unlawful executive orders by the Trump

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<sup>2</sup> See, e.g., Phillip Gleason et al., *The Evolution of Charter School Impacts*, Nat’l Ctr. for Educ. Eval. & Regional Assistance (June 2010), <https://eric.ed.gov/?id=ED510573>; see also Will S. Dobie & Roland G. Fryer, *Charter Schools and Labor Market Outcomes*, Nat’l. Bur. of Econ. Rsch., WP22502 (Aug. 2016), <https://www.nber.org/papers/w22502>. Moreover, the research methods used in the Center for Research on Education Outcomes (CREDO) report cited in the Proposed Priorities, which found that charter schools do outperform traditional public schools *in some instances*, have “limitations that are well-known among researchers.” Matt Barnum, *What did a big new study of charter schools really find?*, Chalkbeat (July 5, 2023), <https://www.chalkbeat.org/2023/7/5/23780111/charter-schools-credo-research-performance-test-scores/>; see also Network for Pub. Educ., *IN FACT OR FALLACY? An In-Depth Critique of the CREDO 2023 National Report* (July 2023), <https://networkforpubliceducation.org/wp-content/uploads/2023/07/In-Fact-or-Fallacy-CREDO-Report-1.pdf>.

<sup>3</sup> Jon Valant and Nicolas Zerbino, *How the Educational Choice for Children Act would benefit the wealthy and underserve rural America*, Brookings Institute (May 6, 2025), <https://www.brookings.edu/articles/how-the-educational-choice-for-children-act-would-benefit-the-wealthy-and-underserve-rural-america/>.

<sup>4</sup> Kelly Robson et al., *Portfolio of Choice*, CCNetwork (2020), <https://files.eric.ed.gov/fulltext/ED615774.pdf>.

<sup>5</sup> 20 U.S.C. § 6692, 20 U.S.C. § 7906a, 20 U.S.C. § 7907, 20 U.S.C. § 1232a, and 20 U.S.C. § 3403.

Administration that seek to ban books and influence what topics, ideas, and books are taught in public schools<sup>6</sup>, the Department must clarify how the Department’s use of Proposed Priority 1 in funding current or future discretionary grant programs will not endorse or appear to endorse any particular curriculum or literacy program. We also urge the Department to amend Proposed Priority 1 to clarify that research and proven methods change over time and to ensure grantees also address the needs of English learners and students with disabilities.

While we support the spirit in which Proposed Priority 1 is made—to increase evidence-based literacy instruction—we are puzzled at how this priority can be successful in light of other actions taken by the Administration and the Department. We have previously written to you expressing our alarm regarding the detrimental impact the harmful cuts to the Institute of Education Sciences (IES)<sup>7</sup> and reductions in force<sup>8</sup> will have on the Department, including its ability to support evidence-based literacy efforts. The work of IES and its partners directly impacts what we know about evidence-based literacy instruction.<sup>9</sup> IES’ future ability to support educators and administrators in implementing evidence-based practices and to maintain the What Works Clearinghouse will continue to impact the success of states and localities in undertaking efforts to meet this priority. In addition, we note that the Department’s Fiscal Year 2026 (FY26) proposed budget effectively eliminated numerous literacy programs.<sup>10</sup>

The final priority, entitled “Returning Education to the States” (Proposed Priority 3), would require the Department to prioritize state applicants or their chosen designees to receive funding. Congress authorizes programs and determines program eligibility, not the Department. While authorizing statutes for many competitive programs include State educational agencies (SEAs) as eligible entities, local educational agencies, institutions of higher education (IHEs), or other entities with the capacity and expertise to implement the program to improve student outcomes are also eligible grant recipients. Any effort to limit eligibility to just SEAs or their designees may remove educational opportunities from students in states whose SEAs do not apply. There

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<sup>6</sup> Exec. Order No. 14168, 90 C.F.R. 8615 (2025); Exec. Order No. 14185, 90 C.F.R. 8762 (2025); Exec. Order No. 14190, 90 C.F.R. 8853 (2025).

<sup>7</sup> Letter from Rep. Scott, Sen. Sanders et al. to Denise Carter, Acting Sec’y, U.S. Dept. of Educ., and Dr. Matthew Soldner, Acting Dir., Inst. for Educ. Sci. (Feb. 21, 2025), [https://democrats-edworkforce.house.gov/imo/media/doc/bicameral\\_oversight\\_letter\\_to\\_ed\\_re\\_doge\\_cuts\\_to\\_important\\_education\\_research.pdf](https://democrats-edworkforce.house.gov/imo/media/doc/bicameral_oversight_letter_to_ed_re_doge_cuts_to_important_education_research.pdf).

<sup>8</sup> Letter from Sen. Patty Murray et al., to the Hon. Linda McMahon, Sec’y, U.S. Dept. of Educ. (Mar. 6, 2025), [https://democrats-edworkforce.house.gov/imo/media/doc/bicameral\\_oversight\\_letter\\_to\\_secretary\\_mcmahon\\_re\\_education\\_department\\_layoffs.pdf](https://democrats-edworkforce.house.gov/imo/media/doc/bicameral_oversight_letter_to_secretary_mcmahon_re_education_department_layoffs.pdf).

<sup>9</sup> See, e.g., Inst. for Educ. Sci., *From Plan to Practice: Enhancing Literacy Through a Five-Step Continuous Improvement Cycle* (Mar. 6, 2025), <https://ies.ed.gov/learn/blog/plan-practice-enhancing-literacy-through-five-step-continuous-improvement-cycle>; Inst. for Educ. Sci., *Essential REL Tools for States, Districts, and Education Service Agencies*, IES Regional Education Labs (Nov. 25, 2024), <https://ies.ed.gov/learn/blog/essential-rel-tools-states-districts-and-education-service-agencies>; Inst. for Educ. Sci., *Supporting Statewide Efforts to Improve Student Literacy: How REL Work Aims to Make a Difference in the Classroom* (Nov. 7, 2024), <https://ies.ed.gov/learn/blog/supporting-statewide-efforts-improve-student-literacy-how-rel-work-aims-make-difference-classroom>.

<sup>10</sup> U.S. Dept. of Educ., Fiscal Year 2026 Budget Summary, <https://www.ed.gov/media/document/fiscal-year-2026-budget-summary-110043.pdf> (Appendix A) (last visited June 13, 2025). While some of these programs have been swept into the Department’s new K-12 state block grant program, the funding is no longer required to be used for literacy efforts.

are many examples of federal grant recipients operated by local actors and not the state that meet a region's specific needs, such as shortages of school-based mental health practitioners or community school models, that may be better piloted at the local level rather than statewide. IHEs also serve an important local and regional role in expanding and diversifying the educator workforce—efforts to centralize funding through SEAs may undermine partnerships between schools and IHEs. We are also concerned that prioritizing state applicants will disadvantage rural grantees whose needs may be ignored by state applicants that operate statewide programs. Additionally, Tribes are not states and are not charged with the same education responsibilities as states; we urge the Department to clarify this language to appropriately reflect the arrangement between Tribes, states, and the federal government in meeting students' needs.

We are alarmed by the numerous unfounded claims contained in your statement regarding these priorities. There is no evidence that Proposed Priority 2 or Proposed Priority 3 “would result in higher quality grant application submissions that directly improve the educational outcomes of all students” or that they “will result in significant benefit to the public by improving educational outcomes for all students and ultimately increase the future earnings potential of all students.”<sup>11</sup> Absent such evidence, any effort to limit discretionary grant applications under an absolute priority would harm students, workers, and their families by prioritizing unproven elements over others that may have a more direct and positive impact on students. Additionally, in response to your statement that the priorities under the Biden Administration focused on “divisive ideologies and unproven strategies”<sup>12</sup>, there is a myriad of evidence that supports the importance of racial and socioeconomic diversity in schools.<sup>13</sup> Moreover, educators and researchers have acknowledged the benefits of culturally responsive education on students in K-12 schools.<sup>14</sup> Promoting diversity, equity, and inclusion is not “discriminatory”<sup>15</sup>, and we will not allow history to be rewritten.

In summary, we strongly urge you to strike Priority 2 and cease efforts to privatize our nation's public education system. We support advancing the use of evidence-based literacy-based practices. Still, we urge you to clarify that Proposed Priority 1 will not prioritize nor promote, or give the appearance of prioritizing or promoting, particular curricula or programs contrary to federal law. Finally, we urge you to recognize that while many education matters are already run by states, limiting access to federal grant funds just to states may disadvantage communities, including rural areas, whose states lack the capacity or interest in applying for federal grants.

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<sup>11</sup> Proposed Priorities and Definitions—Secretary's Supplemental Priorities and Definitions on Evidence-Based Literacy, Education Choice, and Returning Education to the States, 90 Fed. Reg. 21710, 21714 (May 21, 2025).

<sup>12</sup> Press Release, U.S. Dept. of Educ., U.S. Department of Education Releases Secretary McMahon's Supplemental Grant Priorities (May 20, 2025), <https://www.ed.gov/about/news/press-release/us-department-of-education-releases-secretary-mcmahons-supplemental-grant-priorities>.

<sup>13</sup> Jennifer Ayscue et al., *The Complementary Benefits of Racial and Socioeconomic Diversity in Schools*. Research Brief No. 10 (Mar. 2017), <https://eric.ed.gov/?id=ED603698>; Susan Groundwater et al., *The Current State of Diversity, Equity, and Inclusion in K-12 Public Schools*, Hanover Research (Oct. 2022), <https://www.hanoverresearch.com/reports-and-briefs/k-12-education/the-current-state-of-diversity-equity-and-inclusion-in-k-12-public-schools/>.

<sup>14</sup> Amanda Armstrong, *A Troubling Lack of Diversity in Education Materials*, Edutopia (Mar. 9, 2022), <https://www.edutopia.org/article/troubling-lack-diversity-educational-materials>.

<sup>15</sup> Press Release, U.S. Dept. of Educ., U.S. Department of Education Releases Secretary McMahon's Supplemental Grant Priorities (May 20, 2025), <https://www.ed.gov/about/news/press-release/us-department-of-education-releases-secretary-mcmahons-supplemental-grant-priorities>.

These changes will ensure that the Proposed Priorities are truly in the best interest of advancing a quality education for all students.

Sincerely,



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Robert C. "Bobby" Scott  
Ranking Member  
House Committee on Education and  
Workforce



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Bernard Sanders  
Ranking Member  
Senate Committee on Health, Education,  
Labor, and Pensions