

November 13, 2017

Jennifer Bell-Ellwanger
U.S. Department of Education
400 Maryland Avenue SW, Room 6W231
Washington, DC 20202

Re: Secretary of Education’s Proposed Supplemental Priorities and Definitions for Discretionary Grant Programs RIN 1894–AA09/ Docket ID ED–2017–OS–0078

Dear Ms. Bell-Ellwanger:

The Southern Poverty Law Center (SPLC) submits this comment in response to Education Secretary DeVos’ Notice of Proposed Supplemental Priorities and Definitions for Discretionary Grant Programs (Notice). The SPLC is a nonprofit civil rights organization founded in 1971 to combat discrimination through litigation, education, and advocacy. The SPLC is dedicated to fighting hate and bigotry, to teaching tolerance, and to seeking justice for the most vulnerable members of our society.

We write for two reasons: first, to oppose the Secretary’s unjustified abandonment of Department of Education priorities that reflect the Department’s longstanding commitments to providing high-quality education to all students, and second, to oppose the inclusion of new priorities for the Department that undermine educational outcomes for all schoolchildren, particularly vulnerable students. Our comments are offered in two parts.

Part I concerns the Secretary’s abandonment of longstanding government commitments to efforts that improve student outcomes and well-being. Specifically, the Department has long championed diversity in schools, and we urge the Secretary to preserve this historical commitment in the final Notice. Furthermore, given the overwhelming evidence that parent, family, and community partnerships improve student outcomes, we recommend that the Secretary’s final Notice not discard current Priority 14, which focuses on “improving parent, family, and community engagement.”¹ Finally, without access to the technological tools that have reshaped our country, educators cannot adequately prepare students for success in their careers and in life. The SPLC therefore recommends that the Secretary’s final Notice recommit the Department to this end—prioritizing projects designed to help educators leverage technology to improve student outcomes—rather than abandoning this priority.

Part II concerns our opposition to the Secretary’s inclusion of priorities that exacerbate, rather than eliminate, barriers to providing a high-quality education to all schoolchildren. Proposed Priority 1 gives preference to projects that take public dollars away from public schools. The

¹ 79 FR 73426, 73446 (December 10, 2014).

Secretary should not reward prospective grantees for developing projects that undermine the public school system that educates the vast majority of students in our country.

I. The Secretary's Notice Abandons Priorities That Reflect Longstanding Commitments to Providing a High-Quality Education to All Schoolchildren.

As an organization of both educators² and lawyers, we believe that strong allegiance to the Department's longstanding principles is crucial to the success of all students. The SPLC is concerned that the Notice reflects an abandonment of priorities that stand for well-established commitments to providing a high-quality education to all schoolchildren. Specifically, the SPLC is concerned about the elimination of priorities related to promoting diversity in schools; supporting projects that help parents, families, and communities build meaningful partnerships with educators; and supporting the integration of digital tools and technology in instructional practices.

A. Promoting Diversity

The SPLC opposes the Secretary's proposed abandonment of support for projects that increase diversity and reduce racial isolation in schools.³ To prepare students to succeed in our increasingly diverse society, schools must seek to establish diverse learning environments. The unique advantages of diverse and integrated learning conditions are well-documented in both law and social science:⁴ All students, regardless of race or socioeconomic status, benefit from attending diverse schools.⁵

As the Department observed in its 2011 *Guidance on the Voluntary Use of Race to Achieve Racial Diversity and Avoid Racial Isolation in Elementary and Secondary Schools*:

[W]here schools lack a diverse student body or are racially isolated ... they may fail to provide the full panoply of benefits that K-12 schools can offer. The academic achievement of students in racially isolated schools often lags behind that of their peers at more diverse schools. Racially isolated schools often have fewer effective teachers, higher turnover rates, less

² Teaching Tolerance, a project of the SPLC, was founded in 1991 to reduce prejudice, improve intergroup relations and support equitable school experiences for our nation's children. Teaching Tolerance provides free resources to approximately 500,000 educators across the country who work with children from kindergarten through high school. Educators use these materials to supplement the curriculum, inform their practices, and create civil and inclusive school communities where children are respected, valued, and welcome participants.

³ 79 FR 73426, 73444 (December 10, 2014).

⁴ See, e.g., Genevieve Siegel-Hawley and Erica Frankenberg, "Spaces of Inclusion? Teachers' Perceptions of School Communities with Differing Student Racial & Socioeconomic Contexts," *The Civil Rights Project*, April 23, 2012. See also "Let's Talk!: Discussing Race, Racism, and Other Difficult Topics With Students," *Southern Poverty Law Center*, available at: <https://www.tolerance.org/magazine/publications/lets-talk>.

⁵ See, e.g., Roslyn Mickelson, "Research Brief—School Integration and K-12 Outcomes: An Updated Quick Synthesis of the Social Science Evidence," *The National Coalition on School Diversity*, October 2016, available at: <http://school-diversity.org/pdf/DiversityResearchBriefNo5.pdf>.

rigorous curricular resources, and inferior facilities and other educational resources.⁶

Additionally, an expansive body of research shows that when students learn side-by-side with people from diverse backgrounds, their satisfaction, motivation, and intellectual self-confidence increase.⁷ A diverse learning environment also allows educators to teach students to develop intercultural competencies, such as the ability to work well with people from different racial or socioeconomic backgrounds. When schools lack diversity and are racially isolated, intercultural competencies are more difficult to develop, to the detriment of all.

The SPLC strongly recommends that the Secretary's final Notice includes current Priority 12—promoting diversity—to decrease racial isolation, promote cross-racial understanding, and increase socioeconomic and racial diversity in schools.

B. Improving Parent, Family, and Community Engagement

The SPLC opposes the Secretary's proposed abandonment of support for projects designed to improve parent, family, and community engagement. The Secretary's Notice states that, collectively, the proposed priorities are intended to "support and strengthen the work that educators do every day in collaboration with parents, advocates, and community members."⁸ Yet by abandoning current Priority 14, the Department is turning its back on initiatives that support the very work the Notice otherwise claims to prioritize.

Research shows that parent, family, and community involvement in education have a significant, positive effect on student outcomes.⁹ A review of 51 relevant studies explained that there exists "a positive and convincing relationship between family involvement and benefits for students, including improved academic achievement. This relationship holds across families of all economic, racial/ethnic, and educational backgrounds and for students of all ages."¹⁰

⁶ U.S. Dep't. of Justice, Civil Rights Div., and U.S. Dep't. of Education, Office for Civil Rights, "Guidance on the Voluntary use of Race to Achieve Racial Diversity and Avoid Racial Isolation in Elementary and Secondary School," 2011, available at: <https://www2.ed.gov/about/offices/list/ocr/docs/guidance-ese-201111.pdf>.

⁷ N.F.P. Gilfoyle, "Brief of *amici curiae*: The American Psychological Association in Support of Respondents in *Fisher v. University of Texas at Austin*," November 2, 2015, available at: <http://www.scotusblog.com/wp-content/uploads/2015/11/14-981bsacAmericanPsychologicalAssociation.pdf>.

⁸ 82 FR 47484, 47484 (October 12, 2017).

⁹ See, e.g., "Effective Family and Community Engagement Strategies," *Hanover Research*, March 2014, available at: <http://www.ctschoolchange.org/wp-content/uploads/Hanover-Effective-Family-and-Community-Engagement-Strategies-LEAD-Connecticut.pdf>.

¹⁰ Anne Henderson and Karen Mapp, "A New Wave of Evidence: The Impact of School, Family, and Community Connections on Student Achievement," *National Center for Family and Community Connections with Schools*, 2002, pp. 21, 24, available at: <http://www.seidl.org/connections/resources/evidence.pdf>; see also U.S. Dep't. of Education and The Southwest Educational Development Laboratory, "Partners in Education: A Dual Capacity-Building Framework for Family-School Partnerships" (2013), available at: <https://www2.ed.gov/documents/family-community/partners-education.pdf>.

When schools, parents, families, and communities come together to support teaching and learning, our children and schools win.¹¹ For this reason, the SPLC strongly recommends that the Secretary’s final Notice retains a priority that supports projects designed to strengthen those bonds.

C. Leveraging Technology to Support Instructional Practice and Professional Development

A recent study by the Pew Research Center found that at least 92 percent of teens use the Internet every day, including 24 percent who say they are online “almost constantly.”¹² As digital influences spread and their impact on students’ lives grows, it is vital that our schools embrace strategies that ensure students are prepared for life and work in the digital era. The SPLC opposes the Secretary’s proposed abandonment of an existing priority that encourages projects designed to leverage technology to support teachers in the classroom.

By assisting teachers in the classroom, technology can be a key tool for improving the learning process. As importantly, the combination of the Internet, social media, and portable computing power has created a new frontier that students must learn to navigate. Young people’s growing dependence on the Internet and digital communication increases their exposure to “fake news,” which makes them more vulnerable to falsehoods and hateful messages.¹³ As such, it is imperative that students be taught to navigate the digital landscape critically, responsibly, respectfully, and safely. To effectively prepare students for this new frontier, educators must have adequate professional development related to digital tools and technology.

The Secretary’s proposed abandonment of existing Priority 11 would eliminate a significant opportunity to support teachers as they help students navigate the digital landscape of 21st century life. The SPLC recommends that the Secretary re-prioritize efforts to support teachers’ use of high-quality technology and digital tools in the classroom.

II. **The Secretary’s Inclusion of Proposed Priority 1 Undermines Educational Outcomes for All Schoolchildren.**

Notwithstanding the Secretary’s stated reasons for Proposed Priority 1, it is clear that Priority 1 is ultimately designed to provide private school vouchers for students to attend private and religious schools. There is no evidence indicating that students who use private school vouchers have significantly better academic outcomes than their public school peers.¹⁴

¹¹ Monisha Bajaj, “Community Walks: A Day of Learning for Schools,” *Teaching Tolerance* (Aug. 31, 2016), available at: <https://www.tolerance.org/magazine/community-walks-a-day-of-learning-for-schools>.

¹² Amanda Leinhart, “Teen, Social Media & Technology Overview 2015,” *Pew Research Center*, April 9, 2015, available at: <http://www.pewinternet.org/2015/04/09/teens-social-media-technology-2015/>.

¹³ “Teaching Tolerance Offers Resources for Educators to Improve Students’ Digital Literacy,” *Southern Poverty Law Center*, November 2, 2017, available at: <https://www.splcenter.org/news/2017/11/02/teaching-tolerance-offers-resources-educators-improve-students-digital-literacy>.

¹⁴ Martin Carnoy, “School vouchers are not a proven strategy for improving student achievement,” *Economic Policy Institute*, Feb. 28, 2017, available at: <http://www.epi.org/files/pdf/121635.pdf>.

Instead, these private school vouchers will undermine educational outcomes for all schoolchildren, particularly for vulnerable students, in several ways.

First, Proposed Priority 1 would redirect millions of dollars in federal funds away from cash-strapped public schools.¹⁵ Adequate funding for public schools is necessary for students' success.¹⁶ Among many other negative impacts, this diversion of public funds to private school vouchers makes it more difficult for public schools to pay for individualized education programs for students with disabilities and educational services for low-income students.¹⁷ Proposed Priority 1 would threaten the stability of public school systems, which educate more than 90 percent of students enrolled in elementary and secondary school in our country.

Second, the overwhelming weight of the evidence demonstrates that private school vouchers not only fail to improve student outcomes, but actually hurt children. The federal government already funds a private school voucher program in Washington, D.C., where a study recently found that participants performed worse on standardized tests than their peers in public schools.¹⁸ Those findings are consistent with results from Milwaukee and Cleveland, where voucher students lagged behind public schoolchildren.¹⁹ Statewide programs in Louisiana and Indiana fared no better: In both states, students attending private schools on vouchers scored lower on reading and math tests than their peers in public schools.²⁰ Children have suffered the same fate in Ohio, where private school voucher students have fared worse academically than children attending public schools.²¹ Existing research therefore suggests that the Secretary's Proposed Priority 1 will not help, but will instead hurt, children. The SPLC strongly urges the Secretary to reject this priority in the final Notice.

III. CONCLUSION

Instead of setting forth priorities that reflect a comprehensive agenda to increase equity and promote student outcomes, the Secretary's Notice does just the opposite. For these reasons, we reiterate our recommendations that the Secretary keep current Priorities 11, 12, and 14. Additionally, the SPLC urges the Secretary to exclude Proposed Priority 1, which expands the

¹⁵ Lisa Applegate, "Starving Schools to Feed Privatization," *Teaching Tolerance* (Mar. 22, 2017), available at: <https://www.tolerance.org/magazine/starving-schools-to-feed-privatization>.

¹⁶ See, e.g., Ulrich Boser, "Money Clearly Matters," *U.S. News & World Report*, March 17, 2016, available at: <https://www.usnews.com/opinion/knowledge-bank/articles/2016-03-17/why-money-matters-for-low-income-schools>.

¹⁷ Catherine Brown and Meg Benner, "The Stakes Are Too High to Ignore the Trump-DeVos Agenda," pp. 3, *Center for American Progress*, Sept. 5, 2017.

¹⁸ Erica L. Green, "Vouchers Found to Lower Test Scores in Washington Schools," *The New York Times* (Apr. 28, 2017), available at: <https://www.nytimes.com/2017/04/28/us/politics/school-choice-betsy-devos.html>.

¹⁹ Stephanie Simon, "Vouchers Don't Do Much for Students," *Politico* (Oct. 6, 2013), available at: <https://www.politico.com/story/2013/10/vouchers-dont-do-much-for-students-097909>.

²⁰ Mark Dynarski, "On Negative Effects of Vouchers," Brookings Institute (May 26, 2016), available at: <https://www.brookings.edu/research/on-negative-effects-of-vouchers/>.

²¹ Kevin Carey, *Dismal Voucher Results Surprise Researchers as DeVos Era Begins*, The Upshot (Feb. 23, 2017), available at: <https://www.nytimes.com/2017/02/23/upshot/dismal-results-from-vouchers-surprise-researchers-as-devos-era-begins.html>.

use of public funds for private school vouchers and undermines public schools across the country. We appreciate the opportunity to voice our concerns.

Sincerely,

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