

Congress of the United States
Washington, DC 20515

March 30, 2023

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

Catherine E. Lhamon
Assistant Secretary for Civil Rights
U.S. Dept of Ed. Office for Civil Rights
400 Maryland Avenue, S.W.
Washington, DC 20202

Dear Secretary Cardona and Assistant Secretary Lhamon:

We write today to express deep concern over a growing number of politically-motivated and partisan policies being introduced and implemented at the local, state, and federal level that will have disparate impacts on schoolchildren across the nation. In the wake of the recent uptick in book banning, curriculum censorship, whitewashing of history, and denial of any discussion of race, ethnicity, gender identity, and sexual orientation in classrooms, these policies violate students' first amendment rights, civil rights protections, and the ability to access and obtain a quality education. We urge the Department of Education and the Office for Civil Rights to continue to take action to uphold and protect the fundamental rights of American students.

The recent rejection of the Advanced Placement (AP) African American History course by the Florida Department of Education highlights the harmful consequences of such backward and discriminatory policies by political leaders and unchecked compliance by local educational agencies. In its explanation for banning the AP African American Studies course, the Florida Department of Education stated in a letter that the course's content was "inexplicably contrary to Florida law and significantly lacks educational value."^[1] As Members of Congress, we vehemently oppose the Florida Department of Education's stance that African American studies coursework lacks "educational value." We affirm that African American studies is inherently valuable and we recognize that it is necessary to acknowledge the many contributions of Black Americans throughout our nation's history. It is crucial ensure that the full scope of American history is being taught to our students.

As of mid-September 2022, at least 17 states introduced bills that restrict how teachers can discuss American history and current events.^[2] American families, educators, and administrators across the country have historically fought—and continue to fight each day—to ensure that their students receive the quality education that all American schoolchildren deserve. We believe that a quality education is one that is factual, rigorous, inclusive, and culturally responsive. Since the Supreme Court's landmark *Brown v. Board of Education* decision in 1954, the federal government has had legal precedent to enforce equal access to education and has had the power to intervene in cases of legally sanctioned discrimination. However, recent conservative

movements to ban books, block access to American history, and silence the experiences of people of color and LGBTQ communities call into question our bedrock civil rights and the federal government's willingness to act. Republican-led efforts in the House of Representatives would accelerate the book banning and censorship we are seeing nationwide, as well as forcibly out LGBTQ students, putting youth in harm's way.

The particular books and coursework being targeted today disproportionately impact literature relating to the experiences of people of color and the LGBTQ community. PEN America's recent report, *Banned in the USA: Rising School Book Bans Threaten Free Expression and Students' First Amendment Rights*, revealed that 41 percent of 1,648 unique book titles currently banned by schools have LGBTQ themes or have protagonists or prominent secondary characters who are LGBTQ. The report shows that 40 percent of these banned books contain protagonists or prominent characters of color, and 21 percent directly address issues of race and racism.^[3] We are concerned that this strategic silencing is a form of discrimination and a denial of educational opportunity for LGBTQ students and students of color.

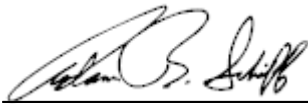
These politically motivated policies have negative impacts on the wellbeing and outcomes of students of marginalized backgrounds. These impacts can be a matter of life and death. According to The Trevor Project's *2022 National Survey on LGBTQ Youth Mental Health*, 45% of LGBTQ youth seriously considered attempting suicide in the past year and 14% of LGBTQ youth made at least one suicide attempt in the past year. However, LGBTQ youth who found their school to be LGBTQ-affirming reported lower rates of attempting suicide.^[4] These numbers are staggering for LGBTQ youth of color, as only 12% of white youth attempted suicide in the past year compared to 21% of Native/Indigenous youth, 20% of Middle Eastern/Northern African youth, 19% of Black youth, and 16% of Latino youth. In addition, 12% of Asian American/Pacific Islander LGBTQ youth attempted suicide last year, and a Trevor Project report on data collected in 2020 found that 20% of Pacific Islander/Native Hawaiian youth, 18% of Korean youth, and 14% of Vietnamese youth attempted suicide.

The mission of the U.S. Department of Education's Office for Civil Rights is to ensure equal access to education and promote educational excellence through vigorous enforcement of civil rights in our nation's schools. Our students deserve access to rigorous and comprehensive educational opportunities, diverse curricula, and inclusive classrooms— regardless of the color of their skin, the state they live in, or the school or district in which they are enrolled – to truly have equal protection under the law.

We urge the Department to analyze whether these state, local, and federal policies are discriminatory and violative of the law. Furthermore, we request that the Department provide guidance and resources to assist and support teachers, students, families, and community members in better understanding their civil rights protections under the Office of Civil Rights, including the remedies available to students subjected to discrimination on the basis of race, color, national origin, sex, disability, or age.

We appreciate your work on behalf of American school children, educators, and communities, and thank you for your attention to this important matter.

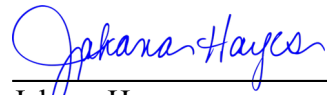
Sincerely,



Adam B. Schiff
Member of Congress



Jamaal Bowman, Ed.D.
Member of Congress



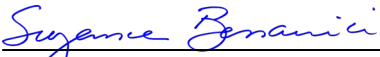
Jahana Hayes
Member of Congress



Pramila Jayapal
Member of Congress



Donald M. Payne, Jr.
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Suzanne Bonamici
Member of Congress



Adriano Espaillat
Member of Congress



Grace Meng
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Madeleine Dean
Member of Congress



André Carson
Member of Congress



James P. McGovern
Member of Congress



Ilhan Omar
Member of Congress

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- [1] Mazzei, P., & Hartocollis, A. (2023, January 19). *Florida rejects A.P. African American Studies class*. The New York Times. Retrieved March 28, 2023, from <https://www.nytimes.com/2023/01/19/us/desantis-florida-ap-african-american-studies.html>
- [2] *Banned in the USA: Rising school book bans threaten free expression and students' first amendment rights (April 2022)*. PEN America. (2022, December 20). Retrieved March 28, 2023, from <https://pen.org/banned-in-the-usa/>
- [3] *Banned in the USA: The Growing Movement to Ban Books*. PEN America. (2023, January 3). Retrieved March 28, 2023, from <https://pen.org/report/banned-usa-growing-movement-to-censor-books-in-schools/>
- [4] *2022 national survey on LGBTQ Youth Mental Health*. The Trevor Project. (n.d.). Retrieved March 28, 2023, from <https://www.thetrevorproject.org/survey-2022/#intro>