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June 15, 2022

The Honorable Betty A. Rosa  
Commissioner  
New York State Education Department  
89 Washington Avenue  
Albany, New York 12234

Dear Commissioner Rosa,

We write regarding your May 10, 2022, response to the request for information on the New York State Education Department's (NYSED) use of federal taxpayer dollars provided through the Elementary and Secondary Schools Emergency Relief (ESSER) Fund on Social and Emotional Learning (SEL) and Culturally Responsive and Sustaining Education (CRSE).

Your response did not provide the requested documentation on NYSED's promotion of SEL and related activities with ESSER funds. Instead, you provided links to New York's American Rescue Plan (ARP) ESSER State Plan and NYSED's SEL resource webpage. As initially requested, we would like to see how NYSED is pushing school districts to use pandemic funds in this manner – particularly when such funds could otherwise be used to tackle the severe learning loss students are facing.

In your state plan, priority 2 focuses on “transformative SEL” by which students “learn to critically examine root causes of inequity” and promote “justice-oriented citizenship.”<sup>1</sup> It states that “NYSED will share best practices to encourage [local educational agencies] to integrate SEL and CRSE approaches....”<sup>2</sup> Further, many of the SEL resources that NYSED is promoting contain divisive and politically charged ideologies that do not belong in America's K-12 classrooms.<sup>3</sup> This underpins our significant concern with your use of taxpayer funds. The Collaborative for Academic, Social, and Emotional Learning's SEL Roadmap for Reopening School is premised on “teaching and learning in...anti-racist ways,” and the competency of self-management is framed as “practicing anti-racism” and social awareness is a tool for examining

<sup>1</sup> <http://www.nysed.gov/common/nysed/files/programs/federal-education-covid-response-funding/nysed-arp-esser-plan.pdf>

<sup>2</sup> *Id.*

<sup>3</sup> <https://www.p12.nysed.gov/sss/sel>

the “ongoing individual and institutional impacts of systemic racism.”<sup>4</sup> Chicago Public Schools’ “Say Their Names” toolkit, one of the NYSED promoted SEL resources, includes materials stating that “no white person has ever lived in a non-racist North America” and “having white privilege...means that we have some advantages, simply because we’re white,” while also advocating for the beliefs of the Black Lives Matter organization.<sup>5</sup> The fact that these are the resources NYSED promotes only reinforces the need for full transparency.

The Committee on Education and Labor has primary legislative jurisdiction over “[e]ducation or labor generally” pursuant to House Rule X. Our oversight work demands we ensure taxpayer resources are spent in accordance with the law and are utilized as intended. The funds in this case were intended to address the significant learning loss our children faced and to support reforms to schools to help students safely return to school. Your failure to offer a full response to the prior request for information appears to be an attempt to obscure how you are utilizing the funding and what you are encouraging local educational agencies to implement.

To help us better understand the decision to divert funds from their intended purpose, we request complete and accurate responses that provide the following information regarding the development and implementation of New York’s ARP ESSER State Plan:

1. All correspondence between NYSED and the U.S. Department of Education pertaining to the development, content, or approval of the state plan;
2. A complete accounting of all ESSER funding that has been obligated or expended by NYSED on SEL or related activities, including any contracts with entities to promote or support the adoption of SEL or related activities in New York schools;
3. All documents promoting the use of ESSER funds for SEL or related activities, including memos, guidance, and technical assistance that were provided to all LEAs or schools statewide, or to individual LEAs or schools;
4. A copy of any SEL or SEL-related activities, curriculum, materials, and professional development resources used or promoted by NYSED, including any revisions or updates to these materials as discussed on page 15 of the state plan; and
5. Any memos or other materials discussing the decision to use the federal pandemic funds to support Critical Race Theory or its key concepts under the guise of SEL and CRSE.

Thank you for your cooperation.



Virginia Foxx  
Ranking Member



Elise M. Stefanik  
Member of Congress

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<sup>4</sup> <https://casel.org/casel-gateway-sel-roadmap-for-reopening/>

<sup>5</sup> Say Their Names: A toolkit to help foster productive conversations about race and civil disobedience, Chicago Public Schools