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Congress of the United States
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May 6, 2022

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

Dear Commissioner Rosa,

I write with serious concern that the New York State Education Department (NYSED) is using federal taxpayer dollars provided through the Elementary and Secondary School Emergency Relief (ESSER) Fund to promote Critical Race Theory under the guise of Social and Emotional Learning (SEL) and Culturally Responsive and Sustaining Education (CRSE).

Over the past two years, New York's students and families faced enormous disruptions due to school closures, mask mandates, and other restrictive policies that hindered student opportunity and achievement. The over \$14 billion federal taxpayer dollars provided to New York State through multiple rounds of funding were intended to help local educational agencies (LEAs) reopen schools for in-person learning and address the significant learning loss students experienced.

Instead of focusing solely on reopening schools and addressing students' academic achievement challenges, NYSED's American Rescue Plan ESSER State Plan included providing "social emotional support within a culturally responsive sustaining framework" as a top priority, citing this as where SEL and CRSE are combined to create "transformative SEL."¹ To effectuate this priority, NYSED encourages school districts to "leverage transformative SEL to support the work of anti-racism and anti-bias" and provide staff development on topics of "privilege" and "implicit bias."² To be clear, this formulation of anti-racism is not about upholding the equal protection of the laws guaranteed by the Fourteenth Amendment, but instead advocates for the discriminatory treatment of Americans on the basis of race. Shrouding the racist and divisive ideology of Critical Race Theory with vague and seemingly innocuous terminology does not diminish the harm it poses to students.

As the senior member of the New York State Congressional Delegation on the House Committee on Education and Labor, oversight of NYSED's use of federal taxpayer dollars is a critical aspect

¹ New York State Education Department American Rescue Plan (ARP) Elementary and Secondary School Emergency Relief (ESSER) State Plan, <https://oese.ed.gov/files/2021/08/New-York-ARP-ESSER-State-Plan-Final.pdf>

² *Id.*

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of my responsibilities. I request the following information regarding the implementation of NYSED's ESSER State Plan:

1. A complete accounting of all ESSER state reserve funding that has been obligated or expended 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;
2. 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;
3. A copy of any SEL or SEL-related activities, curriculum, materials, and professional development resources used or promoted by NYSED; and
4. Any memos or other materials discussing the decision to use the federal pandemic funds to support Critical Race Theory through the guise of SEL and CRSE.

Thank you, and I look forward to your timely response.



Elise M. Stefanik
Member of Congress