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Dr. Genevieve Siegel-Hawley
Professor of Educational Leadership
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1015 W. Main St.
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Dear Dr. Siegel-Hawley:

Thank you again for testifying at the May 14, 2025, Committee on Education and Workforce subcommittee on Early Childhood, Elementary, and Secondary Education hearing titled "Reimagining Education: How Charter Schools Are Closing Gaps and Opening Doors."

Enclosed are additional questions submitted by Committee members following the hearing. Please provide a written response no later than October 17, 2025, for inclusion in the hearing record. Responses should be sent to Eli Mitchell (eli.mitchell@mail.house.gov) of the Committee staff.

We appreciate your contribution to the work of the Committee.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Kiley".

Kevin Kiley
Chairman
U.S. House Subcommittee on Early Childhood, Elementary, and Secondary Education
Committee on Education and Workforce

**Questions for the Record from
REPRESENTATIVE ROBERT C. “BOBBY” SCOTT**

**Committee on Education and Workforce
Early Childhood, Elementary, and Secondary Education Subcommittee hearing entitled
“Reimagining Education: How Charter Schools Are Closing Gaps and Opening Doors”**

**Wednesday, May 14, 2025
10:30 A.M.**

**Representative Robert C. “Bobby” Scott (D-VA)
Questions for Dr. Siegel-Hawley**

1. You previously conducted research about the policies of the first Trump Administration.
 - a. Based on the policies proffered at that time, what can we expect from the current Trump Administration?

During the first Trump administration, our research found that rollbacks to race-conscious education policies occurred via three primary channels. The first included a push for school privatization that both undermined support for increasingly multiracial public schools and sought to increase enrollment in a sector lacking in civil rights protections for students. The second involved an agenda of deregulation that targeted the federal civil rights apparatus designed to protect students. For instance, changes to the Office for Civil Rights (OCR)’s case processing manual made it harder to bring civil rights complaints. Limits to civil rights data collection also made it more difficult to document disparate impact in important educational domains. A related third prong was an increasing push for colorblindness, or race-evasiveness, in law and policy. As Students for Fair Admissions was working its way through the federal courts, officials in the first Trump administration argued against Harvard’s use of race in college admissions and filed a civil rights complaint against a k-12 magnet school admissions policy that sought to increase access for historically underserved and marginalized students.¹

The second Trump administration has already demonstrated an expanded commitment to school privatization in the form of hires at the Department of Education and support for a generous federal tax credit for school vouchers.² It is also doubling down on colorblindness or race-evasiveness when education policies are designed to address racial disparities for historically marginalized groups (see, e.g., OCR’s recent issue with Louisville’s racial equity analysis

¹ See generally, Siegel-Hawley, G., Frankenberg, E., McDermott, K., McCollum, S., DeBray, E., & Scott, J. (2023). Small advances and swift retreat: Race-conscious educational policy in the Obama and Trump administrations. *Education Policy Analysis Archives*, 31(87), 1–34. <https://doi.org/10.14507/epaa.31.7536>.

² For an overview of early actions supporting privatization in the second Trump administration see, O’Matz, M. & Richards, J.S. (2025 October 8), “These Activists Want to Dismantle Public Schools. Now They Run the Education Department.” *ProPublica*, https://www.propublica.org/article/education-department-public-schools-activists-linda-mcmahon-trump?utm_source=sailthru&utm_medium=email&utm_campaign=majorinvestigations&utm_content=feature.

protocol as it relates to federally funded magnet schools).³ Rather than solely pursuing the dismantling of the federal civil rights apparatus through deregulation, however, the second Trump administration has both damaged or eliminated civil rights data, resources and staff and weaponized OCR in ways that erode protections for historically marginalized students.⁴

- b. So far in this Administration, there is a concerted, albeit illegal, effort to dismantle the Department of Education and what the GOP is referring to as “returning education to the states.” As part of that effort, the Administration has significantly defunded the Institute of Education Sciences responsible for conducting education research and the Office of Civil Rights responsible for enforcing federal civil rights laws and ensuring equal access in education, among many other offices integral to educating our nation’s youth. In addition, the Budget Reconciliation bill that the Majority intends to bring to the House floor includes a tax scheme to fund private schools with taxpayer dollars. What effect will these actions have on education across America and on our students moving forward?

The origins of the federal civil rights apparatus for students shows us how vital broad oversight and enforcement is when it comes to ensuring that quality education is available to all. In 1957, the Office for Civil Rights was established within the Department of Health, Education and Welfare. It was an integral part of the federal government’s effort to oversee and enforce *Brown v. Board of Education*. Federal oversight and enforcement were crucial because southern states were massively resisting school desegregation.⁵ (Offering state subsidized vouchers for white students to attend private segregation strategies was a primary method of southern resistance.⁶) Federal pressure became more effective once Congress passed the Civil Rights Act of 1964 and the Elementary and Secondary Act of 1965, forming the basis for withholding significant federal funding if southern states refused to comply with *Brown*. Federal civil rights data collection began to systematically document important issues in 1968, aiding oversight and enforcement.

In the 1970s, federal statute and law extended civil rights protections to offer access to more historically disadvantaged groups like students with disabilities, multilingual learners and girls. The federal civil rights enforcement apparatus in education expanded and evolved accordingly. In 2024, a record number of complaints were filed, nearly an 18% increase over the previous year.⁷ In other words, demand has increased for the federal role in protecting students’ civil rights.

³ WDRB (7 October 2025), “JCPS loses \$9.7 million federal grant for magnet programs over civil rights violations,” https://www.wdrb.com/news/education/jcps-loses-9-7-million-federal-grant-for-magnet-programs-over-civil-rights-violations/article_ae8c9180-4467-454d-a258-62d2f177fd10.html.

⁴ Richards, J. & Cohen, J. (2025 May 2). “A Gutted Education Department’s New Agenda: Roll Back Civil Rights Cases, Target Transgender Students. *Propublica*, <https://www.propublica.org/article/education-department-civil-rights-donald-trump-discrimination>

⁵ See Orfield, G. (1969). *The Reconstruction of Southern Education: The Schools and the 1964 Civil Rights Act*. New York: Wiley & Sons.

⁶ Siegel-Hawley, G. Taylor-Beierl, A., Frankenberg, E., Hewko, A. & Castro, A. (2024). *When Public Meets Private: Private School Enrollment and Segregation in Virginia*, 30 Wash. & Lee J. Civ. Rts. & Soc. Just. 95, <https://scholarlycommons.law.wlu.edu/crsj/vol30/iss2/5>.

⁷ U.S. Department of Education, Office for Civil Rights. (2024). 2024 Fiscal year annual report. Washington, DC: Author, <https://www.ed.gov/media/document/ocr-report-president-and-secretary-of-education-2024-109012.pdf>.

This history is instructive because it reveals that states have not historically been up to the task of extending civil rights protections to all students. As the U.S. Commission on Civil Rights noted in its 2019 report on federal enforcement of civil rights, Congress gave federal agencies the most sweeping and specific authority to enforce our nation's civil rights laws and establish comprehensive remedies for violations.⁸ It stands to reason, then, that “returning education to the states,” dismantling key education data sources and expanding segregative school voucher schemes will further erode student civil rights protections in schools.

c. What should the federal government's role in education be?

The federal role in education should center on providing and expanding students' access to equitable educational opportunities. Well-resourced civil rights oversight and enforcement should occur via detailed and comprehensive data collection, analysis and dissemination and strong guidance and technical assistance that builds state and local capacity for evidence-based best practices. Use of the bully pulpit to cultivate awareness and understanding of ongoing barriers to educational equity is also critical.

2. The Supreme Court recently heard oral arguments in the case of *St. Isadore v. Drummond*, the case about whether Oklahoma may permit the first religious, publicly funded charter school. Is allowing funding to go to religious public charter schools a good or bad idea and why?

The unanimous opinion in *Brown v. Board of Education* described education as “the very foundation of good citizenship.” Indeed, social science research shows that schooling children together creates conditions for a healthy, multiracial democracy.⁹ Publicly funded religious charter schools stand to erode those conditions, not just because they violate the line that separates church and state. The not-so-distant past offers numerous examples of publicly funded private segregation academies for white students, set up quickly in the basements or annexes of southern white churches.¹⁰ Publicly funded religious charter schools would add an additional layer of segregation already pervasive in the charter sector, this time on the basis of religion. And because past discrimination maps onto segregated hours of worship,¹¹ publicly funded religious charter schools would also likely deepen racial segregation.

3. Charter schools that receive federal funds under the Charter School Program are supposed to use lottery-based admissions. Despite this, are charter schools able to

⁸ U.S. Commission on Civil Rights (2019). Are rights a reality? Evaluating federal civil rights enforcement. Washington, DC: Author, <https://www.usccr.gov/reports/2019/are-rights-reality-evaluating-federal-civil-rights-enforcement>.

⁹ Mickelson, R. A., & Nkomo, M. (2012). Integrated Schooling, Life Course Outcomes, and Social Cohesion in Multiethnic Democratic Societies. *Review of Research in Education*, 36(1), 197-238. <https://doi.org/10.3102/0091732X11422667>.

¹⁰ *Brumfield v. Dodd*, 425 F. Supp. 528 (E.D. La. 1977). Blaiklock, V. (2022). The Unintended Consequences of the Court's Religious Freedom Revolution: A History of White Supremacy and Private Christian Church Schools, 117 NW. U. L. REV. 46, 49(10), 58.

¹¹ See, e.g., Equal Justice Initiative (2016). Racial segregation in the church, <https://eji.org/news/history-racial-injustice-racial-segregation-in-church/>

engage in practices that effectively select or increase the students or types of students they wish to have, either before the school year starts or even after students have started school? If so, how do they do this?

Charter schools can engage in discriminatory or limited recruitment practices that limit knowledge of the charter opportunity to families the charter wishes to serve. The lottery will then select students from a curated admissions pool.¹² Weighted lotteries or set asides are more effective at creating intentionally diverse student bodies because the weights or set asides correct for gaps in the admission pool that may relate to gaps in information and outreach.¹³ The federal charter school program should recognize the value of weighted lotteries and set asides for creating diverse student bodies and incentivize it.¹⁴

Once the school year starts, charter schools may push out students who need additional support around academics, behavior or attendance.¹⁵ There is little recourse for these students, because charter schools—unlike traditional public schools—are not required to serve all children.

4. Some charter school focus on positive student outcomes combined with strict structure and discipline; these are sometimes referred to as “no excuses” schools. Is there evidence that sheds light on student and family experiences at these schools?

Despite some recent reform efforts, no excuses schools have been linked to high rates of exclusionary discipline, disproportionately impacting low-income students of color.¹⁶ A review of relevant literature suggests that the disciplinary practices employed by no excuses charter schools are not positively linked to performance on standardized tests.¹⁷ No excuses schools, which focus on rigid behavioral management techniques, also work against the development of students’ social and emotional skills. Another review of the literature on student self-regulation as it relates to the no excuses model found that standardized test pressures worked against what developmental science tells us about how children learn.¹⁸

¹² Mommandi, W., & Welner, K. G. (2021). *School's choice: How charter schools control access and shape enrollment*. Teachers College Press. Note too that the process of learning about and navigating complex systems of school choice places a disproportionate burden on low-income Black and Hispanic parents rather than on the state when it comes to accessing high quality schools. See Jabbar, H., Tracy, H., Germain, E., Lenhoff, S. W., Alonso, J., & Haderlein, S. (2025). The Double Burden of School Choice. *AERA Open*, 11. <https://doi.org/10.1177/23328584251349179>.

¹³ Potter, H. (2019) “Recruiting and Enrolling a Diverse Student Body in Public Choice Schools,” Washington, DC: The Century Foundation, <https://tcf.org/content/report/recruiting-enrolling-diverse-student-body-public-choice-schools/>.

¹⁴ The federal charter school program has done so in the past, as recently as 2014.

¹⁵ Mommandi & Welner, 2021.

¹⁶ Golann, J. (2021). *Scripting the moves: Culture and control in a “no-excuses” charter school*. Princeton: Princeton University Press.

¹⁷ Golann J. W., Torres A. C. (2018). Do no-excuses disciplinary practices promote success? *J. Urban Aff.* 1–17. 10.1080/07352166.2018.1427506.

¹⁸ Bailey, R., Meland, E. A., Brion-Meisels, G., & Jones, S. M. (2019). Getting Developmental Science Back Into Schools: Can What We Know About Self-Regulation Help Change How We Think About “No Excuses”? *Frontiers in psychology*, 10, 1885. <https://doi.org/10.3389/fpsyg.2019.01885>.

Voices of students themselves offer caution about experiences within no-excuses schools. A recent qualitative study of graduates of no-excuses schools found they felt ill-prepared to navigate environments like college that prize student autonomy and advocacy.¹⁹ Similar skills are required to actively engage in a democratic society, raising additional concerns about citizenship preparation in no-excuses charter schools.

Each of these findings illuminates questions about expanding federal support for the no-excuses charter school model, suggesting instead that stronger oversight and technical assistance may be in order.

Question for the Record from REPRESENTATIVE SUZANNE BONAMICI

Representative Suzanne Bonamici (D-OR) **Question for Dr. Genevieve Siegel-Hawley**

1. Charter schools were originally developed as laboratories of innovation, intended to identify successful education practices to be implemented in traditional public schools. Please elaborate on that history and explain whether charter schools lived up to that intent and if charter schools today are fulfilling this mission.

The first charter schools were indeed established to incubate new educational ideas and disseminate them back to traditional public schools. This has very rarely been the case, however, in part because market-based competition was another impetus for establishment.²⁰ When per-pupil funding systems set up the charter and traditional public sectors to compete for students, trust and dissemination of best practices becomes much more difficult. Research also finds that few charter schools actually experiment with innovative techniques.²¹ Pilot schools, which operate within traditional public school districts but with similar autonomy to charters, work against the competitive schemes and may offer an alternative pathway for educational innovation.²²

¹⁹ Martinez, M., & Golann, J. W. (2025). From hand holding to free time: how no-excuses charter alumni experience the transition to college. *British Journal of Sociology of Education*, 46(5), 631–649. <https://doi.org/10.1080/01425692.2025.2499528>.

²⁰ Orfield, G. & Frankenberg, E. (2013). *Educational delusions: Why choice can deepen inequality and how to make schools fair*. UC Press.

²¹ Parisi, M. (2023). *Charter Schools: A Missed Opportunity to Improve Education Through Innovation*, 49 J. Legis. 321. <https://scholarship.law.nd.edu/jleg/vol49/iss2/4>

²² See, e.g., pilot schools in Boston, <https://www.bostonpublicschools.org/schools-container/school-types>