



**Testimony to the United States House of Representatives
Committee on Oversight and Accountability
Subcommittee on Healthcare and Financial Services**

Hearing: America's Report Card: Oversight of K-12 Public Education

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Chairwoman McClain, Ranking Member Porter, and members of the subcommittee, thank you for inviting me to appear today.

My name is Virginia Gentles, and I am the director of the Education Freedom Center at Independent Women's Forum. IWF is a non-profit organization that advances policies that enhance people's freedom, opportunities, and well-being. At IWF, we celebrate that states are responding to parents' concerns with the residentially-assigned K-12 public education system by **rapidly expanding** education options. We remain very concerned about the nation's learning loss crisis, the pernicious influence of teachers unions, and school districts' irresponsible and ineffective allocation of the \$190 billion in supplemental federal Elementary and Secondary School Emergency Relief (ESSER) funding.

We are all familiar with the tsunami of **research** proving that lengthy school closures and disruptive quarantine policies severely—potentially irreversibly—harmed a generation of American students. Mounting evidence of devastating **learning loss**, soaring **chronic absenteeism**, deteriorating **mental health**, and rampant **discipline problems** that endanger educators and students regularly appears in our news feed and inboxes.

Starting in March 2020, education bureaucrats desperate to stay in teachers unions' good graces implemented cruel policies that barred students from

attending schools for months, and in areas like my community, over a year. The foolish school closures morphed into convoluted hybrid schedules and nonsensical quarantine policies that once again banned students from schools for days and weeks at a time. Districts bizarrely required **outdoor lunches in below-freezing temperatures**, socially-distanced **recesses**, Plexiglass **desk dividers**, closed **water fountains**, **canceled sports** and **extracurricular activities**, and onerous, lengthy, and **ineffective mask requirements** that blocked young readers from seeing or clearly hearing their teachers form sounds and words.

Compounding the COVID-era chaos, teachers unions successfully pressured schools to stop **enforcing discipline**, creating **unsafe classrooms** for teachers and students. But wait, there's more: Over the last few years, states, districts, and schools also **lowered academic standards**, canceled **homework**, and either **inflated grades** or **dropped grading** altogether.

Schools may have opened back up in 2021, but, in too many places, they still don't prioritize educating students. Students don't want to be there, and callous COVID policies taught them that in-person education is **optional**, so they don't show up. Chronic absenteeism rates doubled since 2019 and hover around **29%** on average, but soar to 54% in school districts like Baltimore, 31% in Los Angeles, and 40% in Chicago. Desperate to address persistently high truancy rates, Ohio recently introduced a **bill** to pay kids cash to attend school, and Michigan districts are hiring **companies** to coax students back to school.

A common excuse for declining student performance, which began years before COVID-era closures, is that schools are "chronically underfunded." Yet scores have plummeted to historic lows despite the \$190 billion federal ESSER windfall provided in three allocations (March 2020, December 2020, and March 2021), as well as **soaring annual federal** and **state** K-12 education budgets. (Federal Title I funding, for example, increased by 20% since fiscal year 2019, from \$15.3 billion to \$18.4 billion.) It is important to note that Congress **mandated** that 20% of the \$123 billion in ESSER III funds provided by the **American Rescue Plan Act of 2021** (ARP) be used "to address the academic impact of learning loss through the implementation of evidence-based interventions such as summer learning or summer

enrichment, extended day, comprehensive afterschool programs, or extended school year programs.”

So, if districts were awash in funding the last four years and required by federal law to spend billions to address learning loss, why did they abysmally fail to educate students? **Too many schools do not prioritize academic instruction and too many districts spend irresponsibly.** Union-trained activist teachers delight in lessons steeped in **climate alarmism, alternative identities, oppression, antisemitism,** and **decolonization.** School district bureaucrats are spending ESSER and other federal funds on ineffective COVID **mitigation measures,** trendy social and emotional learning (SEL) and restorative justice materials, **staff retreats,** and **athletic fields,** rather than high-dosage tutoring and added instructional time. In addition, many districts imprudently **hired permanent staff** and provided pay raises with *temporary* ESSER funding, creating a perilous **“fiscal cliff”** that will be compounded by **declining K–12 public school enrollment.**

The deadline to finalize ESSER-funded contracts arrives this September, so policymakers and parents must swiftly pressure districts to stop chasing edu-trends and invest the remaining ESSER funds wisely. In order to improve students’ educational outcomes, disciplined investments are essential.

Let’s be honest: The students that districts profess to prioritize when they purchase glossy SEL **materials** and commit to expensive Diversity, Equity, and Inclusion (DEI)-inspired contracts were harmed the most by school closures. No amount of public posturing about DEI will ever undo the extremely inequitable impact of union-pushed, extended public school closures. Private schools proved that it was possible to prioritize students and **quickly reopen** in 2020, possibly the greatest advertisement for school choice in a generation. Parents recognized the abysmal failures of the K-12 public school system, and are flocking to **education alternatives.**

Regardless of where we send our children to school, we are all facing a learning loss crisis that imperils our country’s future. American children must learn to read in order to function in society. For planes to stay in the sky and buildings to stand in the future, today’s students must learn math and science. Evidence of the learning loss crisis appears in a steady stream of

“appalling and unacceptable” National Assessment of Educational Progress (NAEP) or state assessment scores. Only 26% of eighth-graders are proficient in math and 31% in reading nationwide, according to NAEP. Math scores on the Program for International Student Assessment (PISA) exams fell to **historic lows**. Despite high district-level spending, only **20% of eighth-grade black students** in Baltimore, Cleveland, Detroit, Milwaukee, and Philadelphia met grade-level math standards. In an analysis of 25 states, only **Iowa and Mississippi** are at or above 2019 levels in math, and student scores in multiple states continue to decline in reading.

It is tempting for those of us who fought to reopen schools as quickly and safely as reasonably possible to see the mounting evidence of learning loss and say, “We told you so.” But sadly, this sense of vindication does us no good if we cannot fight to right the wrongs in our education system today.

One group that was egregiously wronged by the education system is **students with disabilities**. Perhaps you haven’t heard from their parents yet. That is because they have been overwhelmed and exhausted for almost four years, desperately fighting districts for **compensatory services** while struggling to find and access early intervention and remediation resources.

I **testified** before an Oversight subcommittee last year about my school district’s attempt to amend my daughter’s Individualized Education Plan (IEP) during prolonged school closures. School districts knew they could not provide federally-mandated evaluations, services, and accommodations during school closures, so they either coerced parents into rewriting the IEP or outright refused in-person services, completely **abandoning** their responsibility to our nation’s most vulnerable students.

Please consider investigating school districts’ violations of their federal obligations to students with disabilities and inquiring about ongoing U.S. Department of Education’s Office for Civil Rights **investigations**. Districts are required to provide **free appropriate public education (FAPE)** to students with disabilities under federal civil rights law. Parents from across the country can provide **evidence** that school districts failed to provide students FAPE and services identified in IEPs and 504 plans during school closures. Some districts continue to abandon the needs of these students by making

standards necessary to qualify for compensatory services stricter, denying public access to services for lower-income families that cannot afford private services.

In addition to an investigation, consider providing families of students with disabilities **access** to their child's federal Individuals with Disabilities Education Act (IDEA) funding so that they can directly use those dollars to access private assessments, alternatives to their residentially-assigned schools, tutoring, therapies, and additional remediation services (even if they are not eligible for compensatory services).

Unfortunately, in part due to learning loss-coverage fatigue, headlines about K-12 education this year likely will focus on laughable claims of **book "bans"** and semi-hysterical **"mass layoff"** assertions due to the long-scheduled end of federal ESSER funding. Please stay focused on students' academic recovery needs rather than giving into these popular narratives.

In 2022, I encouraged an Oversight subcommittee to focus on **learning loss** rather than culture wars. In 2023, I detailed the **impact of school closures** on my community. In 2024, I implore committee members to:

- Pressure states and school districts to invest remaining ESSER funds in effective intervention services for the most vulnerable students and to prioritize the needs of students, rather than those of adult employees, while **adjusting** to post-ESSER budgets;
- Investigate school districts that were closed for extended periods so that students with disabilities can receive **compensatory services**;
- Ask state and district leaders why they **caved** to political pressure from teachers unions in order to avoid a similar scenario unfolding in the future;
- Invite teachers to talk about their concerns with **no-consequence discipline** policies;
- And, demand that district leaders that chose to direct billions in **COVID-era federal funding** to SEL, DEI, permanent labor costs, general facilities repairs, and "continuity of operations," rather than academic recovery, report on the academic progress of their students.

Our country must implement student-focused policies, make bold investments in expanding education options, and put students' needs first. States should continue to expand education freedom programs, and Congress should champion and support their efforts. The K-12 public education system and the teachers unions that control it caused the heartbreaking and catastrophic learning loss and chronic absenteeism crisis and the ESSER-fueled fiscal chaos. Without external pressure, the system will not fix itself. We must champion policies that prioritize students over systems.