



**Testimony to the United States House of Representatives  
Committee on Oversight and Reform  
Subcommittee on Civil Rights and Civil Liberties**

**Hearing: “Free Speech Under Attack (Part II): Curriculum Sabotage and Censorship”**

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Chairman Raskin, Ranking Member Mace, 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. My work focuses on empowering parents by expanding educational freedom. We inform the public about education policies that harm students and disempower parents, and encourage the creation of educational options that focus on academic achievement and create healthy environments for students to learn and thrive.

It appears today’s hearing is being held because states have introduced legislation in response to a wave of parental objections to school materials that promote an obvious political and ideological agenda.

The nearly-universal public school closures that began in March 2020 temporarily granted parents access to classroom content. Before the pandemic began, many parents complacently trusted their neighborhood schools to provide a robust academic experience for their children. However, as parents logged into online classroom management systems to access their children’s assignments and online library books, and peered over their children’s shoulders into Zoom classrooms, they discovered materials focused on activism rather than academics. These materials repeatedly warned children of a looming climate catastrophe, instructed them that our country is irredeemably racist, and pressured them to define themselves by their racial, sexual and gender identity.

Parents realized two things during the school closures, which were lengthy in too many areas of the country:

- (1) limiting parental access to instructional materials had allowed schools to hide the weak, and often politicized, academic instruction children receive, and
- (2) the combination of weak instruction and school closures left children struggling academically and falling further behind, resulting in widespread learning loss.

The primary purpose of the education system is not to indoctrinate children or leverage them in political debates, but to educate students. How have schools been doing with this primary responsibility? An avalanche of research suggests that our education system is failing to deliver on this most basic promise of developing an informed citizenry, equipped with basic skills and knowledge and prepared for the workforce. I know lawmakers have called this hearing to discuss school materials, but the bigger crisis for our nation's students is that of learning loss.

So, let's talk about the learning loss that has resulted because school districts closed public schools and prioritized activism over academics. Negligent school district leaders **endangered children** academically, **emotionally**, and physically by closing and refusing to open schools, decisions that led to **devastating learning loss** and significant **mental health issues**. As the **New York Times** has reported, "Children fell far behind in school during the first year of the pandemic and have not caught up."

Unfortunately, vulnerable students were hit particularly hard, with the youngest students, students with special needs, and students from low-income households experiencing the most learning loss.

Students in states and school districts that kept schools closed longer have suffered the most. A May 2022 study from Harvard University's Center for Education Policy Research on **The Consequences Of Remote And Hybrid Instruction During The Pandemic** examined test scores for over 2 million students in 49 states and found that "remote instruction was a primary driver of widening achievement gaps." For districts that kept schools closed in 2020-21, all subgroups of students had lower achievement growth, but students in high-poverty schools experienced 50 percent more achievement loss than low-poverty schools.

Because schools with large numbers of low-income and minority students were closed the longest, school closures widened the economic and racial achievement gaps. According to an author of the Harvard study, "This will probably be the largest increase in educational inequity in a generation."

Assessment provider **Renaissance Learning Inc.** discovered that students' reading and math scores are worse in the 2021-22 school year than the previous school year, "suggesting that the pandemic continues to have a compounding effect on student achievement."

States across the country are reporting dramatic declines in academic performance. Declining California math scores have been described as a “**five-alarm fire**,” with 8th grade students testing, on average, at the 5th grade level on the 2021 state standardized math test. Maryland’s **state assessment** results “marked the greatest single-year declines on any state tests given in at least the past two decades in Maryland.”

Children who had not learned to read before schools closed in March 2020 are still struggling to acquire reading skills. In Virginia, early reading skills are at a **20-year low** and the “percentage of students identified as at high risk is growing.”

Unfortunately, most school district leaders are not taking the learning loss crisis that they created seriously. Districts are awash in federal funding, but they haven’t been strategically spending the \$190 billion of supplemental **funding** that was allocated across three Covid-era emergency spending bills. In fact, most of the funding remains unspent.

As of April 2022, districts have only allocated a small portion (3.3 percent) of the supplemental federal funds to tutoring. And only a handful of states have invested the funding in student-centered microgrants or education savings account programs that empower parents to enroll their children in an alternative educational option or use the funds for tutoring or afterschool and summer school programs.

In contrast, private schools reopened quickly and stayed open, protecting enrolled students from devastating learning loss and driving **support for education freedom** to all-time highs. Policymakers should empower parents to leave public schools that do not prioritize academic instruction and enroll their children in educational options committed to educating, rather than indoctrinating, students. State and local leaders should fund students directly by creating flexible **education savings accounts**. Allowing parents to access K-12 funding directly through such accounts enables them to escape the chaos of COVID-era education systems and swiftly address their children’s educational needs.

Children deserve a path out of learning loss and deteriorating mental health. They deserve classroom environments dedicated to academic instruction, rather than adults’ political agendas. The majority of American students entered the Covid era with **weak academic skills**. School closures, atrocious remote instruction, and the prioritization of activism over academic instruction compounded a preexisting condition.

Parents and policymakers must hold school districts accountable for the massive infusion in Covid-era supplemental funding provided by the federal government, and ensure that resources are directed to proven student-centered strategies that will effectively address the nation’s learning loss crisis.

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Submitted for the record:

## POLICY FOCUS

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### Learning Loss

By Ginny Gentles, Director, Education Freedom Center

#### INTRODUCTION

Lengthy school closures and deplorable remote instruction, often imposed upon students in response to teachers unions' demands, resulted in two years of disrupted learning and **sharp declines in reading and math scores**. Students entered the pandemic with weak academic skills, with only **one-third of students** reading proficiently and less than **one-quarter of 12th graders** proficient in math in 2019. Covid-era education policies compounded the literacy crisis, lowered **math achievement**, and negatively impacted students' performance in **additional subjects** as well. Students didn't just miss out on academic knowledge. According to **McKinsey and Company analysis**: "They are at risk of finishing school without the skills, behaviors, and mindsets to succeed in college or in the workforce." In the midst of this academic crisis, many school districts unfortunately do not appear to be addressing the learning loss crisis their policies created.

#### WIDESPREAD LEARNING LOSS

Children are Covid's **lowest-risk demographic**, but American elementary and secondary students have suffered the most throughout the pandemic because of pandemic-era school closures and abysmal remote learning. Negligent school district leaders **endangered children** academically, **emotionally**, and physically by closing and refusing to open schools, decisions that led to **devastating learning loss**, significant **mental health issues**, and higher rates of **suicide** and **obesity**. **The New York Times** reported, "Children fell far behind in school during the first year of the pandemic and have not caught up." **Michael Petrilli**, president of the Thomas B. Fordham Institute **observed**: "We haven't seen this kind of academic achievement crisis in living memory." Unfortunately, vulnerable students were hit particularly hard, with the youngest students, students with special needs, and students from low-income households experiencing the most learning loss.

Declining California math scores have been described as a "**five-alarm fire**," with 8th grade students testing, on average, at the 5th grade level on the 2021 state standardized math test. While standardized test scores have **plummeted** for students across the country, minority and low-income students in areas that persistently closed schools—**including California**—have lost the most academically.

#### Learning Loss Among Youngest Students

The negative impact of school closures on young students became apparent early in the pandemic. Assessment and curriculum provider, Amplify Education, found in 2020 that early readers—children in first and second grade—were struggling as compared to previous years even in the early months of school closures. **Test scores** in 2020 already revealed that “40% of first grade students and 35% of second grade students scored “well below grade level” on a reading assessment, compared with 27% and 29% the previous year.” After analyzing results from the Dynamic Indicators of Basic Early Literacy Skills (DIBELS) test in 2022, **Amplify found** “More than 1 in 3 children in kindergarten through grade 3 have little chance of reading on grade level by the end of the school year without major and systemic interventions.”

A fall 2021 **study** of Virginia students also revealed “alarming” results for young students, with early reading skills at a 20-year low. According to statewide testing, 34.5 percent of K-2 students were at high risk for persistent reading difficulties, as compared to 21.3 percent in 2019. The researchers found that the “percentage of students identified as at high risk is growing,” and that black, Hispanic and low-income students, as well as English learners and students with disabilities, were especially struggling.

Assessment provider Renaissance Learning Inc. analyzed test results from over four million K-12 students in reading and almost three million students in math. Their **March 2022 report** found that student performance has not caught up to pre-pandemic levels, and students’ reading and math scores are worse in the 2021-22 school year than the previous school year, “suggesting that the pandemic continues to have a compounding effect on student achievement.”

Children who had not learned to read before schools closed in March 2020 are still struggling to acquire reading skills. Renaissance found that students who were not reading before the pandemic began were performing particularly poorly. Early literacy scores in 2021-22 were even worse than the 2020-21 school year and revealed “very low growth.” When Renaissance analyzed the test scores by racial and geographic subgroups, “none of the subgroups analyzed in this study showed improvement.” Reading scores for English language learners and students with disabilities, in particular, were alarmingly low.

### **Students with Special Needs Heavily Impacted**

Numerous media outlets, including the **Washington Post**, the **L.A. Times** and **NPR**, reported throughout the pandemic that students with special needs, in particular, were falling behind due to school closures. When schools closed, students with disabilities lost their daily structure and routine; their access to speech, occupational, or physical therapy; and their classroom accommodations and assistance.

More than **7 million children**, or approximately 14 percent of public school students, qualify for services under the federal **Individuals with Disabilities Education Act (IDEA)**. The system was failing well before the pandemic hit. Parents regularly fight with school districts in an attempt to receive services and accommodations, and mediation, due-process hearings, and lawsuits can result in major legal fees. Covid-era policies compounded the challenges faced by the families of students with special needs, and left these students even further behind.

## Prolonged School Closures Deepened Learning Loss

Students in states and school districts that kept schools closed longer have suffered the most. A **National Bureau of Economic Research (NBER) report** that examined spring 2021 standardized test scores from 12 states found “large reductions in test scores between 2020-21 and previous years. The average decline in math is 14.2 percentage points, versus 6.3 percentage points in English language Arts (ELA).” According to the NBER report, test scores declined less in districts that offered more in-person instruction. The authors found that “interactions between test score losses and schooling mode are highly significant.”

## Dire Consequences for Low-Income Students

Research has consistently found that **achievement gaps** between low-poverty students and high-poverty students increased significantly during the pandemic. As **USA Today** reported:

“The consequences are most dire for low-income and minority children, who are more likely to be learning remotely and less likely to have **appropriate technology** and **home environments** for independent study compared with their wealthier peers. **Children with disabilities** and **those learning English** have particularly struggled in the absence of in-class instruction. Many of those students were already lagging academically before the pandemic. Now, they’re even further behind—with time running out to meet key academic benchmarks.

*In high-poverty schools, 1 in 3 teachers report their students are significantly less prepared for grade-level work this year compared with last year, according to a **report** by the RAND Corporation, a nonprofit research institution. Class failure rates have skyrocketed in school systems from **Fairfax County, Virginia**, to **Greenville, South Carolina**. Fewer kindergarteners **met early literacy targets** in Washington, D.C., this fall. And math achievement has dropped nationwide, according to a **report** that examined scores from 4.4 million elementary and middle school students.” (emphasis added.)*

Maryland’s plummeting **state assessment scores** reflect the struggles of students in many states: 31 percent (down from 44 percent two years ago) of students are proficient in English language arts and just 15 percent (down from 33 percent) of students in grade 3-7 are proficient in math, with only 7 percent (down from 27 percent) of Algebra I students testing at the proficient level. The results “marked the greatest single-year declines on any state tests given in at least the past two decades in Maryland.” Maryland state board of education member, Jean Halle, responded to the evidence of Maryland students’ significant learning loss by **stating**: “These numbers are really truly shocking, and there’s no place in the state where you can sit and feel OK about these numbers. This is worthy to cry over.”

Many state and district education leaders, however, are not taking the widespread and compounding learning loss crisis seriously. Some school district leaders have openly stated that they want to “**get away from that concept of learning loss**” or “**reframe that conversation.**” A **California teachers union leader** claimed: “There is no such thing as learning loss. Our kids didn’t lose anything.” It is not surprising that a union leader

that played an active role in keeping school closed believes that “It’s OK that our babies may not have learned all their times tables,”—a statement that minimizes the true degree of the learning loss crisis. Similarly, other education leaders dismiss learning loss concerns by claiming that children are resilient or that “**learning trajectories have shifted,**” rather than aggressively embarking on a campaign to address students’ academic needs. Students have suffered and are continuing to suffer as a result. And regardless of their willingness to accept responsibility, district officials must now address the learning loss crisis, and the first step to accept that the loss has been profound.

## FEDERAL FUNDING AVAILABLE FOR TUTORING

In his March 1, 2022 **State of the Union speech**, President Joe Biden mentioned that school districts can use some of the \$190 billion in emergency Covid-relief funding the federal government provided to states and districts for tutoring programs to address learning loss. “The American Rescue Plan gave schools money to hire teachers and help students make up for lost learning,” he said. “I urge every parent to make sure your school—your school does just that. They have the money.” Districts are awash in federal funding, but they haven’t been spending the **funds** that were allocated across three Covid-era emergency spending bills. **Most** of the “emergency” funding remains unspent.

The federal funding tsunami extends beyond emergency funding. According to **Education Next**, “President Biden recently unveiled his 2023 budget request for the U.S. Department of Education, asking Congress for \$88.3 billion in discretionary funding, a whopping 15 percent increase over 2022 and 20 percent increase over 2021.” The federal Title I program, the component of the Elementary and Secondary Education Act that was originally designed to support economically disadvantaged students, received \$17.5 billion for fiscal year 2022. The Biden administration is requesting *an additional \$20 billion* for the next fiscal year, even though states and districts haven’t been spending their Elementary and Secondary School Emergency Relief (ESSER) funds, which were distributed to districts using the Title I allocation formula. The Title I program increases are not grounded in research or evidence that the Title I program has positively impacted children. In fact, **Title I research reveals** that the \$1 trillion spent over the life of the program has not positively impacted student performance.

In an era of widespread learning loss, particularly among low-income students, the impulse to invest funding in children poorly served by the public school system is understandable. But the “emergency” federal funding and significant Title I increases must be invested in initiatives that address students’ academic needs, rather than sit unspent or be used for unsustainable **staffing increases** or non-academic construction projects such as **athletic fields**. Although there is little evidence that federal investments academically benefit students, federal programs have successfully provided adults with jobs. As noted by the **American Enterprise Institute**, “school staffing grew at almost four times the rate of student enrollment from 1950 to 2015, with teaching staff growing twice as fast as enrollment and non-teaching staff *seven times* as fast.” ESSER funding will ensure further often unionized and likely non-academic staffing growth.

The **federal funding** can be used for a wide variety of purposes, and a portion of the funding must be used for “evidence-based interventions aimed specifically at addressing learning loss, such as summer learning or

summer enrichment, extended day, comprehensive afterschool programs, or extended school year programs.” **Research** shows that tutoring is likely to have the most impact on student achievement.

## STATE AND DISTRICT TUTORING INITIATIVES

According to [FutureEd](#), more than 40 percent of school districts plan to spend some emergency federal funding on tutoring and academic coaching. But as of April 2022, districts have only allocated a small portion (3.3 percent) of the supplemental federal funds to tutoring. Each state education agency is allowed to keep 10 percent of the state’s Covid-relief allocation, and **two-thirds of the states** are using some of those funds for tutoring. **Tennessee** and Arkansas, for example, are creating statewide tutoring corps.

Tutoring provided directly to students can be a high-impact strategy to improve academic outcomes. Some districts, such as Fairfax County, Virginia, are offering online tutoring for students. Given that remote learning created the learning loss crisis, providing in-person tutoring options likely would be a more effective investment.

Districts also plan to use federal funds for **summer learning and afterschool programs**. Districts that initially promised to use federal funds for summer school in 2021 were not always able to fulfill those promises due to labor shortages. Ideally, districts will provide high-quality summer school programs in 2022. In response to the alarming test results revealed by **Renaissance Learning** (as mentioned earlier in this report), the organization recommends that, “we should take advantage of all options for academic time including extended day, tutoring, and summer learning, all of which are approved areas of use for Elementary and Secondary School Emergency Relief (ESSER) funds.”

## SCHOOL CHOICE AS A LEARNING LOSS STRATEGY

Parents are recognizing that the school districts that closed schools and then kept children and teachers masked for extended periods, **impeding young children’s acquisition of speech and reading skills**, are not addressing the learning loss those policies caused. New parental rights organizations have formed in response to this, and they are now channeling their frustrations with these unresponsive bureaucratic education systems into advocating for educational freedom. If they are successful, parents will be empowered to choose educational options for their children that *will* address their academic needs.

In addition to pressuring districts to invest in tutoring and proven strategies to address learning loss, policymakers should empower parents to leave their public schools and enroll their children in alternative educational options. State and local leaders should fund students directly by either redirecting existing K-12 education funding or using federal state and local fiscal recovery funds provided under the American Rescue Plan to create flexible **education savings accounts** (ESA). Allowing parents to access K-12 funding directly through



ESAs enables them to escape the chaos of COVID-era education systems and swiftly address their children's educational needs. States could also create **smaller-scale ESAs** or microgrants that provide parents with access to funds that can be used on tutoring, coaching and afterschool and summer school programs focused on learning loss.

## CONCLUSION

The majority of American students entered the Covid era with **weak academic skills**. School closures and atrocious remote instruction compounded a preexisting condition. But now parents and policymakers are more aware of the problem, and they're motivated to take action. Both groups must hold school districts accountable for the massive infusion in Covid-era supplemental funding provided by the federal government, and ensure that resources are directed to proven student-centered strategies that will effectively address the nation's learning loss crisis.

Children deserve a path out of learning loss and deteriorating mental health. Educational freedom empowers parents to find an educational environment that prioritizes academic instruction and healthy childhood experiences. Policymakers must ensure that schools are actively addressing learning loss and give parents options.

## RESOURCES FOR PARENTS

Parents can learn about the federal funding available to address learning loss for each state and individual school districts:

- **[U.S. Department of Education's Education Stabilization Fund Transparency Portal](#)**
- **[Edunomics Lab ESSER Expenditure Dashboard](#)**
- **[Chalkbeat toolkit for tracking COVID relief spending by schools](#)**