



October 17, 2025

Submitted via Regulations.gov

Linda McMahon
Secretary of Education
U.S Department of Education
400 Maryland Ave SW
Washington, DC 20202

RE: ED-2025-OS-0745; Proposed Priority and Definitions – Secretary’s Supplemental Priority and Definitions on Promoting Patriotic Education

Dear Secretary McMahon:

On behalf of the more than 3 million members of the National Education Association (NEA), we submit the following response to the U.S. Department of Education’s Secretary’s Supplemental Priority and Definitions, published in the Federal Register on September 17, 2025. Specifically, we write in strong opposition to the proposed definitions of the “American political tradition” and “patriotic education,” which raise serious constitutional and statutory concerns and are in tension with evidence-based strategies and approaches to providing high-quality history and civics education. **We urge the Department to withdraw this notice and develop an alternative priority that would encourage grantees to foster students’ civic knowledge, skills, dispositions, and behaviors without imposing the administration’s preferred construction of American history on students and educators.**

I. The Proposed Priority Will Bring American History and Civics Curricula that Promote False and Distorted Narratives into Schools, Colleges, and Universities

The proposed priority would give an advantage in Department grant competitions to projects that “provide an introduction to and understanding of the founding documents and primary sources of the American political tradition, in a manner consistent with the principles of a patriotic education.” The “American political tradition” includes “the influence of Western Civilization, including ancient Greece, Rome, and Judeo-Christianity”; “the history of Western Europe linked to the history and development of the United States”; and “the role of faith,” among other things. A “patriotic education,” in turn, is “a presentation of the history of America ground in an accurate, honest, unifying, inspiring, and ennobling characterization of the American founding and foundational principles” that examines “how the United States has admirably grown closer to its noble principles through its history” and inculcates the view that “commitment to America’s aspirations is beneficial and justified.”

Even a cursory review of the civics curricula developed by the organizations working “in formal partnership with” the Department to “advanc[e] civic education” through the America 250 Civics Education Coalition provides telling indications of what the “patriotic education” and “American political tradition” endorsed by the proposed priority will likely entail:¹

- A model policy civics course released by the America First Policy Institute and National Association of Scholars would require educators to instruct students in the “study of and devotion to” the “intellectual sources of the United States’ founding documents,” defined to include “the Christian synthesis of Greek, Hebrew, and Roman thought that emphasized the equal dignity of all individual humans in the eyes of God,” and prohibit instruction that presents “racist or bigoted concepts or defamatory history of America’s founding,” for example, that “[t]he United States is fundamentally racist or sexist” or that “slavery and racism are anything other than deviations from, betrayals of, or failures to live up to, the authentic founding principles of the United States.”²
- In a lesson on “Major Supreme Court Decisions,” Hillsdale College’s curriculum for high school American government and politics claims that the Founders “held the general position that government should express a mild support and encouragement of religion” and the Supreme Court abandoned this “general consensus” in the post-New Deal era by “requiring schools to become more secular.” The module further asks students to consider the Court’s expansion of “civil liberties related to criminals” in a series of decisions issued in the 1960s and their role in producing “more lenient sentencing and arguably . . . higher crime rates during the 1970s and 80s.”³ Elsewhere, the curriculum describes the administrative state as “an affront to the very principles of self-government and representative government” that “violates the principle of separation of powers and is . . . the very definition of tyranny.”⁴
- PragerU’s curricular materials for elementary school students on various topics in American history include a video on Columbus Day, in which an animated Christopher Columbus defends his enslavement of indigenous peoples, saying that “[s]lavery is as old as time and has taken place in every corner of the world” and “Being taken as a slave is better than being killed, no? I don’t see the problem.”⁵ In other videos, a cartoon Booker T. Washington inaccurately tells two children that the United States was “one of the first places on earth to outlaw slavery,” Frederick Douglass assures listeners that “our Founding Fathers knew slavery was evil and wrong” but correctly “made a compromise to achieve something great,” and Ulysses S. Grant calls Robert E. Lee “a good man” who was “just caught on the opposite side” of the Civil War.⁶
- An entry in PragerU’s “Craftory” series, for students in grades K-3, shows children how to make a “God Bless America” Christmas ornament while telling viewers that all individual

¹ America First Policy Institute, *America 250 Civics Education Coalition* (2025), <https://america250civics.com/>.

² America First Policy Institute, *Model Policy: The Civics Course Act* (Oct. 30, 2022), <https://www.americafirstpolicy.com/issues/model-policy-the-civics-course-act>.

³ Hillsdale College, *The Hillsdale 1776 Curriculum: High School American Government and Politics* 870, 915, <https://k12.hillsdale.edu/k12/media/Documents/High-School-American-Government-and-Politics-The-Hillsdale-1776-Curriculum.pdf?ext=.pdf>.

⁴ *Id.* at 838.

⁵ PragerU, *Christopher Columbus: Explorer of the New World* (Oct. 7, 2022), <https://www.prageru.com/videos/leo-and-layla-meet-christopher-columbus>.

⁶ PragerU, *Booker T. Washington: From Slavery to Self-Sufficiency* (Feb. 24, 2023), <https://www.prageru.com/videos/leo-and-layla-meet-booker-t-washington>; PragerU, *Frederick Douglass: The Outspoken Abolitionist* (Sept. 10, 2021), <https://www.prageru.com/videos/leo-and-laylas-history-adventures-with-frederick-douglass>; PragerU, *Ulysses S. Grant: The Victorious General of the Civil War* (Sept. 2, 2022), <https://www.prageru.com/videos/leo-and-layla-meet-ulysses-s-grant>.

rights derive from “the God from the Hebrew and Christian Bibles” and “America was founded on what’s called Judeo-Christian values,” which are “at the very core of who America is.”⁷ In a five-minute explainer for high school students and adults on the separation of church and state, John Eastman asserts that the Founders “never intended for church and state to be completely separate” and saw “religions based on the Bible” as “indispensable to the moral foundation of the nation they were creating.” Eastman explains that after the Supreme Court began enforcing the Establishment Clause more rigorously, “the nation’s moral infrastructure began to crack—at first slowly, and then more rapidly” as “marriage rates, birthrates, [and] the number of Americans giving to charity have declined.”⁸

As these instructional materials from the Department’s partners in developing civic education make clear, the proposed priority in practice amounts to an effort to coerce schools, colleges and universities into adopting this whitewashed, ideologically biased version of American history and government. In this, it mirrors the administration’s ongoing attempts across federally funded programs to impose a distorted version of the American story that fails to grapple with critical components of the nation’s past, such as chattel slavery, the disenfranchisement of women and people of color, and racial segregation. President Trump’s March 2025 Executive Order, “Restoring Truth and Sanity to American History,” prohibited federal funding for “exhibits or programs” hosted by the Smithsonian Institution and National Park Service “that degrade shared American values, divide Americans based on race, or promote programs or ideologies inconsistent with Federal law and policy.”⁹ This directive prompted a review of all exhibits by both entities and resulted in the removal of exhibits and artifacts including Harriet Tubman’s book of hymns, the autobiographical *Narrative of the Life of Frederick Douglass*, and references to President Trump’s multiple impeachments.¹⁰ Likewise, the National Endowment for the Humanities announced that, to comply with the president’s executive orders, it would no longer support projects promoting “extreme ideologies based upon race and gender” and would refocus its grantmaking priorities on “the president’s agenda,” including patriotic education.¹¹ The agency cancelled projects en masse, including a two-week summer workshop about the history and literature of the Chihuahuan Desert in the southwestern United States and northern Mexico, a workshop on the history and culture of the Gilded Age and Progressive Era that prioritized teaching students to engage with primary sources and “wrestle” with scholars’ varying interpretations of the past, a summer institute on the history and culture of the Mashantucket Pequot Tribal Nation, and a book of instructional resources on Jewish American history and the history of antisemitism.¹²

If implemented as proposed, this priority will inevitably produce similar results for American history and civics education in our nation’s schools. Far from promoting accuracy and honesty about our

⁷ PragerU, *God Bless America Ornament* (Dec. 3, 2021), <https://www.prageru.com/videos/craftory-god-bless-america-ornament>.

⁸ PragerU, *What Does Separation of Church and State Mean?* (May 25, 2020), <https://www.prageru.com/videos/what-does-separation-of-church-and-state-mean>.

⁹ Exec. Order 14253, § 2(b)(i), 90 Fed. Reg. 14563 (Mar. 27, 2025).

¹⁰ Yamiche Alcindor & Doreh Gregorian, *White House Reviewing Smithsonian Exhibits to Make Sure They Align with Trump’s Vision*, NBC News (Aug. 12, 2025), <https://www.nbcnews.com/politics/white-house/white-house-reviewing-smithsonian-exhibits-make-sure-align-trumps-vision-rcna224588>.

¹¹ Jennifer Schuessler & Michaela Towfighi, *Humanities Endowment Funds Trump’s Priorities After Ending Old Grants*, N.Y. Times (Aug. 5, 2025), <https://www.nytimes.com/2025/08/05/arts/national-endowment-for-the-humanities-trump-grants.html>.

¹² Sarah Schwartz, *What National Endowment for the Humanities Cuts Could Mean for Social Studies Teachers*, EdWeek (Apr. 9, 2025), <https://www.edweek.org/teaching-learning/what-national-endowment-for-the-humanities-cuts-could-mean-for-social-studies-teachers/2025/04>.

nation’s political tradition, the Founding, and our shared history, the proposed priority will incentivize prospective recipients of competitive grant awards to adopt history and civics programs of instruction that sidestep difficult topics and conversations; fail to instill critical thinking skills, teach media literacy, or expose students to ideologically, geographically, and demographically diverse perspectives; and ultimately leave students ill-equipped to become engaged and informed participants in our representative democracy.

II. The Proposed Priority Infringes Constitutional Rights and Exceeds the Department’s Statutory Authority

To date, the federal courts have overwhelmingly rejected the administration’s efforts to prescribe and proscribe particular viewpoints, curricular choices, and speech by imposing conditions and competitive priorities on applicants for federal funding.¹³ Like these earlier attempts to impose fidelity to the administration’s political, historical, and ideological perspectives, the proposed priority raises grave constitutional concerns and violates numerous federal statutes.

First, the proposal is contrary to the constitutional rights of students and educators: it purports to reward grantees’ adherence to the viewpoints and ideologies referenced in the definitions of “patriotic education” and “American political tradition,” but simultaneously fails to define key terms like “uplifting, inspiring, and ennobling” and to provide standards by which to measure other subjective qualities, like the “accuracy” or “honesty” of a particular characterization of American history. The proposed priority does not provide any guidance to help funding applicants decide how to design and administer history and civics education programs in alignment with the priority, other than by adopting the curricula and materials developed by the Department’s “official partners” in the America 250 Civics Education Coalition or otherwise espousing the “America First” historical narrative. Nowhere does the proposal explain how the Department would apply the priority to actual grant applications to determine whether they qualify for a competitive advantage. Without this context, the proposal lacks the clarity that would ensure fair implementation. Rather, applying the priority in a competition will require the Department to draw on its subjective evaluations and assumptions of grantee’s submission. This creates an intolerable risk of arbitrary and discriminatory application of the priority, which will deter prospective grantees, and in turn, the NEA members and other educators they employ, from discussing certain topics or including certain perspectives in the classroom.

To the extent the proposal does clarify what it means by “American political tradition” or “patriotic education,” it offers a competitive advantage to grant applicants that include specific substantive

¹³ For a representative sample of the scores of judicial decisions invalidating the administration’s previous attempts to use federal funding as a tool to discriminate on the basis of viewpoint or compel speech and expression, see, e.g., *NEA v. U.S. Dep’t of Educ.*, 779 F. Supp. 3d 149 (D.N.H. 2025); *AFT v. U.S. Dep’t of Educ.*, No. SAG-25-628, 2025 WL 2374697 (D. Md. Aug. 14, 2025); *NAACP v. U.S. Dep’t of Educ.*, 779 F. Supp. 3d 53 (D.D.C. 2025); *Southern Educ. Found. v. U.S. Dep’t of Educ.*, 784 F. Supp. 3d 50 (D.D.C. 2025); *Mid-Atl. Equity Consortium v. U.S. Dep’t of Educ.*, No. 25-1407, 2025 WL 2158340 (D.D.C. July 30, 2025); *Nat’l Ass’n of Diversity Offs. in Higher Educ. v. Trump*, 781 F. Supp. 3d 380 (D. Md. 2025); *S.F. Unified Sch. Dist. v. AmeriCorps*, 784 F. Supp. 3d 1280 (N.D. Cal. 2025); *Pres. & Fellows of Harvard Coll. v. U.S. Dep’t of Health & Hum. Servs.*, No. 25-cv-11048, 2025 WL 2528380 (D. Mass. Sept. 2, 2025); *Thakur v. Trump*, No. 25-cv-04737, 2025 WL 2696424 (N.D. Cal. Sept. 22, 2025); *Child Trends, Inc. v. U.S. Dep’t of Educ.*, No. 25-1154, 2025 WL 2379688 (D. Md. Aug. 15, 2025); *R.I. Coal. Against Domestic Violence v. Bondi*, No. 25-279, 2025 WL 2271867 (D.R.I. Aug. 8, 2025); *R.I. Latino Arts v. Nat’l Endowment for the Arts*, No. 25-79, 2025 WL 2689296 (D.R.I. Sept. 19, 2025); *Chi. Women in Trades v. Trump*, 778 F. Supp. 3d 959 (N.D. Ill. 2025); *Or. Council for Humanities v. U.S. DOGE Serv.*, No. 3:25-cv-00829, 2025 WL 2237478 (D. Or. Aug. 6, 2025); *Am. Council of Learned Soc’ys v. McDonald*, Nos. 25 Civ.3657, 25 Civ. 3923, 2025 WL 2097738 (S.D.N.Y. July 25, 2025).

content and messages in their history and civics-related programming. Worse still, the priority goes beyond preferring certain topics to endorsing particular views on those topics. This blatant viewpoint discrimination threatens the First Amendment rights of NEA members and other educators, and diminishes the quality of education by restricting students' exposure to diverse perspectives. The risk is especially pronounced in the context of higher education, where professors enjoy traditional academic freedom protections that bolster their free-speech rights. This security is essential to educators' ability to develop "leaders trained through wide exposure to that robust exchange of ideas which discovers truth out of a multitude of tongues, rather than through any kind of authoritative selection." *Keyishian v. Bd. of Regents*, 385 U.S. 589, 603 (1967). These skills are, of course, of particular importance in civics education.

Moreover, the proposed priority suggests that funding recipients should express favorable opinions about the "role of faith" in American society generally and the particular role of the Judeo-Christian tradition and Judeo-Christian values. For schools, public colleges and universities, or state grantees to integrate these perspectives into their history and civics education programs would raise significant concerns under the Establishment Clause, which bars public institutions from promoting religious practice in general or favoring a specific religious tradition. Compliance with the priority also could readily lead to violations of students' and educators' freedom of religious expression if, for example, a curriculum designed to comport with the priority rewards students who express certain religious perspectives with higher grades or requires teachers to express positive opinions about references to the Judeo-Christian God in the Declaration of Independence.¹⁴

The priority also exceeds the Department's statutory authority by encroaching on teaching and academic freedom. Congress has expressly prohibited the Department from interfering with curriculum and instruction on at least three occasions, in the General Education Provisions Act (GEPA),¹⁵ the Elementary and Secondary Education Act (ESEA),¹⁶ and the Higher Education Opportunity Act (HEOA).¹⁷ The proposal appears to acknowledge these restrictions and claims that it does not "implicat[e] a particular curriculum, program of instruction, or specific academic content," but that is insufficient to explain how or why the Department can give priority to grant applicants that espouse particular viewpoints or provide certain instruction without violating the bans on federal interference with state and local decisions about curriculum and instruction.

Finally, the proposal threatens to give rise to violations of the federal civil rights laws. Advancing misrepresentations of American history that distort the role of Black Americans, people of color, immigrants, Native Americans, women, and other underrepresented groups in the narrative of what it means to be "American" may create hostile environments in schools, colleges, and universities. Traditionally, the Department has enforced civil rights laws to protect students from curricula that

¹⁴ See generally NEA, *Religious Expression Toolkit for Students* (July 31, 2024), <https://www.nea.org/resource-library/religious-expression-toolkit-students>; NEA, *Religious Expression Toolkit for Educators* (Nov. 4, 2024), <https://www.nea.org/resource-library/religious-expression-toolkit-educators>.

¹⁵ 20 U.S.C. § 1232a (prohibiting the federal government from "exercis[ing] any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel . . . , or over the selection of library resources, textbooks, or other . . . instructional materials").

¹⁶ 20 U.S.C. § 7907(b) (barring the Department from using its ability to award funds "to endorse, approve, develop, require, or sanction any curriculum . . . designed to be used in an elementary school or secondary school"); see also *id.* §§ 7096a, 7907(c)(1).

¹⁷ 20 U.S.C. § 1132-2 (banning the Department from "mandat[ing], direct[ing], or control[ing] an institution of higher education's specific instructional content, curriculum, or program of instruction").

may subject them to hostile learning environments.¹⁸ Through this proposed priority, the Department is abandoning that role to instead impose curricula that engender specific, narrow views of history, regardless of the consequences for students.

III. The Proposed Priority Does Not Align with Evidence-Based Best Practices for History and Civics Education

Compounding the concerns described above, the history and civics curricula endorsed by the proposed priority do not align with evidence-based best practices for excellence in history and civics education. For example, the Educating for American Democracy (EAD) Initiative has developed (with support from the Department and the National Endowment for the Humanities) *The Roadmap to Educating for American Democracy*, a content framework for history and civics instruction created by an ideologically and professionally diverse coalition of subject-matter experts.¹⁹ The *Roadmap* and its pedagogy companion have been recognized as reflecting nonpartisan, expert consensus on best practices in history and civics education, which include an inquiry-based model that fosters student learning through analysis and investigation; encourages discussion and debates; teaches media literacy; and promotes experiential learning and classroom-based practice in constitutional democracy, among other things.²⁰ The EAD model teaches students to ask questions, to grapple with challenging issues, to engage in dialogue with those of differing perspectives in an environment of mutual respect, and to value civic and political engagement. Its content modules balance honesty and accuracy with reflective patriotism, celebrate compromise while recognizing its flaws, and acknowledge the challenge of presenting a cohesive national narrative and explaining the foundational principles of American democracy while integrating the perspectives of Americans from diverse backgrounds and historical periods.

The proposed priority, by defining patriotic education to encompass only instruction that presents a “unifying, inspiring, and ennobling characterization of the American founding and foundational principles” that is accurate and honest (as the Department understands those terms), encourages history and civics educators to deviate from these best practices. The requirement that programs design their curricula to present unquestioningly positive and approving historical narratives means that educators cannot employ EAD’s inquiry-based model, as the proposed priority values only certain answers to questions about our history and government. Likewise, inviting diverse perspectives on our shared past and the normative valence of the “American political tradition” into the classroom may come into tension with the priority’s preference for instruction that emphasizes “how the United States has admirably grown closer to its noble principles through its history.” The proposed priority thus discourages the use of research-proven pedagogical strategies in the classroom. An alternative proposal might encourage grantees to explore inquiry-based methods of history and civics education that center on the core value of promoting and protecting democracy and reflective patriotism by equipping students with the skills, knowledge, dispositions, and behaviors necessary to be involved, informed, and engaged citizens.

¹⁸ See, e.g., U.S. Dep’t of Educ., Off. for Civil Rights, Race and School Programming Dear Colleague Letter (Aug. 2023) (archived), <https://www.naacpldf.org/wp-content/uploads/Race-and-School-Programming-Dear-Colleague-Letter-2023.pdf>.

¹⁹ Educating for American Democracy Initiative, *The Roadmap to Educating for American Democracy*, <https://www.educatingforamericandemocracy.org/the-roadmap/>.

²⁰ See Educating for American Democracy Initiative, *Pedagogy Companion to the Roadmap to Educating for American Democracy* (2021), <https://www.educatingforamericandemocracy.org/wp-content/uploads/2021/02/Pedagogy-Companion-to-the-EAD-Roadmap.pdf>; CivxNow, *State Policy Menu: A Guide to Strengthening Civic Education* 7 (2024), https://civxnow.org/wp-content/uploads/2024/11/CivxNow_State_Policy_Menu.pdf.

The NEA affirms that students are fully capable of engaging with complex and difficult aspects of our nation's shared history. When we dilute or erase that history, we undermine their critical thinking, civil understanding, and we weaken our democracy.²¹ The NEA believes that teaching an accurate, inclusive account of our shared past is essential to preparing students to think critically, engage responsibly, and build a more just and informed future.

Conclusion

NEA strongly urges the Department to withdraw this notice and develop an alternative priority that promotes civics knowledge, skills, dispositions, and behaviors without imposing ideological preferences or distorted historical narratives on students and educators. Please do not hesitate to contact me or Daaiyah Bilal-Threats at dbilal@nea.org should you have any questions.

Sincerely,



Rebecca S. Pringle
President
National Education Association

²¹ Feingold, J. & Weishart, J. (2023). *How discriminatory censorship laws imperil public education*. National Education Policy Center. <https://nepc.colorado.edu/publication/censorship>